

UNITED



NATIONS

REPORT OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

Covering the period from 16 July 1948 to 15 July 1949

**GENERAL ASSEMBLY
OFFICIAL RECORDS: FOURTH SESSION
SUPPLEMENT No. 2 (A/945)**

LAKE SUCCESS

New York

1949

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ADDENDUM

Page 41, end of section B: Add the following paragraph:

"At the 356th meeting, the Chairman drew the attention of the Council to a cable from the Minister of Foreign Affairs of the Provisional Government of Israel (S/985) requesting elucidations on two paragraphs of the resolution of 19 August. After a short discussion, the provisional agenda was rejected, having received 2 votes in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics) with 9 abstentions."

Page 100, Appendix III: Amend the phrase relating to the "356th meeting" to read as follows:

"356th The India-Pakistan Question. The Palestine Question."

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NOTE

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

A/945 August 1949

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INTRODUCTION

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

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

With respect to the present membership of the Security Council, it will be recalled that the General Assembly, at its 149th meeting on 8 October 1948, during the first part of the third session, elected Cuba, Egypt and Norway as non-permanent members of the Security Council for a term of two years beginning 1 January 1949. The members retiring on that date were Belgium, Colombia and Syria. The newly elected members of the Security Council also replaced those retiring members on the Atomic Energy Commission and on the Commission for Conventional Armaments.

The period covered in the report is from 16 July 1948 to 15 July 1949, during which time the Council held ninety-two meetings.

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

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

Part II deals with the work of the commissions of the Security Council dealing with the control of atomic energy and with the general regulation and reduction of armaments.

Part III covers the admission of new Members, the respective functions of the Security Council and the Trusteeship Council with regard to strategic trust areas, the conditions under which a State which is a party to the Statute of the International Court of Justice but is not a Member of the United Nations may participate in electing the members of the Court, the election of five members to the International Court of Justice, and the application of Liechtenstein to become a party to the Statute of the International Court of Justice.

Part IV contains an account of the work of the Military Staff Committee.

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

Part I

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

Chapter 1

THE INDONESIAN QUESTION

Introductory note. The Indonesian question has been on the agenda of the Security Council since 31 July 1947, and the discussions on the question through the 329th meeting on 6 July 1948 are covered in the Security Council's last report to the General Assembly (A/620). After calling upon the forces of the Netherlands and the Republic of Indonesia, on 1 August 1947, to cease hostilities and to settle their disputes by arbitration or by other peaceful means, the Council, on 25 August 1947, offered to assist in the pacific settlement of the dispute through a committee of three members of the Council. With the assistance of that Committee of Good Offices, composed of the representatives of Australia, Belgium and the United States of America, the parties concluded a Truce Agreement and accepted eighteen political principles as an agreed basis for negotiations toward a political settlement. These documents were signed on board the USS *Renville* on 17 and 19 January 1948, and at the close of the period covered in the Council's last report, referred to above, the Committee of Good Offices was continuing its efforts to bring about a comprehensive political agreement.

A. Resolution of 29 July 1948

In a cablegram dated 23 July 1948 (S/918), the Committee of Good Offices on the Indonesian question reported that from that date the Republican delegation would participate only in the work relating to the implementation of the Truce Agreement. The Republican delegation had pointed out that there had been a complete standstill in political negotiations during the preceding eight weeks and that the Netherlands delegation had categorically refused to discuss the Australian-United States draft outline of an over-all political settlement, whereas the Republican Government considered that the proposals in that draft outline constituted the only possible means of resolving the deadlock. The Netherlands delegation, on the other hand, had maintained there was no standstill in the political negotiations.

As requested by the Security Council on 6 July 1948, the Committee, on 24 July, submitted a report (S/919) on the restrictions on the trade of Indonesia and the reason for delay in the implementation of article 6 of the Truce Agreement. The report noted that, six months after the signing of the Truce Agreement, which had provided that trade and intercourse should be permitted as far as possible with the parties agreeing upon such restrictions as might be necessary, Republican-controlled areas of Java and

Sumatra still suffered from shortages of most types of materials and manufactured goods that could not be produced locally. The Committee concluded that, pending the conclusion of an agreement restoring economic and political unity in Indonesia, the economic plight of Republican-controlled territories could not be substantially ameliorated until a way was found to relax the existing regulations governing domestic and international trade which had been promulgated by Netherlands Indies civil and military authorities between January 1947 and the signing of the Truce Agreement which had continued in effect to the date of the report.

The discussion of the Indonesian question during the period under review opened at the 341st and 342nd meetings on 29 July 1948. The representatives of Australia, India, the Netherlands, the Philippines and the Republic of Indonesia, who had previously been invited to participate, resumed their places at the Council table for the discussion of the question.

At the 341st meeting (29 July), the representative of the REPUBLIC OF INDONESIA emphasized that the decision of his Government to suspend political negotiations no more than underlined a situation which had existed for more than a month. The Republican delegation had consistently made use of every opportunity offered by the Committee to reach a solution. He challenged the Netherlands to show one case in which it had accepted and the Republic had rejected a proposal made by the Committee. Commenting in detail on the Committee's report on restrictions on trade in Indonesia, he found that it substantiated his previous statements (326th and 329th meetings) to the effect that the Dutch were blockading the Republic. He reaffirmed the Republican Government's acceptance of the Australian-United States proposals as a basis for negotiations, while noting that the proposals involved considerable concessions on the part of the Republic.

The representative of the NETHERLANDS said that the slow progress of the negotiations to that time had been only temporary and due to circumstances independent of anyone's goodwill. He wondered if the Republican action was a new manifestation of what the Netherlands was reluctantly forced to regard as a desire to create an impossible situation. He considered that the routing and licensing system did not constitute a blockade or an attempt to cut off completely the Republic's commerce but was solely designed to

promote legitimate trade, and that the regulations, which were necessary to counteract Republican practices of looting and stripping the country and to stop the importation of war material, were compatible with the Renville political principles. He thought that the Republic had rejected the Netherlands attempts to co-operate, and was bringing the matter before the Council in an attempt to bypass and delay the Committee of Good Offices.

The representative of the PHILIPPINES considered that the findings of the Committee showed that an economic blockade had been enforced by the Netherlands against the Republic of Indonesia since January 1947, and that the blockade constituted a violation of article 6 of the Truce Agreement. Considered with Netherlands activities in the political field, the action made clear that the Netherlands was subjecting the Republic to a deliberate process of political attrition and economic strangulation. He called for immediate action by the Security Council on the basis of the Committee's reports in order that the prospect of a pacific settlement of the dispute should not vanish.

The representative of CHINA submitted a draft resolution (S/931) which, he explained, refrained from pronouncing judgment but aimed at constructive action and at promoting an early solution. The text follows:

"The Security Council,

"Having considered the Committee of Good Offices' report on the Federal Conference opened in Bandung on 27 May 1948 (S/842), third interim report (S/848 and S/848/Add.1), report on standstill in political negotiations (S/918) and report on restrictions on trade in Indonesia (S/919);

"Calls upon the Government of the Netherlands and the Republic of Indonesia with the assistance of the Council's Committee of Good Offices, to maintain strict observance of both the military and economic articles of the Renville Truce Agreement, and to implement early and fully the twelve Renville political principles and the six additional principles."

He noted that the various Council members had different attitudes on the question, both on political and juridical grounds, and that the Council should not commit itself to a course of action, the consequences of which it could not foresee.

The representative of the UNITED STATES OF AMERICA considered that the difficulties which had led to a slowing down of negotiations for a political settlement were in the course of being surmounted and that it would be possible for the negotiations to be resumed with every prospect of success. In view of that situation and taking into account the arguments of the representative of China, he said that the United States delegation would support the Chinese draft resolution.

At the 342nd meeting (29 July), the representative of SYRIA expressed the opinion that by adopting the Chinese draft resolution the Council would be acting within its competence, leaving it to the Committee of Good Offices to implement the Renville principles agreed upon by both parties. Whether or not it was called a blockade, trade restrictions did exist which violated those

principles. He would therefore support the Chinese proposal.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Committee's reports and the statements heard by the Council showed clearly that the Netherlands had broken off political negotiations, was subjecting the Republic to a harsh economic blockade and was intensifying its efforts to establish a United States of Indonesia and Netherlands-Indonesian Union with puppet states, despite attempts to conceal the real facts. The member States of the Committee were trying to minimize the significance of such events as the concentration of the Netherlands Army in Indonesia, and to impose a settlement on the Republic. Even the Committee was forced to admit that Netherlands restrictions had resulted in an almost complete prohibition of the importation into Republican territory of goods, transport equipment and materials necessary for reconstruction work. The Council was duty bound to take effective measures to protect the legitimate interests of the Republic and its people. The Chinese draft resolution gave the false impression that the two parties had the same degree of responsibility for the blockade, reverted to the oppressive Renville Agreement and was addressed to the Committee of Good Offices which had itself admitted its failure to discharge its task. For those reasons the Union of Soviet Socialist Republics delegation could not support the Chinese proposal, for it would further, not the interests of the Indonesian Republic, but the colonial interests of the Netherlands.

The President, speaking as representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, endorsed the views of the representative of the Union of Soviet Socialist Republics. He considered that the Chinese proposal did not provide an answer to the numerous questions raised by the Committee, particularly its statement that attempts to render good offices had failed.

The representative of ARGENTINA stated that his delegation would support the Chinese proposal which, in its view, fulfilled the requirement of impartiality expected of the Council and removed any doubts regarding the authority of the Committee of Good Offices.

Decisions: *At the 342nd meeting on 29 July 1948, the Chinese draft resolution (S/931) was adopted by 9 votes, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).*

The Council also agreed to refer to the Secretariat a request (S/929) from the Committee of Good Offices for vehicles for its military assistants.

There was some discussion of a proposal by the representative of the Union of Soviet Socialist Republics to request the Committee of Good Offices to transmit the Australian-United States draft outline of an over-all political settlement referred to in its report of 23 July.¹ When the United States representative suggested that the draft outline be distributed confidentially to the Council members by the Secretariat, the representative of

¹ See chapter 4, section J of the Council's last report to the General Assembly (A/620) for the discussion of a similar proposal made at the 328th meeting on 1 July during the consideration of the Committee's third interim report.

the Union of Soviet Socialist Republics did not press for a vote on his proposal.

B. Resolutions of 24 and 28 December 1948

On 15 November 1948 the Committee of Good Offices submitted its fourth interim report (S/1085). On 12 and 18 December, the Committee submitted special supplementary reports (S/1117 and S/1129). These reports described the latest developments in Indonesia, the Committee's unsuccessful efforts to bring about a resumption of negotiations and the collapse of direct talks between the parties. The Committee expressed doubts that truce enforcement could be maintained at even the unsatisfactory level then existing as the possibility of political agreement became more remote.

By a letter dated 19 December 1948 (S/1128), the United States deputy representative on the Security Council requested that the Council convene in emergency session on 20 December to consider the question further in the light of the military operations which, according to reports received by the United States Government, had commenced in Indonesia on 18 December.

At the 387th meeting (20 December) which had been convened in accordance with that request, the PRESIDENT submitted a telegram he had just received from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requesting that the meeting be postponed until 22 December because of the absence from Paris of the representative of the Union of Soviet Socialist Republics. The telegram recalled that at the Council's meeting of 17 December it had been agreed that, should it be necessary to call an emergency meeting during the second fortnight of that month, the members of the Council would be notified three days in advance. After some discussion, the request of the representative of the Union of Soviet Socialist Republics was complied with. At the suggestion of the representative of Syria, the Council decided to call upon the Committee of Good Offices for information regarding the military operations reported to be in progress.

Reports received from the Committee of Good Offices on 20 and 22 December (S/1129/Add.1 and S/1138) described the outbreak of hostilities in Indonesia. The Committee expressed the view that, in commencing military operations on 19 December, the Netherlands Government had acted in violation of its obligations under the Renville Truce Agreement and that possibilities of negotiations under the auspices of the Committee had not been exhausted nor even adequately explored.

At the 388th meeting (22 December), the representative of the NETHERLANDS stressed that the declared aim of Netherlands policy in Indonesia, which had been confirmed by the principles of the Linggadjadi and Renville Agreements, was the promotion of the freedom of Indonesia in order to create a sovereign federation of Indonesia, linked in voluntary and equal partnership with the Kingdom of the Netherlands in a Netherlands-Indonesian union. The promise of independence had also been laid down in the amended Netherlands Constitution and confirmed in the agreement with the Indonesian leaders of the new Republican federal areas. He charged that the Government of the Republic of Indonesia, while pledging itself

to co-operation towards the same ends, had, in public utterances, propagated an entirely opposite state of affairs and ever-increasingly violated the Renville Truce Agreement. From the month of April 1948 the number of violations had progressively increased; compared with fifty-two in the last week of March, there had been 350 truce violations in the second week of December. Moreover, information gathered by Netherlands authorities indicated that the Republic planned to foment large-scale unrest in Netherlands-controlled territory in January 1949.

Concerning the charges of Netherlands co-operation in the establishment of separate new States, he said that, in the Renville Agreement, the Republic had subscribed to the federal system, and had expressly agreed that popular movements looking toward political organization which were in accord with the principles of the Linggadjadi Agreement should not be prevented. He described his Government's attempts during the preceding months to reopen negotiations with the Republic. The main issues on which an unbridgeable gap existed, which were questions of the powers of Crown representatives during the interim period, of a unified or divided command, of a separate Republican Army, of ever-increasing violations of the Truce Agreement, were all the result of the desire of the Republic for hegemony over all Indonesia. The Republic had given communism ample opportunity to establish itself and to infiltrate into key positions in the Government, in the Army and in the Republic's labour and youth movements.

All these facts had forced the Netherlands Government to the conclusion that it was impossible to reach a political agreement with the Republic. For that reason, the Netherlands had, on 18 December, promulgated a special decree providing for the institution of an all-Indonesian federal interim government, temporarily without the participation of the Republican areas. The decree was the outcome of negotiations with representatives of the so-called federal areas, and the Netherlands Government did not think it would be fair any longer to deny to that group, which was not less nationalistic than the Republic and which represented two-thirds of the Indonesian population, the possibility of setting up a democratic structure. The Netherlands Government had had either to yield to the Republic or to proceed on its own authority without, and as far as necessary, against the Republic. The decision for the second alternative had been taken unanimously by the Netherlands Cabinet and was supported by the Netherlands Parliament with the exception of the Communist Party.

The Netherlands representative concluded his statement by repeating the opinion of the Netherlands Government that the Indonesian question was outside the Council's competence for the following reasons: (1) because the Charter dealt only with relations between sovereign States; (2) because the matter was within the domestic jurisdiction of the Netherlands; and (3) because the situation did not endanger international peace and security.

Cabling from New York on 21 December (S/1140) the representative of the PHILIPPINES expressed regret at being unable to attend the emergency meetings in Paris. In his opinion, the first duty of the Council was to call upon the Netherlands to desist forthwith from further hos-

tile activities, to withdraw its troops and to release the authorities of the Republic of Indonesia.

At the 389th meeting (22 December), the representative of the REPUBLIC OF INDONESIA submitted that military action had been the intention of the Netherlands from the very beginning and was the final step in its policy of economic and political warfare, carried out in violation of the Renville Truce Agreement. The charges of infiltration of Republican armed forces into Netherlands-occupied territories had been played up to justify the Netherlands military action. Those so-called infiltrations were merely former Republican soldiers who had been withdrawn by the Republic in accordance with the Truce Agreement and had managed to slip across the *status quo* line in order to get home and rejoin their families, when an agreement was not reached as rapidly as had been anticipated. Denying the Netherlands charges that the Republic had been unwilling and unable to adhere to the agreements, he cited the reports of the Committee of Good Offices as proof that the Dutch interpretations of agreements had been arbitrary and that the Republic had been willing to accept any objective interpretation.

The representative of the Republic, denying the Netherlands allegation that large-scale action against the Netherlands in Indonesia had been scheduled by the Republic to start on 1 January 1949, pointed out that the allegation was illogical in view of the poor equipment of the Republican Army, and quoted from the Committee's report to support his denial. The final Netherlands demands, in its ultimatum of 17 December, would have amounted to the complete dissolution of the Republic and to the surrender of all its political, military and economic powers in advance of negotiations, thus making *bona fide* negotiations impossible. The Netherlands military action was a breach of peace endangering the stability of all of South-East Asia. Republican guerrilla activities could and would be carried on for years if necessary, and the populations of West and East Java had already risen up in arms against the Netherlands, refuting the allegations that differences of conception as to the future of Indonesia existed between the people of Netherlands-held territories and the people of the Republic. The Republic, as well as the population of the other areas of Indonesia, defended the idea of federation.

He considered that the launching of the Netherlands attack at the very moment when the General Assembly and the Security Council were adjourning in Paris reflected calculated contempt and defiance of the Security Council, as manifested earlier in the Netherlands Government's attempts to bypass the Committee of Good Offices and present it with *faits accomplis*. He requested the Council to order an immediate cease-fire, to issue an order to the Netherlands for the immediate withdrawal of its troops to the positions held under the Truce Agreement, and to call for the immediate release of the Republican authorities captured by the Netherlands forces. Finally, he called for speedy transmission of the Council's order to the parties, for its implementation under the supervision of the military observers serving with the Committee of Good Offices, and for the continuance of the Committee in Indonesia with greater authority.

The representative of the UNITED STATES OF AMERICA stressed that the position of his Government in the matter was the same as it had been in 1947, when the previous outbreak of hostilities in

Indonesia had occurred. He quoted the Security Council resolution of 1 August 1947 (S/459) and the statement of the United States representative regarding the Council's competence to call on the parties to cease hostilities as a provisional measure under Article 40 of the Charter. His Government failed to find any justification for the renewal of military operations in Indonesia, especially when it was considered that the resources of the Committee had not been utilized for seven months. Before denouncing the Truce Agreement and resorting to military action, the Netherlands should have reported the alleged extension of truce violations by the Republic directly to the Security Council. The Netherlands had not complied with article 10 of the Truce Agreement, which required a party wishing to terminate the truce to so notify the Committee of Good Offices and the other party. The Council should expressly instruct the Committee to prepare a report which would enable the Council to determine where the ultimate responsibility lay for the failure of the Committee's efforts to effect a peaceful solution, and why the Netherlands and the Republic had not resumed negotiations under the Committee's auspices during the period from May to December 1948. In the view of the United States representative the Council was obligated under the Charter immediately to order a cessation of hostilities and to require armed forces of both parties to withdraw to the zones delineated in the agreement of 17 January 1948.

The United States representative stressed that the Council's cease-fire resolution of 1 August 1947 was still binding on both parties and had been violated by the recent Netherlands military action. In the considered view of the United States Government, the renewed outbreak of hostilities might prove a grave threat to international peace. Accordingly, the United States had joined with the delegations of Colombia and Syria in submitting the following draft resolution (S/1142):

"The Security Council,

"Noting with concern the resumption of hostilities in Indonesia, and

"Having taken note of the reports of the Committee of Good Offices,

"Considers such resumption of hostilities to be in conflict with the resolution adopted by the Security Council at its 171st meeting of 1 August 1947;

"Calls upon the parties

"(a) To cease hostilities forthwith; and

"(b) Immediately to withdraw their armed forces to their respective sides of the demilitarized zones established under the Truce Agreement of 17 January 1948;

"Instructs the Committee of Good Offices to report to the Security Council fully and urgently by telegraph on the events which have transpired in Indonesia since 12 December 1948, assessing the responsibility for the outbreak of hostilities."

In a report dated 23 December (S/1146), the Committee of Good Offices informed the Council that most of the Committee's military observers in Netherlands-controlled territory were complying with orders received from the Netherlands military commanders in their areas to proceed to Batavia. The Committee stated that it felt obliged to report immediately to the Council on the action, taken by the Netherlands Military Command without

reference to the Committee, and was awaiting advice from the Council as to the future functions of the Committee's military assistants.

At the 390th meeting (23 December), the representative of CHINA submitted that the Council, by its decision of 1 August 1947, had not made any reservation as to its competence, although strong reservations had been made by certain delegations. To discuss that issue now would be academic, for it was unthinkable that the Council would be prepared to admit that it lacked competence in the matter at this late date. The resolution of 1 August 1947 was unquestionably still valid and binding upon the parties. The Netherlands should have brought its complaints to the attention of the Committee or of the Security Council, if necessary, instead of resorting to military action. He did not doubt that the Republican side had its faults and shortcomings, but felt convinced that real partnership and co-operation between the parties could never be built upon the employment of force. The growing gravity of the situation, he submitted, called for prompt action and for a resolution more specific and unequivocal than that of 1 August 1947. Accordingly, the Chinese delegation would support the draft resolution jointly submitted by the delegations of Colombia, Syria and the United States.

The representative of AUSTRALIA questioned the President's failure to convene a meeting on the Indonesian question before 20 December, although he had received a specific request (S/1120) from the representative of Indonesia on 14 December. He found it extraordinary that the question of competency was raised again in the light of recent developments and supported and added to the reasons given by the Chinese representative for the Council's competence. The attitude of the Netherlands was a clear-cut and deliberate violation of Article 25 of the Charter and the consequences, if the Council faced up to the matter, must be expulsion of the Netherlands from the United Nations. The Netherlands had violated the solemn pledge it had given in accepting the Council's resolutions of 1, 25 and 26 August 1947, and had also violated the Council's resolution of 29 July 1948 and article 10 of the Renville Truce Agreement. The Netherlands authorities had avoided their obligation to use the Committee whereas the Republic had desired the negotiations to be carried out under Committee auspices. He strongly criticized the manner and motives of the Netherlands in taking military action and stressed the potentially grave consequences.

The Australian representative, considering that the joint Colombian-Syrian-United States draft resolution did not fully meet the facts of the short-term problem before the Council, submitted an amendment (S/1145) expressing the hope that it would be sponsored by a Council member. The amendment called for replacing the last paragraph of that draft (S/1142) by the following text:

"(c) Immediately to release the President and other political prisoners arrested since 18 December.

"*Instructs the Committee of Good Offices:*

"(a) To observe and report to the Security Council on the compliance with sub-paragraphs (a) and (b) above;

"(b) To ensure that there are no reprisals or punitive action against individuals."

In conclusion he pointed out that the Council had laid down a third alternative to the two mentioned by the Netherlands representative, namely that of peaceful negotiation and arbitration if necessary.

The PRESIDENT, replying to the criticism of the Australian representative with regard to the convening of the Security Council to deal with the Indonesian question, pointed out that the request of the Republican representative had been transmitted immediately to all members of the Council as an official document (S/1120), but that no member of the Council, or the Australian delegation, had seen fit to demand an extraordinary meeting of the Council or the inclusion of the question in the agenda for either of the meetings on 17 December.

At the 391st meeting (23 December), the representative of SYRIA drew the Council's attention to a cablegram (S/1135) from the Secretary-General of the Arab States expressing their concern over the latest events in Indonesia. He stressed that the seven States of the Arab League had recognized the Republic of Indonesia subsequent to the Linggadjati Agreement, in which the Netherlands Government had itself give *de facto* recognition to the authority of the Republic. None of the three grounds given by the Netherlands to justify its military intervention were acceptable. If a party appeared unwilling or unable to execute its obligations, the other party should refer the matter to the Security Council or to the International Court of Justice instead of resorting to force. Any State was obliged, and should be able to prevent infiltration into its territories without having to wage war against the country whence those elements came. The question of law and order in the Republic, given by the Netherlands as the third reason for its action, was the responsibility not of the Netherlands but of the Republic itself. The arrest of the President of the Republic of Indonesia and other political personages of the Republic, who were responsible for maintaining law and order in that country, was an inexcusable action. He would therefore support the amendment suggested by the Australian representative to the joint draft resolution. He added that the Security Council was obliged to act wherever disturbances of the peace occurred in the world and that such actions had been taken by the Council in other places without its competence being contested. Moreover, the method of settling the dispute had been agreed upon by the parties themselves consequent to the Council's resolutions. He considered that the term "police action" was not a correct one and, in view of the scope of the fighting, the Security Council would have to take immediate steps to stop the hostilities.

The representative of INDIA, stressing his Government's concern in the matter and the importance of a peaceful settlement for the maintenance of tranquillity in South-East Asia, considered that the reports of the Committee of Good Offices bore convincing testimony of the willingness shown by the Republican Government during the negotiations to appreciate the point of view of the other party. On the other hand, the Netherlands had not manifested any real desire for a negotiated settlement, but had actually decided to use armed force. The military action, evidently based on long preparations, was a flagrant breach of the Truce Agreement. He contested, on the basis of the Committee's reports,

the Netherlands argument that the Republican violations of the truce had rendered military action necessary and that, in view of Mr. Soekarno's proposed visit to India, there was no point in carrying on negotiations.

He considered that no free elections could take place in Indonesia while the Republican Government, which represented a substantial portion of the population, was crushed and its leading members imprisoned. His Government felt that the Security Council should order an immediate ceasefire, the withdrawal of Dutch troops to lines demarcated by the Truce Agreement and the release of the leaders of the Republic and other persons arrested since the opening of hostilities. He associated himself with the representatives of the United States, China, Australia, and Syria in their statements regarding the Council's competence in the matter.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the Security Council had thus far dealt neither firmly nor effectively with the Indonesian question. He recalled that the Netherlands, after having recognized the Republican Government *de facto* under the Linggadjati Agreement, had launched an unprovoked military attack against the Republic in July 1947, and that the Security Council at that time had not adopted the Union of Soviet Socialist Republics proposals for a withdrawal of troops and the creation of a commission representing all member States of the Council. Although the Renville Agreement had been imposed on the Republic by the Netherlands with the help of the Committee of Good Offices, the Netherlands had immediately started to violate that agreement by unilateral actions and an economic blockade against the Republic. The abstract resolution adopted by the Council on 29 July 1948 had been ignored by the Netherlands and later negotiations did not yield results because of its attitude, which had finally succeeded in creating a deadlock. The Committee had stood aside from the negotiations, undermining the Council's authority or acting independently of it. The United States representative on the Committee had, during that period, secretly exerted pressure on the Republic to make concessions to the Netherlands, and had incited the Republican Government to suppress the activities of democratic Indonesian patriots. The Netherlands Government, on the other hand, had used the period to prepare a new armed attack against the Republic, exerting political pressure on the Republic and falsely accusing the Republic of truce violations.

The representative of the Union of Soviet Socialist Republics considered that the demands put forward by the Netherlands Government in connexion with the November visit of its delegation had showed clearly that it had no serious intention of achieving a negotiated settlement with the Republic. He analysed the final bilateral negotiations as an attempt by the Netherlands to put the blame on the Republic in order to conceal from world public opinion its aggression against the Republic. In his opinion, the Netherlands second unprovoked attack initiated on 19 December was a calculated act of aggression, carried out in violation of the decisions and principles of the United Nations. He summed up his views as to the action which the Council should take in a draft resolution, submitted formally at the 392nd meeting (24

December) as follows (S/1148 and S/1148/Corr.1):

"The Security Council,

"Condemning the aggression of the Netherlands Government which has again started military operations against the Indonesian Republic in violation of the well-known Renville Agreement of 17 January 1948,

"1. Requires the immediate cessation of military operations;

"2. Requires, as a first step towards the settlement of the conflict the withdrawal of the Netherlands troops to the positions they occupied before the renewal of military operations;

"3. Requires that the Netherlands Government shall set free immediately the President of the Indonesian Republic and other Republican political leaders arrested by the Netherlands military authorities;

"4. Resolves to set up a commission of the Security Council composed of representatives of all the States members of the Security Council;

"5. Instructs the Commission to supervise the fulfilment of the resolution on the cessation of military operations and the withdrawal of troops, and to assist in settling the conflict as a whole between the Netherlands and the Indonesian Republic."

He considered the Netherlands attempts to justify its action as false and far-fetched, particularly the reference to the "communist menace". Such aggressors needed anti-communist propaganda solely as a smoke screen for colonial war they were waging in Indonesia. He gave several reasons why he considered the Council was fully justified and competent to consider the Indonesian question and to take a decision on it. He criticized the joint draft resolution presented by Colombia, Syria and the United States as giving the false impression that the Security Council was uncertain which party had been the aggressor. For those reasons, the delegation of the Union of Soviet Socialist Republics could not support the joint draft resolution.

At the 392nd meeting (24 December), the representative of the UNITED KINGDOM said that the solemnly expressed intentions of the Netherlands Sovereign and Government to accord independence to the United States of Indonesia and to support its admission to the United Nations should not be disregarded. He wondered, however, whether the attitude of the Netherlands in questioning the competence of the Council was realistic since the situation in Indonesia was one which, in the terms of the Charter, might lead to international friction. His Government deplored the decision of the Netherlands to resort to force. If the Netherlands Government had been sincerely convinced that terrorist acts and infiltrations from Republican territory were of such magnitude as to render further direct negotiations impossible, it should have enlisted the services of the Committee of Good Offices to bring the matter to the attention of the Security Council.

He said that his delegation would support the joint draft resolution (S/1142) without committing itself to any view of the legal issues regarding the competence of the Council or the particular clause of the Charter under which it might take action. This was not the first question the

Council had had to deal with in which the legal issues were doubtful, and the joint draft resolution was such as to allow the Council to take action without exceeding its powers.

The representative of FRANCE recalled that the preliminary question of the Council's competence in the Indonesian question had previously been set aside by the Council. He argued that the provisions of the Charter made clear that it was concerned with the relations between States in terms of international law. The texts of both the Linggadjati and Renville Agreements provided for the existence of the Republic only as an integral part of a federation of States; the Republic therefore, did not qualify as a State in the meaning of the Charter on the basis of international law. The only attitude which the Council could legitimately adopt in the present case was that of offering its good offices. If the situation in Indonesia was such that it might give rise to international complications, the Council would be competent to deal with it, but nothing warranted the view that such a situation existed. The question of competence of the Security Council, or of the United Nations as a whole, was of primordial importance and the position of the French delegation would be determined by those legal considerations. The action taken by the Netherlands Government was brutal and shocking, but feelings on that score could not alter the legal considerations. The French delegation would therefore abstain from voting on the draft resolutions which had been placed before the Council.

The representative of CANADA stated that his Government deplored the breakdown of negotiations and the resumption of hostilities in Indonesia. In its opinion, the Security Council should first call for the immediate cessation of hostilities, and the Canadian delegation would therefore support the joint draft resolution (S/1142) on that point. The next step would be the establishment of conditions on which permanent peace could be built. To achieve that aim, the Security Council should have at its disposal the best possible information regarding the military and political situation prevailing on the spot. The Committee of Good Offices should be called upon to supply such information, and to recommend to the Security Council what practical steps the Council might take. The Canadian delegation would introduce a draft resolution to that effect.

The representative of the NETHERLANDS denied that the telegram of 17 December constituted an ultimatum, that the military action had been prepared months in advance, or that the requirements of article 10 of the Truce Agreement had not been fulfilled. To the allegation that the Netherlands had invented the pretext of infiltration by Republican troops in order to explain insurrections in the federal areas, he replied that there had been no such insurrections and that photostatic copies of the Republican Commander's instructions to infiltrate those areas had been found on captured Republican soldiers, and were in his possession available for inspection. Replying to the United States representative he stressed that the suspension of political negotiations in July 1948 had been brought about not by the Netherlands but by the Republic, whose persistent truce violations the Netherlands had not reported directly to the Security Council because the parties had agreed not to send reports to the Council but to avail them-

selves of the intermediation of the Committee of Good Offices.

He contested the provision of the joint draft resolution that the resumption of hostilities was in conflict with the Council's resolution of 1 August 1947, with which the Netherlands had fully complied. He said that the provision calling upon the parties to cease hostilities would restore conditions as chaotic or worse than those prevailing previously. The present operations would not continue a day longer than was absolutely necessary. The Netherlands had been compelled to adopt measures against evildoers, as had India in Hyderabad. In connexion with the last paragraph of the joint proposal, he emphasized the opinion of the Netherlands that the Committee of Good Offices had no competence to investigate or to assess responsibilities for the internal conflict within the territory of one of the Members of the United Nations. Opposing sub-paragraph (b), he said that withdrawal of Netherlands troops from the areas they had occupied would lead to terrible acts of retaliation by undisciplined elements against the population of those areas.

The representative of the REPUBLIC OF INDONESIA emphasized that a mere cease-fire would only confirm the present position of the Netherlands and prejudice that of his country. A cease-fire demand should be accompanied by a demand for immediate withdrawal of Netherlands troops to the truce lines and the release of the Republican leaders.

The President, speaking as the representative of BELGIUM, said that while everyone undoubtedly deplored the recent turn of events in Indonesia, no good could come of harsh words. The fact that the question of the Council's competence had never been elucidated, and was expressly reserved, had been taken into consideration in the resolutions which the Council had since adopted. The Republic had itself confirmed in the Renville Agreement that sovereignty was vested and would continue to be vested in the Netherlands until transferred by the Netherlands to the future United States of Indonesia; moreover, it could not be maintained that international peace was threatened by the events in Indonesia. He pointed out that the Netherlands Government had again declared itself ready to see the question of the Council's competence submitted to the International Court of Justice. The Belgian delegation would continue to associate itself with Council action within the framework of previous Security Council resolutions and might even go further, but only on the condition that an opinion of the International Court of Justice showed that the Charter could be applied to the case. Action by the United Nations must not be governed by political opportunism but by the principles of justice and international law.

The representative of CHINA expressed the opinion that the Council's competence in the question was not simply a legal matter which could be settled by an opinion of the International Court of Justice but was in fact, a political decision.

Decisions: *At the 392nd meeting, on 24 December 1948, the Council voted paragraph by paragraph on the draft resolution submitted jointly by Colombia, Syria, and the United States of America (S/1142), and on the amendment thereto proposed by Australia (S/1145). The Council adopted all paragraphs of the following*

resolution by 7 votes, with 4 abstentions (Belgium, France, Ukrainian Soviet Socialist Republic,² Union of Soviet Socialist Republics) (S/1150):

"The Security Council,

"Noting with concern the resumption of hostilities in Indonesia, and

"Having taken note of the reports of the Committee of Good Offices,

"Calls upon the parties:

"(a) To cease hostilities forthwith, and

"(b) Immediately to release the President and other political prisoners arrested since 18 December;

"Instructs the Committee of Good Offices to report to the Security Council fully and urgently by telegraph on the events which have transpired in Indonesia since 12 December 1948, and to observe and report to the Security Council on the compliance with sub-paragraphs (a) and (b) above."

The vote on the parts of the joint draft resolution and the sub-paragraph of the Australian amendment, which were not adopted, was as follows:

Paragraph 3 of the preamble: 6 votes in favour, with 5 abstentions (Belgium, Canada, France, Ukrainian Soviet Socialist Republic,² Union of Soviet Socialist Republics).

"(b) Immediately to release the President and graph of draft resolution: 5 votes in favour, with 6 abstentions (Argentina, Belgium, Canada, France, Ukrainian Soviet Socialist Republic,² Union of Soviet Socialist Republics).

Sub-paragraph (ii) of the Australian amendment: 4 votes in favour (China, Colombia, Syria, United States of America), with 7 abstentions.²

Before the votes were taken on the paragraphs concerned, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that the demands for cessation of hostilities and withdrawal of troops and for the release of prisoners should be addressed to the Netherlands alone, since the aggression and arrests had been carried out by that country. He pointed out that such a course of action was envisaged in the Union of Soviet Socialist Republics proposal.

Decisions: *At the 392nd meeting on 24 December 1948, the Council also voted paragraph by paragraph on the Union of Soviet Socialist Republics draft resolution (S/1148 and S/1148/Add. 1), which was not adopted since none of the paragraphs obtained the affirmative votes of seven members. The result of the vote follows:*

Preamble and paragraph 5: 2 votes in favour (Syria, Union of Soviet Socialist Republics), with 9 abstentions.²

Paragraphs 1 and 2: 4 votes in favour (China, Colombia, Syria, Union of Soviet Socialist Republics), with 7 abstentions.²

Paragraph 3: 3 votes in favour (China, Syria, Union of Soviet Socialist Republics), with 8 abstentions.²

² The representative of the Ukrainian Soviet Socialist Republic was absent, for reasons explained subsequently (393rd meeting), and the President ruled that he should be counted as having abstained.

Paragraph 4: 1 vote in favour (Union of Soviet Socialist Republics), with 10 abstentions.²

During the voting on the USSR draft resolution, the representative of the UNITED STATES OF AMERICA explained that he would abstain because he considered that the USSR draft resolution largely duplicated the one on which the Council had just voted.

The representative of the UNITED KINGDOM said his delegation would follow the same course.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS replied that there was a difference of substance between the joint draft resolution and the USSR draft resolution. The former was addressed to both parties while the latter was addressed to the Netherlands aggressor.

The representative of CHINA stated that his delegation would vote according to the substance of the several paragraphs of the USSR draft resolution. If some paragraphs were adopted they might be combined with the resolution already adopted or constitute a separate resolution. There would be no inconsistency in such a procedure.

At the conclusion of the voting, the representative of CANADA expressed the opinion that the sub-paragraph of the joint draft resolution calling upon the parties to withdraw their troops, which had failed of acceptance, had not provided the most flexible and realistic procedure for dealing with the situation. He submitted the following additional draft resolution (S/1149):

"The Security Council

"Instructs the Committee of Good Offices to submit a report at the earliest possible date, recommending to the Security Council what practicable steps the Security Council may take, in view of the existing situation in Indonesia, to bring about the speedy establishment of peaceful conditions there."

The representative of the NETHERLANDS considered that giving the Committee of Good Offices the task of making certain proposals, without the previous consent of the parties, would be contrary not only to the Committee's terms of reference but also to the nature of good offices. If the Canadian draft resolution were adopted, the Netherlands Government would therefore have to reconsider its attitude with regard to that Committee.

The representatives of AUSTRALIA and CHINA considered that the purport of the Canadian proposal was not clear since the expression "peaceful conditions" might imply either short-term or long-range considerations. The former suggested that, in view of the fact that the military observers had been ordered to return to Batavia, the following words should be added: "Requests the Consular Commission to continue to make the services of its military observers available to the Committee of Good Offices." That amendment would also make the objective of the Canadian proposal clearer.

The representative of CANADA explained that his delegation had in mind the short-term military situation, not the long-term political settlement.

² The representative of the Ukrainian Soviet Socialist Republic was absent, for reasons explained subsequently (393rd meeting), and the President ruled that he should be counted as having abstained.

He accepted an amendment suggested by the representative of the United States to substitute the words "with a view to enabling the Security Council to decide", for "recommending to the Security Council", in order to keep the proposal within the terms of reference of the Committee of Good Offices.

The representative of SYRIA proposed that the following words be added to the Canadian draft resolution: "especially on the technical possibilities of withdrawal of the armed forces to their former positions prior to 18 December 1948". He also supported the amendment proposed by Australia. He considered that the Council's instructions to its Committee were not the concern of the parties.

The PRESIDENT, speaking as the representative of BELGIUM, considered that the Committee of Good Offices could by its terms of reference function only with the consent of both parties, and he was therefore unable to support the amended Canadian draft resolution.

The representative of the UNITED KINGDOM expressed the hope that the Netherlands Government would enable the Committee to seek this information which it required.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the Security Council had every justification for immediately adopting a resolution on the withdrawal of Netherlands troops from the territory of the Republic, and said that his delegation would therefore abstain from voting on the Canadian draft resolution.

Decisions: *At the 392nd meeting on 24 December 1948, the Syrian and Australian amendments and the Canadian draft resolution (S/1149) were put to the vote. They were not adopted, having failed to obtain the affirmative votes of seven members. The Syrian amendment received 5 votes in favour (China, Colombia, Syria, United Kingdom, United States of America), with 6 abstentions.*

The Australian amendment and the Canadian draft resolution received 6 votes in favour (Canada, China, Colombia, Syria, United Kingdom, United States of America), with 5 abstentions.

By cablegrams dated 25 and 26 December (S/1154 and S/1156) the Committee of Good Offices reported to the Council pursuant to its resolution of 24 December. Their reports outlined the chief events since 12 December, summarized the military operations since 19 December, analysed facts relating to the truce and the general role of the Committee, and set out the texts of letters addressed to the parties concerning the Council's resolution of 24 December.

At the 393rd meeting (27 December) the representative of the NETHERLANDS said that, pending the receipt of information necessary to determine its position toward the Security Council's resolution of 24 December, the Netherlands Government wished to state that the action undertaken in Indonesia had generally not led to hostilities on a large scale. In Java the operational phase had practically ended. Whether later clashes with irregular armed bands could be avoided, it was, however, not possible to predict. The Netherlands authorities had taken steps to alleviate the needs of the population in the areas concerned. The Governments of the Netherlands and of

Indonesia would see that all those participating in the consultations for the establishment of a federal interim government would be able to do so in full freedom; meanwhile fourteen prominent Republicans in Batavia had already been released. The Netherlands Government had also issued instructions that the military experts at the disposal of the Committee of Good Offices, and their staff, should be given opportunity to study the course of events.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC explained that the unexpected delay in his arrival due to visa difficulties had prevented him from participating in the Council's recent emergency meetings (388th through 392nd) on the Indonesian question. He stated that the United States had rendered large financial and military assistance to the Netherlands and could not, therefore, escape political and moral responsibility for its continued aggression against the Republic, contrary to the principles of the Charter. The Council majority, led by the United States delegation, had by its conduct encouraged the Netherlands aggression, despite the warnings of the delegations of the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, and had, by its passivity, failed to fulfil the task imposed on the Council by the Charter. The resolution of 24 December showed that the attitude of the Council had not changed, for the aggressor and the victim were virtually placed on an equal footing. Aided by the mechanics of voting, a political game had been played and had resulted in the rejection of the proposal for the withdrawal of Netherlands troops. He concluded that the Security Council must rectify that situation, and introduced the following draft resolution (S/1158):

"The Security Council

"Considers it necessary that the Netherlands troops should be withdrawn immediately to the positions which they occupied before military operations against the Indonesian Republic were renewed."

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considering that the statement of the Netherlands representative constituted a direct refusal on the part of his Government to cease hostilities against the Republic, submitted the following draft resolution (S/1159):

"The Security Council,

"Noting that the Netherlands Government has so far failed to put an end to military operations against the Indonesian Republic,

"Orders military operations to cease within twenty-four hours of adoption of the present resolution."

The representative of SYRIA considered the statement of the Netherlands representative indicated that the cease-fire clause of the resolution of 24 December would not be implemented in any way and that the Council's order for the release of the President of the Republic and other prominent political leaders had not yielded the desired results. The Council would have achieved nothing if the forces of the Netherlands were not withdrawn in order to allow the Government of the Republic to resume its proper authority on its own territory. In his opinion, the Security Council should take a firmer stand to stop the Netherlands aggression.

The representative of INDIA considered the Netherlands statement to be an outright rejection of the Security Council's resolution of 24 December. The recent reports of the Committee of Good Offices showed that the Council must insist on the immediate implementation of that resolution, and that it should adopt a resolution calling for the withdrawal of the armed forces to the lines held prior to the commencement of hostilities.

The representative of AUSTRALIA considered that the Netherlands Government, by delaying a decision to request information from its authorities in Indonesia, had thus disobeyed the Council's resolution. The Council's authority had been deliberately flouted, and the Australian Government had therefore been surprised at the weak resolution passed by the Council. Each day passing without effective action by the Council further prejudiced the situation of the Republic. His Government considered that the Council should at least order the withdrawal of forces to the *status quo* line, even at that stage.

The representative of the UNITED KINGDOM was of the opinion that since the Council had received an interim reply from the Netherlands Government which showed appreciation of the gravity of the decision taken by the Council on 24 December, it would be appropriate to wait to see what the Netherlands Government would finally decide to do in response to the will of the Council. The proposals of the Ukrainian SSR and the USSR (S/1158 and S/1159) were in substance identical with the USSR draft resolution which had been voted upon on 24 December, and it would not be consistent with the Council's practice and dignity to vote on the same thing twice at a very short interval without compelling reason. He would therefore abstain from voting on those two draft resolutions.

The representative of ARGENTINA considered that the Council's primary concern should be the cessation of hostilities and that in the present question the Council had confined itself to offering its good offices to the parties because of doubts concerning its competence. He did not see how an order to withdraw troops could be a provisional measure without prejudice to the rights of the parties, as provided by Article 40, and pointed out the practical impossibility of enforcing such an order. Therefore, he thought the Council should carefully consider all aspects of the problem at a later date, and particularly the objections concerning its competence.

The representative of COLOMBIA said that there was no basic difference between the paragraph of the joint draft resolution which had called for the withdrawal of troops, and the proposal now submitted by the representative of the Ukrainian Soviet Socialist Republic. If the Council wished to maintain its prestige, it must see that its cease-fire demand was carried out and, as far as possible, that armed forces were withdrawn to their original positions. If the Ukrainian SSR proposal were not adopted, the Colombian delegation would submit a draft resolution requesting the Consular Commission in Batavia to report fully to the Council on the situation in Indonesia, such report to cover the observance of the cease-fire orders and the conditions prevailing in areas under military occu-

pation or from which armed forces now in occupation might be withdrawn.

The representative of the UNITED STATES OF AMERICA considered that, if the Union of Soviet Socialist Republics genuinely had in mind the accomplishment of results, the paragraphs of the joint draft resolution which had been rejected, including that calling for the withdrawal of troops, would have been adopted. If the Ukrainian SSR and Union of Soviet Socialist Republics proposals were put to the vote at the present meeting the United States delegation would abstain from voting. He expressed his dissatisfaction with the declaration of the Netherlands Government and the hope that it would be amplified at the next meeting.

The representative of CHINA considered that the response of the Netherlands to the Council's resolution of 24 December had been disappointing and needed further clarification. The Council should know clearly what the Netherlands Government intended to do, and should await further information before taking any new decisions.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that, even if his delegation had voted in favour of the joint draft resolution, the provisions of that resolution which were rejected would still not have obtained the requisite number of votes. On the other hand, the Anglo-American majority of the Council had turned down the Union of Soviet Socialist Republics proposals including the important first step of the withdrawal of Netherlands troops, thus adopting a policy of shielding and encouraging the Netherlands aggression. The United States representatives in Indonesia had, on the one hand, incited the Government of the Republic to suppress the democratic movement and, on the other hand, had brought pressure to bear on the Republican Government to make even greater concessions to the Netherlands aggressors. Continuing the attempt to solve the Indonesian question behind the back of the Security Council, the joint draft resolution, which had now been accepted by the Council majority, hypocritically appealed to both parties and sacrificed principles and logic to selfish considerations. The results and mechanism of the voting unveiled the political game played by the Anglo-American bloc. It was clearly foreseen that even the hypocritical provision calling on both parties to withdraw their forces would fail of adoption because of the abstention of Canada and Argentina, and the United States and United Kingdom representatives confidently voted in favour of it. But when faced with the proposal of the Union of Soviet Socialist Republics delegation for the withdrawal of Netherlands troops, they revealed that they were not really in favour of such a withdrawal by abstaining and giving far-fetched excuses.

The Security Council had committed a grave error in adopting the weak and unsatisfactory resolution of 24 December and should correct it by adopting the new proposals of the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. There was no need for further information or delay to decide on this step and it was clear that the Netherlands Government was disregarding the Council's resolution.

Decisions: *At the 393rd meeting on 27 December 1948, the Ukrainian SSR draft resolution (S/1158) and the USSR draft resolution (S/1159) were put to the vote and were not adopted, having failed to obtain the affirmative votes of seven members. The vote on the Ukrainian SSR draft resolution was 5 votes in favour (China, Colombia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 6 abstentions. The vote on the USSR draft resolution was 4 votes in favour (Colombia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 7 abstentions.*

The representative of the REPUBLIC OF INDONESIA considered that the Netherlands Government was playing for time and would comply with the Council's resolution only when its military objectives had been achieved. Denying the Netherlands statement that its action in Indonesia had met no resistance, he pointed out that spectacular results from guerrilla defence could not be expected within the first week of a war, but that, according to his latest information, the population of major cities and towns in both West and East Java was fighting against the Netherlands army. He requested the Security Council to assure full implementation of its orders, bearing in mind that the Republican Government in its policy had shown a faith in the Council to the extent of endangering its own military security.

At the 395th meeting (28 December), the representative of CHINA circulated the following draft resolution (S/1162):

"The Security Council,

"Noting that the Netherlands Government has not so far released the President of the Republic of Indonesia and other political prisoners, as required by the resolution of 24 December 1948,

"Calls upon the Netherlands Government to set free these political prisoners forthwith and report to the Security Council within twenty-four hours of the adoption of the present resolution."

The representative of the REPUBLIC OF INDONESIA read out an official communiqué issued by the Netherlands Government stating that a number of the Republican leaders would be moved to hotels in the mountains outside Java. He urged the adoption of the Chinese draft resolution.

The representative of the NETHERLANDS stated that he had asked his Government for authoritative information on the Press reports quoted by the Republican representative. His Government had not yet been able to send him the necessary instructions to clarify its attitude toward the Council's resolution, but he would be able to make a statement the next day. He therefore asked for a short delay, pointing out that adoption of the Chinese draft resolution would be censuring his Government before its answer had been given.

The representative of CHINA, denying that any censure had been intended, said that he failed to see any reason for delay, since no harm would be done if the Netherlands Government had already decided to release the prisoners.

The representatives of SYRIA, the UNITED STATES OF AMERICA, INDIA and AUSTRALIA supported the Chinese draft resolution.

The representative of the UNITED KINGDOM felt it would be appropriate to accede to the Netherlands representative's request for a short delay. He said that his delegation would therefore abstain from voting on the Chinese draft resolution if it were put immediately to the vote.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered the Netherlands Government, counting on the support of its patrons in the Security Council, was continuing to draw out the question while making every effort speedily to complete its aggression against the Indonesian Republic. He supported the Chinese draft resolution, although he did not think it went far enough.

There was some discussion on the wording of that draft, and the Chinese representative agreed to the insertion of the word "all" before "others" in the first paragraph of his draft resolution (S/1162).

Decision: *The Chinese draft resolution, as amended (S/1164) was adopted by 8 votes, with 3 abstentions (Belgium, France, United Kingdom).*

The representative of COLOMBIA formally submitted (S/1160) the draft resolution calling for a report from the Consular Commission which he had suggested at the 393rd meeting. He thought that the members who had abstained on the proposals for a withdrawal of troops might desire additional information. In order to overcome the objection that the character of the Committee of Good Offices might be changed if it were assigned such a task, he explained that he had followed the Council's resolution of 25 August 1947 in asking the consular representatives in Batavia to report.

The representative of the NETHERLANDS saw no objection to giving such a task to the Consular Commission, but pointed out that the words "by agreement between the parties" which appeared at the end of the Council's resolution of 25 August 1947 had been omitted from the new draft resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Council should have its own organ and representatives to whom it had full power to issue directives, and that the Colombian draft resolution was neither useful nor effective. In effect, it would revoke the Council's resolution of 24 December, which assigned the task of supervision to the Council's Committee of Good Offices, imperfect as it was, and would create the illusion that the Council was doing something about the withdrawal of troops.

The representative of COLOMBIA pointed out to the Netherlands representative that his draft resolution asked only for a technical report from the Consular Commission and that it would then be up to the Committee of Good Offices to help the parties reach agreement on the withdrawal of troops. To the representative of the Union of Soviet Socialist Republics, he replied that the draft resolution, while not perfect, represented a step forward in the circumstances.

The representative of SYRIA supported the Colombian draft resolution because, in his opinion, it showed that the Council still had under consideration the important question of the withdrawal of forces.

The representative of the NETHERLANDS remarked that if that were the interpretation to be read into the draft resolution, he would have to oppose its adoption very strongly.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that his delegation was

unable to support the Colombian draft resolution. He considered that the Council's position would be absurd if it had to depend on information from foreign consuls whose impartiality was open to grave doubts, and that the Colombian draft resolution would only screen further Dutch aggression.

The representatives of FRANCE and BELGIUM said that they would support the Colombian draft resolution, since the Council's competence was not involved and the purpose was merely to keep the Council fully informed. The representative of Belgium added that any interpretation of the draft resolution not in keeping with Netherlands sovereignty must be discounted.

The representative of the UNITED STATES OF AMERICA observed that there was no intention to slight the Committee of Good Offices. He indicated that he would support the draft resolution.

Decision: *At the 395th meeting on 28 December 1948, the Colombian draft resolution (S/1160) with several drafting changes accepted by the Colombian representative, was adopted by 9 votes, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), in the following terms (S/1165):*

"The Security Council

"Requests the consular representatives in Batavia, referred to in paragraph 5 of the resolution adopted on 25 August 1947, at the 194th meeting of the Council, to send as soon as possible, for the information and guidance of the Security Council, a complete report on the situation in the Republic of Indonesia, covering in such report the observance of the cease-fire orders and the conditions prevailing in areas under military occupation or from which armed forces now in occupation may be withdrawn."

By cablegram dated 29 December (S/1166), the Committee of Good Offices informed the Council of its further requests to the parties concerning their compliance with the Council's resolution of 24 December, but stated that no official communications had been received from either party. The report added that no authorization had yet been received from the Netherlands authorities for the Committee's military observers to return to the field.

At the 396th meeting (29 December), the representative of the NETHERLANDS stated that hostilities would cease in Java at the latest on 31 December 1948 but not until two or three days later in Sumatra, where there was a special emergency situation. He added that it would remain necessary to act against disturbing elements. The Netherlands Government would shortly lift restrictions on the freedom of movement of a number of prominent personages which had been the inevitable consequence of military measures, on the understanding that the persons concerned would refrain from activities endangering public security. All possible facilities would be granted to the Consular Commission and the military observers. Lastly, the Netherlands Government had decided that its Prime Minister would leave for Indonesia within a few days and hoped that it would be possible shortly after his arrival to begin the consultations for the establishment of an all-Indonesian federal interim government.

The representative of the REPUBLIC OF INDONESIA said his delegation was extremely disappointed by the development of the discussions and by the decisions on the Netherlands violations of the Truce Agreement. He considered the Nether-

lands statement to be in complete defiance of the Council's resolution and reserved his position until the Council had taken the necessary steps to deal with the situation.

The representative of the UNITED KINGDOM considered that the Netherlands statement went some way toward meeting the Council's wishes, as expressed in its resolution of 24 December. While aware of the seriousness of the question, his Government believed that the Council should adjourn the discussion of the Indonesian question until it had reconvened in Lake Success early in January. At that time the Council could see how far its wishes had been carried out and what further steps should or need be taken.

The representative of INDIA had come to the conclusion that the Netherlands Government had rejected the Council's resolution in the clearest terms. He expressed the hope that the Council would act in such a way to revive the hopes of the peoples of the world that problems would be settled through the Security Council and the United Nations.

The representative of SYRIA, who also found the Netherlands statement unsatisfactory, pointed out that the dates for the cessation of hostilities had been fixed on the basis of military advice and not in compliance with the Council's resolution, and that the Netherlands did not intend to release the Republican prisoners either immediately or unconditionally.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the Netherlands statement constituted a challenge to the United Nations from an unbridled aggressor and could only be explained by the fact that the Netherlands Government had been emboldened by the support it had received from the delegations of the United Kingdom and the United States. The Council was faced with the alternative of taking effective measures to compel respect for its decisions or of accepting the approbrium which would be cast on the Council by the aggressor and its protectors. The Union of Soviet Socialist Republics delegation favoured the first alternative, and asked if the Anglo-American majority were prepared to take effective measures.

The representative of the UNITED STATES OF AMERICA noted that the Netherlands representative had been unable to inform the Council that either of the requirements of its recent resolutions had been complied with; no additional resolution of the Council was needed to bring out that fact. There seemed to be, however, a full realization of the seriousness of the matter on the part of the Netherlands Government and he was convinced that the Security Council was bringing about a strong sense of restraint. The fact that any particular resolution was not adopted did not mean that the Council's consideration of the question was terminated. He hoped that the Council could return to the Indonesian question, when it reconvened at Lake Success in January, with further indication from the Netherlands Government that it had reconsidered the situation.

The representative of CHINA considered that no useful purpose would be served by further discussion of the Indonesian question in Paris. He reserved the position of his delegation until discussion had been resumed at Lake Success.

The representative of AUSTRALIA, stating that his delegation had found few if any positive points of compliance in the Netherlands statement, feared

that by the time the Council reconvened in Lake Success it would be presented not only with a *fait accompli* but with the complete liquidation of the Republic. The Council had failed in that particular case mainly through the play of, or reliance upon, national interests instead of real international truth and justice. He expressed the hope that, when the question came up again, the Council would find a little more decision, good sense and moral courage.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC considered the Netherlands statement insolent and defiant to the Security Council. Full responsibility for the conduct and attitude of the Netherlands Government rested with the United States, which had obstructed the adoption of the USSR and Ukrainian SSR proposals for an immediate cessation of hostilities and for the withdrawal of Dutch troops from Republican territory. The Council should put a end to the situation and call the Netherlands aggressor to order.

The PRESIDENT stated that, since no other representative wished to speak, he considered that the Council desired to adjourn discussion of the question until it had reconvened in Lake Success.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that the Anglo-American majority had not given an affirmative answer to his delegation's proposal to take effective measures against the Netherlands aggressor.

By cablegram dated 3 January 1949 (S/1179), the Minister for Foreign Affairs of Pakistan informed the Security Council that the Netherlands action in Indonesia had shocked and distressed all the people of South-East Asia. His Government considered that the minimum action required was withdrawal of Dutch troops to lines held before military action was commenced, the release and restoration to full freedom and authority of Republican leaders, and the resumption of negotiations for a peaceful settlement through the Committee of Good Offices. He urged the Council to take that minimum action immediately if the authority of the United Nations was to be vindicated.

C. Resolution of 28 January 1949

When the Security Council reconvened in Lake Success, on 7 January 1949, it had before it, at the 397th meeting, a report from the Committee of Good Offices (S/1189) stating that neither sub-paragraphs (a) nor (b) of the resolution of 24 December had been implemented. The report also pointed out that, as a result of the failure of Netherlands authorities to authorize or facilitate the return of the Committee's military observers to the field, the Committee had been without any opportunities for observation. It requested the Council to define the respective functions of the Committee and of the Consular Commission under the resolutions of 24 and 28 December, and raised the question whether the continuance of the Committee in the present circumstances would serve any useful purpose. The Council also received a request (S/1190) from the Consular Commission for clarification of its position in relation to the Committee.

Before opening the discussion, the Council approved the request (S/1192) of the representative of Belgium, whose term as member of the Security Council had expired, to continue to participate in the discussion of the Indonesian question.

The representative of the NETHERLANDS stated

that the Netherlands forces had ceased hostilities in the whole of the former Republican territory, but that the Netherlands Government would have to disclaim responsibility if continuing hostile statements by Republican leaders should lead to new clashes with scattered groups. Losses during the military action had been far below the number of peaceful Indonesian civilians murdered by Republican infiltrants during the month preceding the action. As soon as hostilities in Java and Sumatra had ended on 5 January, the Netherlands authorities had taken measures to terminate the enforced residence of all who had been detained. He named five Republican leaders released in Jogjakarta and four others, including President Soekarno, who had also been released but whose freedom for the time being had been limited to the island of Bangka for reasons of public security.

He informed the Council that the necessary instructions had been given to enable the Committee of Good Offices, the Consular Commission and the military experts to carry out their tasks under the resolutions of the Security Council, and that the first steps towards reconstruction, both material and political, had already been taken. He declared that his Government continued to stand by the political principles underlying the Linggadjati and Renville Agreements.

The representative of the REPUBLIC OF INDONESIA asserted that the Netherlands had ignored the Council's cease-fire order until its military aims had been achieved. While officially ordering a cessation of hostilities, the Netherlands had simultaneously ordered its army to fire on the Republican guerrillas, who had and still remained among the Dutch units in accordance with their defence tactics. The only solution for a real cease-fire would be for the Council to reconsider the question of the withdrawal of Dutch troops.

Pointing out that the Netherlands had not yet complied with the Council's order to release the President and members of the Republican Government, since they had not been given freedom of action nor freedom of movement, he expressed the hope that the Council would force the Dutch to comply. The trip of the Netherlands Prime Minister to Indonesia had been designed to create the impression that the Republic had already been defeated militarily, did not represent *bona fide* negotiations with the Indonesians, and would result in an effort to impose a governmental structure on the Indonesians. Any such governmental structure would only mean the continuation of guerrilla warfare in Java and Sumatra and popular uprisings in the other islands. The question of the withdrawal of Netherlands troops would also have to be reconsidered in the light of the opinion of the countries of South-East Asia that the Netherlands was endangering the peace in that area.

The representative of the PHILIPPINES submitted that nothing had happened since his cable (S/1140) of 21 December to the Council in Paris which would diminish its pertinence to the problem before the Council, for the Netherlands had not ceased hostilities nor released the President and other officials of the Republic. Condemning the vacillation, contradiction and irrelevancies that had marked the discussions in Paris, he declared that a decision for the withdrawal of Netherlands troops had not been taken only because of an inconsequential difference in phrasing between the joint draft resolution and the USSR draft resolution. He expressed the opinion that there was no means

of ensuring the observance of a cease-fire unless and until a withdrawal of troops had taken place. He quoted the statement made by the representative of the United States on 22 August 1947, that if the parties failed to comply with the Council's cease-fire order, the Council, under Article 40, would have to take such failure into account in considering further action. He appealed to the members of the Council not to allow themselves to be deflected by narrow self-interests from the urgent task which remained to be done.

The representative of AUSTRALIA considered that the Council could not remain oblivious to the defiance of its authority and the continuing threat to peace, but should restore conditions of confidence in which a settlement could be freely negotiated. The minimum requirements were that (1) the Republican leaders be given complete freedom; (2) Netherlands troops be withdrawn from the areas they had seized; and (3) all negotiations be conducted in the presence of the Committee of Good Offices. Two further steps necessary to facilitate a final settlement were as follows: (1) supervision of plebiscites and elections by the Committee of Good Offices; (2) decisions by the Committee on a time-table for elections and the transfer of ultimate sovereignty to the United States of Indonesia.

The representative of INDIA, noting that the Prime Minister of India had issued invitations to fifteen Asian countries to discuss the Indonesian problem, emphasized that the conference was not intended to by-pass the United Nations, but to co-operate with the Council. There was no doubt that the Council's resolutions had not been carried out by the Netherlands Government and that it was impossible to carry out the cease-fire order without withdrawing troops. The Prime Minister of India had not exaggerated when he had said that, if no effective measures were taken, the consequences would be disastrous for the whole of Asia and for the whole of the world. The situation raised the question of the implications of the North Atlantic Pact and of whether the continuance of Marshall aid to the Netherlands was justified. He expressed the hope that the Security Council's response to the Netherlands challenge would be swift and effective.

The representative of EGYPT considered that the Council had not stood up sufficiently to its responsibilities in dealing with the Indonesian question; even the weak resolution of 24 December had not been implemented. The Council could at least take a much firmer stand and not submit to force and *a fait accompli*.

By cablegram dated 8 January (S/1193), the Committee of Good Offices reported that arrangements had been approved by Netherlands authorities for the dispatch of military observers to various areas in Java and Sumatra. Also by cablegram dated 8 January (S/1195), the Government of Iran expressed its regret to the Council over the reopening of hostilities in Indonesia as well as the hope that the parties would give all assistance to the Committee of Good Offices and comply with the Council's recommendations.

At the 398th meeting (11 January), the Security Council agreed to the request of the Government of Burma (S/1200) to participate in the discussion of the Indonesian question.

The representative of the UNITED STATES OF AMERICA stated that his Government still could find no adequate justification for the military action

taken by the Netherlands in Indonesia, which, in its view, was in conflict with the Renville Agreement and the Council's resolutions of 1 August and 1 November 1947. The continuance of military action by the Netherlands forces until all military objectives had been taken could not be regarded as compliance with the cease-fire order of 24 December 1948 and the clear intent of the Council's resolutions was that the high officials of the Republican Government should be restored to a position in which they would be free to exercise their governmental authority. The representative of the Netherlands had failed to relieve his Government of the serious charge that it had violated the Charter of the United Nations.

He regarded the record of non-co-operation on the part of the Netherlands in the work of the Committee of Good Offices as indicative of a reluctance to utilize the procedure for pacific settlement made available by the United Nations, and declared that the use of illegal force would not effect a solution of the problem. The views of his Government on the settlement of the political issues were contained in the plan which the United States representative on the Committee of Good Offices had submitted to the two parties on 10 September 1947 (S/1117/Add.1). He criticized the Union of Soviet Socialist Republics for obstructing the successful operation of the United Nations by insisting that the Council's emergency meeting in Paris be postponed for three days, by refusing to support the joint draft resolution at that time, and by seeking to undermine and overthrow the Government of the Republic of Indonesia through the Communist Party. The facts showed that the Union of Soviet Socialist Republics was not interested in supporting the Republic or in restoring peace to Indonesia. The Union of Soviet Socialist Republics did not want an independent Indonesia.

The representative of CHINA presented what he considered to be the essential elements of a constructive and definitive solution of the Indonesian problem, as follows: (1) the holding of a free plebiscite in Indonesia to elect a constitutional convention which would draft and adopt a future constitution for the United States of Indonesia; (2) the provision of guarantees regarding peace and order in Indonesia; (3) the adoption by the United Nations of a more positive role in Indonesia in the future. In present world conditions, any Member State which denied the competence of the United Nations in an effort to make peace was, in his opinion, taking a reactionary position.

The representative of NORWAY stated that, in the opinion of his Government, the military action undertaken by the Netherlands Government in Indonesia had been neither justified nor in accordance with the spirit and the letter of the Charter, although the Netherlands Government had several reasons to complain about the attitude of the Republic. By not bringing its complaint before the Security Council, the Netherlands Government had shown disregard for the United Nations. A real cessation of hostilities and a real release of prisoners were the first and necessary conditions for any further action by the Council, and in principle the Netherlands Army must be withdrawn from the Republic's territory, subject to satisfactory arrangements for the maintenance of law and order. The next step, and by far the most important, was the solution of the difficulties between the parties, which could only be accomplished by the resumption of negotiations on the basis of the Renville

principles, with the Security Council or the Committee of Good Offices empowered to mediate, to arbitrate and act as trustee.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, after analysing the voting on the various draft resolutions submitted at the emergency meetings in Paris, concluded that the United States delegation, with the assistance of the United Kingdom delegation, had, with the help of the voting mechanism, first defeated its own proposal for the withdrawal of troops by both parties, and then, by abstaining, had defeated the proposals of the USSR delegation and the Ukrainian SSR delegation for the withdrawal of Netherlands troops from the territory of the Republic. He noted that the majority of the Council, led by the representatives of the United States and the United Kingdom, had also rejected the USSR draft resolution ordering the Netherlands Government to halt hostilities within twenty-four hours, and the USSR proposal of 29 December to adopt effective and decisive measures to force the Netherlands to fulfil the Council's decision.

He stated that the Marshall Plan had helped the Netherlands Government to carry out its attack on the Republic and that, under the provisions of the Brussels Treaty, the members of the Western European Union could not help but consult amongst themselves concerning the preparation by the Netherlands of an attack upon the Republic. No insinuations concerning the "attitude of Moscow" and the so-called communist threat in Indonesia would help the representative of the United States of America to hide the responsibility of his Government in the preparation of the Netherlands aggression. He said that the Council must demand the fulfilment of its resolutions and must force the withdrawal of Netherlands troops from the territory of the Republic.

On 14 January the Committee of Good Offices forwarded the first report (S/1212) of its military observers following their return to the field. The report stated, *inter alia*, that destruction of roads, bridges and property had been, and still was taking place on a much greater scale than was anticipated by the Netherlands military authorities, and that the number of Netherlands troops in the newly-occupied areas was insufficient to prevent roving bands of guerrillas from moving freely and from performing acts of sabotage.

At the 400th meeting (14 January), the representative of the NETHERLANDS expressed the opinion that the measure in which the Council's resolutions had been carried out by the Netherlands entitled his country to a more balanced and fair appraisal than it had received. He noted, *inter alia*, that the only action which was still allowed to the Netherlands troops was against disturbing elements who endangered public security or interfered with the supply of food and other essential commodities to the population; that all but a few of the permanent political leaders upon whom enforced residence had been imposed enjoyed full freedom of movement; that imposition of that enforced residence upon certain political leaders during hostilities was in perfect harmony with international law and practice and that the Council was overstepping its authority in interfering in that matter; that the Netherlands authorities had made several efforts to provide facilities for the military observers. Some of the most violent attacks had been made by representatives of Governments

whose records of compliance with Security Council resolutions were anything but impeccable. As examples, he cited the attitude of Syria in the Palestine question, of India in the Kashmir question, and of the Union of Soviet Socialist Republics in the Greek and Korean questions. The recent statement by the representative of the United States showed a marked lack of impartiality and an unfair appraisal of facts.

Finally, he stated that the Netherlands Government, after having given due consideration to a time-table for the execution of its programme, had come to the following conclusions: that the federal interim government would be instituted within one month, and would at once start preparations for the holding of free general elections under United Nations observation in the third quarter of the present year, if possible; that the elected representative body would then draw up a constitution for the United States of Indonesia which would be submitted to the participant States for their assent; that a round-table conference would be held between the representatives of the Netherlands and of Indonesia to discuss a draft statute for the Netherlands-Indonesian Union, that the Netherlands Government would do all within its power to achieve the transfer of sovereignty to Indonesia in the course of the year 1950.

The representative of the UNITED KINGDOM said that his Government was seriously concerned that the Netherlands Government appeared not to have complied satisfactorily with the terms of the Council's resolution of 24 December, although it would be, to some extent, reassured by the latest Netherlands statement. The Council would wish, however, to have complete assurance that political prisoners were released unconditionally and that the local agencies of the United Nations were given every possible facility within reason to report on the development of events. While the Council should not set its seal of approval on the results of the so-called police action, a complete and immediate withdrawal of Dutch forces would leave a very dangerous vacuum. He suggested that perhaps, on the advice of local United Nations agencies, a beginning might be made in the building up of law and order in regions where the services of troops might be dispensed with without undue danger. When the Netherlands Government furnished the Council with clear evidence that it was, in fact, taking steps to implement the undertakings contained in the statements of the Queen of the Netherlands and the Netherlands Prime Minister, an atmosphere favourable for the necessary negotiations would be created.

The representative of CUBA stated that the United Nations was not created only for the purpose of finding practical solutions for disputes between States, but also to make concrete the purposes and principles of the Charter. The present problem was a test case. The one great truth which towered above all arguments was that the people of the Republic of Indonesia had earned their right to independence.

The representative of BURMA agreed with much in the statements of the representatives of China and Norway, which carried the assurance that the Council was determined to act at once and firmly. He recalled that the news of the unwarranted attack by Dutch forces on the Indonesian Republic had filled his Government with a sense of horror and indignation, and that it felt strongly that the Indonesian situation, if not checked, would disturb

not only the peace of South-East Asia, but also the peace of the world. The Netherlands had defied the Security Council and had violated the Charter. In the view of his delegation, the suggestions contained in the statements of the representatives of the United States, China and Norway represented an essentially practical basis for negotiating towards a satisfactory solution.

The representative of AUSTRALIA found nothing new in the latest statement by the Netherlands representative, except a vague indication of certain stages of procedure in the assumption of sovereignty by the United States of Indonesia. It was misleading to suggest that Republican resistance had collapsed; he quoted information he had received to the contrary. The Council must insist on the release and restoration of complete personal, official and political freedom to the Republican leaders, and on a withdrawal of the Netherlands troops occupying Republican areas, essentials which were lacking in the broad programme outlined by the Netherlands. The Council, having now gone so far, could not escape responsibility for the basic character of the contents of the final settlement, and might even recommend the basis and some of the contents of that settlement.

At the 401st meeting (17 January), the representative of the REPUBLIC OF INDONESIA declared that none of the arguments put forward by the Netherlands representative could stand up against the overwhelming evidence produced by the Committee of Good Offices that there had been no compliance by the Dutch with the Council's resolutions. The Committee's report of 14 January (S/1212) contradicted the impression, which the Netherlands representative had tried to build up, that the fighting in Indonesia was over. He considered several other points made by the Netherlands representative to be a complete misrepresentation of the facts. Referring to the statement of the Norwegian representative, he said that the records of the Committee would prove that the provisions of the Truce Agreement had been fully carried out by the Republic. He criticized the political programme outlined by the Netherlands representative, contending (1) that the unilateral pledge for creation of the United States of Indonesia constituted the final sanction for Dutch aggression rather than a basis for the solution of the Indonesian question; (2) that free elections could be held only if conducted by a United Nations agency without the presence of Netherlands troops; and (3) that the sovereignty offered was incomplete. It would be impossible for the people of the Republic to consider any proposal which was not based on the fullest restoration, both political and territorial, of the Republic of Indonesia. He stressed that the granting of larger powers to the Security Council agency in Indonesia was a necessity, as was the establishment of a definite time-table for the negotiations.

The representative of INDIA rejected the reference made by the Netherlands representative to the Kashmir question, and noted that the earlier statement of that representative on the release of Republican prisoners had been completely inaccurate. Emphasizing that it was important for the Council to pass a resolution before the convening of the New Delhi Conference on Indonesia on 20 January, he considered that the following essential points should be stressed:

(1) that the imprisoned leaders should be released immediately and established as an authority with which further negotiations could be conducted; (2) that the Security Council should take a more active part in the implementation of any resolution; (3) that there should be a withdrawal of troops and a restoration of the authority of the Republic at the earliest possible moment; (4) that definite dates should be fixed for the plebiscite and for the transfer of complete sovereignty to the United States of Indonesia; and (5) that any Republican Government established during the interim period should have the necessary financial and other resources for discharging effectively the normal functions of government.

Decision: *At the 401st meeting on 17 January 1949, the Council agreed to a request from the Republican delegation (S/1214) for facilities for the exchange of official messages between the Indonesian delegation at Lake Success and the Republican Government at Muntok (Bangka) and Prapat (Sumatra) through the Committee of Good Offices at Batavia. The Council also agreed, on the basis of a further request from the Republic, to ask the Committee to arrange with the local Netherlands authorities in Indonesia to make available transportation facilities and safe conduct for officials designated by the Republican Government to proceed to Lake Success.*

At the 402nd meeting (21 January), the representative of BELGIUM, quoting from earlier statements by other representatives, argued that the question of the competence of the Council had been deliberately left in suspense and that the Council had been careful to remain on the ground of good offices. The Council should not contemplate further measures without having ascertained by reference to the International Court of Justice, that it had the power to take those measures. The Council could not afford the risk of giving rise to the imputation of acting arbitrarily or under the influence of political opportunism, a risk which the Council would assume if it remained deaf to the request of a State that the question of its competence should be studied by a court according to the criteria of law and justice.

The representative of CUBA submitted the following draft resolution on behalf of the delegations of Cuba, China, Norway and the United States (S/1219):

"The Security Council,

"Recalling its resolutions of 1 August 1947, 25 August 1947, and 1 November 1947, with respect to the Indonesian question;

"Taking note with approval of the reports submitted to the Security Council by its Committee of Good Offices for Indonesia;

"Considering that its resolutions of 24 December 1948 and 28 December 1948 have not been fully carried out;

"Considering that continued occupation of the territory of the Republic of Indonesia by the armed forces of the Netherlands is incompatible with the restoration of good relations between the parties and with the final achievement of a just and lasting settlement of the Indonesia dispute;

"Considering that the establishment and maintenance of law and order throughout Indonesia is a necessary condition to the achievement of the expressed objectives and desires of both parties;

"*Noting* with satisfaction that the parties continue to adhere to the principles of the Renville Agreement and agree that free and democratic elections should be held throughout Indonesia for the purpose of establishing a constituent assembly at the earliest practicable date, and further agree that the Security Council should arrange for the observation of such elections by an appropriate agency of the United Nations; and that the representative of the Netherlands has expressed his Government's desire to have such elections held not later than 1 October 1949;

"*Noting* also with satisfaction that the Government of the Netherlands plans to transfer sovereignty to the United States of Indonesia by 1 January 1950, if possible, and, in any case, during the year 1950;

"*Conscious* of its primary responsibility for the maintenance of international peace and security, and in order that the rights, claims and position of the parties may not be prejudiced by the use of force:

"1. *Calls upon* the Government of the Netherlands to ensure the immediate discontinuance of all military operations, calls upon the Government of the Republic simultaneously to order its armed adherents to cease guerrilla warfare, and calls upon both parties to co-operate in the restoration of peace and the maintenance of law and order throughout the area affected.

"2. *Calls upon* the Government of the Netherlands to release immediately and unconditionally all political prisoners arrested by it since 17 December 1948 in the Republic of Indonesia; and to permit the officials of the Government of the Republic of Indonesia to return at once to Jogjakarta in order that they may discharge their responsibilities under paragraph 1 above and in order to exercise their appropriate functions in full freedom, including administration of the city of Jogjakarta. The Netherlands authorities shall afford to the Government of the Republic of Indonesia such facilities as may reasonably be required by that Government for its effective functioning in Jogjakarta and for communication and consultation with all persons in Indonesia.

"3. *Recommends* that, in the interest of carrying out the expressed objectives and desires of both parties to establish a federal, independent, and sovereign United States of Indonesia at the earliest possible date, negotiations be undertaken as soon as possible by representatives of the Government of the Netherlands and representatives of the Republic of Indonesia with the assistance of the Commission referred to in paragraph 4 below on the basis of the principles set forth in the Linggadjati and Renville Agreements, and taking advantage of the extent of agreement reached between the parties regarding the proposals submitted to them by the United States representative on the Committee of Good Offices on 10 September 1948; and in particular, on the basis that:

"(a) The establishment of the interim federal government which is to be granted the powers of internal government in Indonesia during the interim period before the transfer of sovereignty shall be the result of the above negotiations and shall take place not later than 15 March 1949;

"(b) The elections which are to be held for the purpose of choosing representatives to an

Indonesian constituent assembly should be completed by 1 October 1949; and

"(c) The transfer of sovereignty over Indonesia by the Government of the Netherlands to the United States of Indonesia should take place at the earliest possible date and in any case not later than 1 July 1950;

"Provided that if no agreement is reached by one month prior to the respective dates referred to in sub-paragraphs (a), (b) and (c) above, the Commission referred to in paragraph 4 (a) below or such other United Nations agency as may be established in accordance with paragraph 4 (c) below, shall immediately report to the Security Council with its recommendations for a solution of the difficulties.

"4. (a) The Committee of Good Offices shall henceforth be known as the *United Nations Commission for Indonesia*. The Commission shall act as the representative of the Security Council in Indonesia and shall have all of the functions assigned to the Committee of Good Offices by the Security Council since 18 December, and the functions conferred on it by the terms of this resolution. The Commission shall act by majority vote, but its reports and recommendations to the Security Council shall present both majority and minority views if there is a difference of opinion among the members of the Commission.

"(b) The Consular Commission is requested to facilitate the work of the United Nations Commission for Indonesia by providing military observers and other staff and facilities to enable the Commission to carry out its duties under the Council's resolutions of 24 and 28 December 1948 as well as under the present resolution, and shall temporarily suspend other activities.

"(c) The Commission shall assist the parties in the implementation of this resolution, and shall assist the parties in the negotiations to be undertaken under paragraph 3 above and is authorized to make recommendations to them or to the Security Council on matters within its competence. Upon agreement being reached in such negotiations the Commission shall make recommendations to the Security Council as to the nature, powers, and functions of the United Nations agency which should remain in Indonesia to assist in the implementation of the provisions of such agreement until sovereignty is transferred by the Government of the Netherlands to the United States of Indonesia.

"(d) The Commission shall have authority to consult with representatives of areas in Indonesia other than the Republic, and representatives of such areas may be permitted to participate in the negotiations referred to in paragraph 3 above.

"(e) The Commission or such other United Nations agency as may be established in accordance with its recommendations under paragraph 4 (c) above is authorized to observe on behalf of the United Nations the elections to be held throughout Indonesia and to make recommendations regarding the conditions necessary (a) to ensure that such elections are free and democratic, and (b) to guarantee freedom of assembly, speech and publication at all times provided that such guarantee is not construed so as to include the advocacy of violence or reprisals.

"(f) The Commission should assist in achieving the earliest possible restoration of the civil

administration of the Republic. To this end it shall, after consultation with the parties, recommend the extent to which, consistent with reasonable requirements of public security and the protection of life and property, areas controlled by the Republic under the Renville Agreement (outside of the city of Jogjakarta) should be progressively returned to the administration of the Government of the Republic of Indonesia, and shall supervise such transfers. The recommendations of the Commission may include provision for the economic well-being of the population of the areas involved in such transfers. The Commission shall, after consultation with the parties, recommend which if any Netherlands forces shall be retained temporarily in any area in order to assist in the maintenance of law and order. If either of the parties fails to accept the recommendations of the Commission mentioned in this paragraph, the Commission shall report immediately to the Security Council with its further recommendations for a solution of the difficulties.

“(g) The Commission shall render periodic reports to the Council, and special reports whenever the Commission deems necessary.

“(h) The Commission shall employ such observers, officers and other persons as it deems necessary.

“5. *Requests* the Secretary-General to make available to the Commission such staff, funds and other facilities as are required by the Commission for the discharge of its functions.

“6. *Calls upon* the Government of the Netherlands and the Republic of Indonesia to co-operate fully in giving effect to the provisions of this resolution.”

The representative of CUBA noted that the essential objectives which he had mentioned in a previous statement were all covered by the joint draft, with the exception of that for the withdrawal of Netherlands armed forces by successive steps in order that, when the duly elected Government of the United States of Indonesia assumed office, no foreign troops should remain in its territory. While his delegation was not fully satisfied, it sponsored the paragraph in the joint draft on that point as a compromise on dissenting opinions.

The representative of the UNITED STATES OF AMERICA considered that the major premises on which the joint draft resolution was based were as follows: (1) that the Council must continue to concern itself with the Indonesian question; (2) that there were still two parties to the dispute; (3) that the Council could not put its seal of approval on the results of the recent military action and that the real problem was the method and timing of the withdrawal of troops in such a way as not to create other, and perhaps even greater, difficulties; (4) that the negotiations should be assisted by an agency of the Council and that a goal must be set up for the consummation of negotiations; and (5) that it was essential to any workable settlement in Indonesia that it be the result of agreement of those concerned and, for that reason, that the representatives of non-Republican parts of Indonesia should have an opportunity to participate in the negotiations.

The representative of CHINA noted that the joint draft resolution was a co-operative effort

that would require from the two parties to the dispute, as it had from the sponsors, a large measure of compromise and accommodation. He emphasized (1) that if there was to be a negotiated settlement the responsible high officials of the Republic must be given freedom of action; (2) that the problem of Indonesia could be worked out only in an atmosphere of peace; (3) that in regard to both the restoration of civil administration and the withdrawal of the Netherlands Army, the resolution paid special attention to the requirements of public security; (4) that the establishment of an interim federal government, the elections to choose representatives to a constituent assembly and the transfer of sovereignty by the Netherlands to the United States of Indonesia were the great creative acts to bring about the new and independent Indonesia and should form the topics of negotiations and that because of delays in the past, target dates for the negotiations had been established; (5) that the resolution provided for a commission of the United Nations to assist the authorities in the negotiations and in the general implementation of the Council's resolutions.

The representative of the NETHERLANDS expressed fear that the present wording of subparagraph (d) of paragraph 4 of the joint draft would cause a painful impression on the Federalists, since they felt that they should be invited, not just permitted, to take part in the negotiations.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that the joint draft resolution was fully to the taste of the aggressor, was acceptable to its protectors and supporters in the Council, and ignored the legitimate interests of the Indonesian Republic and its people. He pointed out that the preamble, according to which both sides were continuing to adhere to the principles of the Renville Agreement, did not correspond to reality; that the functions of the Republican Government were restricted to the city of Jogjakarta under the conditions of a Netherlands occupation regime and the release of the Republican leaders was provided for, above all, in order that they might give an order to their armed adherents to cease guerrilla warfare against the invaders; that under the conditions of a Netherlands occupation regime there could be no question of free and equal negotiations or of free and democratic elections; that the same Committee of Good Offices, under a new caption but with wider powers, would continue to be a screen for Netherlands aggression; and that, instead of requiring the withdrawal of Netherlands troops, the draft resolution was limited to instructing the proposed new commission to present at some time in the indefinite future recommendations on that point.

Summing up the position of the Union of Soviet Socialist Republics delegation with regard to the draft resolution, he declared that his delegation had maintained that all Netherlands troops be withdrawn from the territory of the Republic immediately, unconditionally and without any reservation and that the question of that withdrawal could not be left to the discretion of the Commission and still less to that of the Netherlands aggressors. The adoption of the proposed resolution would mean an open approval of the Netherlands Government's aggression against the Indonesian Republic.

On 21 January, the Council received a letter from the Minister for Foreign Affairs of the Government of Iraq (S/1221) stating that the sudden Dutch attack on the forces of the Indonesian Republic and territory had come as a grave shock to all liberty-loving people in Asia. He urged the Council to take immediate steps to see that its wishes regarding a cease-fire and the release of Republican leaders were immediately carried out, and that the Dutch be required to withdraw to the positions which they had held prior to the commencement of military operations.

By cablegram dated 23 January 1949 (S/1222), the Foreign Minister of India transmitted to the Security Council a resolution adopted by the Conference on Indonesia which had been held in New Delhi from 20-23 January. Attending the Conference had been representatives of the Governments of Afghanistan, Australia, Burma, Ceylon, Egypt, Ethiopia, India, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen with observers from China, Nepal, New Zealand and Siam. The cablegram stated that the Member States of the United Nations represented at the Conference recognized their obligation to give effect to any measures which the Council might take in order to bring about a solution of the Indonesian problem, and requested that the Council give due weight to the resolution adopted by the Conference. The operative part of the resolution was as follows:

"Recommends to the Security Council of the United Nations:

"1. That members of the Republican Government, other Republican leaders and all political prisoners in Indonesia, be immediately restored to complete freedom;

"2. That the Republican Government be enabled to function freely and, to this end,

"(i) The residency of Jogjakarta be handed back immediately to the Republic and the Netherlands authorities refrain from taking any action that may interfere with the effective functioning of the Government of the Republic. That Government should also have facilities for communication and freedom of consultation throughout Indonesia;

"(ii) Such areas of the Islands of Java, Sumatra and Madura as were held by the Government of the Republic on the 18th December 1948, be restored to the Republic not later than 15 March 1949;

"(iii) Dutch forces be withdrawn

"(A) Immediately from the residency of Jogjakarta, and

"(B) Progressively from the rest of the Republican territory mentioned in (ii), such withdrawal to be effected in stages and under conditions to be prescribed by the Good Offices Committee or any other body to be appointed by the Security Council and to be completed not later than 15 March 1949;

"(iv) All restrictions imposed by the Netherlands authorities on the trade of the Republic be immediately removed;

"(v) Pending the formation of the interim government referred to in 3, the Republican Government be afforded all facilities for communication with the outside world;

"3. That an interim government composed of representatives of the Republic, and representatives of territories in Indonesia other than those under the authority of the Republic commanding the confidence of the Indonesian people, be formed not later than 15 March 1949, with the approval and assistance of the Good Offices Committee, or any other body that may be appointed by the Security Council. Pending the result of the deliberations of the constituent assembly referred to in paragraph 6 below, no new regional governments shall be formed or recognized;

"4. That, subject to the provisions of paragraph 5, such interim government shall enjoy full powers of government including control over its armed forces. To ensure this, all Dutch troops shall be withdrawn from the whole of Indonesia on a date to be determined by the Good Offices Committee, or any other body appointed by the Security Council. Pending such withdrawal, Dutch forces shall not be used for the maintenance of law and order except at the request of the interim government and with the approval of the Good Offices Committee or any other body that may be appointed by the Security Council;

"5. That the interim government shall have such freedom in external affairs as may be determined, in consultation with the interim government and the Netherlands authorities, by the Good Offices Committee or any other body that may be appointed by the Security Council;

"6. That elections for the constituent assembly of Indonesia be completed by 1st October 1949;

"7. That power over the whole of Indonesia be completely transferred, by the 1st January 1950, to the United States of Indonesia whose relationship with the Netherlands shall be settled by negotiation between the Governments of the United States of Indonesia and of the Netherlands;

"8.A. That the Good Offices Committee, or any other body appointed by the Security Council, be given authority to secure the application of the foregoing recommendations under the supervision of the Security Council to whom it shall report as frequently as may be necessary;

"B. That, in the event of either party to the dispute not complying with the recommendations of the Security Council, the Security Council shall take effective action under the wide powers conferred upon it by the Charter, to enforce the said recommendations. Member States of the United Nations represented at this conference pledge their full support to the Council in the application of any of these measures;

"C. That the Security Council be pleased to report, for consideration by the United Nations General Assembly at its adjourned session commencing in April 1949, the measures taken or recommended by the Council for a solution of the Indonesian problem and the action taken by the parties concerned to give effect to these measures."

On 24 January, the Committee of Good Offices forwarded to the Council an analysis (S/1223) of the military situation in Indonesia. The report concluded that, to be completely effective, a cessation of hostilities necessarily must be agreed upon by both parties. Since the Republican Government had been prevented from functioning, there was no authority on the Republican side to implement the Security Council resolution. Despite the Nether-

lands orders to its troops to cease hostilities, such cessation had not been and could not be attained in the present situation.

At the 403rd meeting (25 January), the representative of INDIA urged that the joint draft resolution before the Council be modified to bring it in conformity, so far as practical, with the resolution adopted at New Delhi. He indicated the following modifications as being absolutely essential if the joint draft was to be made workable: (1) that there be a withdrawal of troops before a specified date, say 15 March next; (2) that there be at least four or five months of settled government in order that the plebiscite might be held in a free and democratic atmosphere; (3) that the Commission be instructed to recommend what economic resources should be provided for the proper functioning of the new Republican Government.

The representative of NORWAY explained that the intention of the authors of the joint draft was to find a peaceful solution based on conciliation. He did not consider there was much difference between that plan on the one hand, and the one accepted by the Republic on the USS *Renville* and the recent Netherlands proposal on the other hand, except that the United Nations would serve as mediator in carrying out the proposed solution because of the mutual mistrust of the parties. He emphasized that it would be impossible for the Council to accept the contention of the Netherlands that the Republic no longer existed. The principle of the withdrawal of military forces was contained in the joint draft resolution, although its implementation was left to the Commission in order to ensure the maintenance of peace and order.

The representative of EGYPT was of the opinion that a spirit of excessive leniency to the Netherlands was reflected in several parts of the joint draft, even though the Council's decisions had been defied by the Netherlands. The Council should order a speedy and progressive withdrawal of Netherlands forces as a first step, the residency of Jogjakarta should be immediately handed back to the Republican Government. He expressed the hope that the joint draft would be rendered more appropriate to the requirements and seriousness of the situation.

The representative of the UNITED KINGDOM supported the joint draft resolution, observing that the original ideas of the New Delhi proposals and of the joint draft resolution were similar, but that the latter had been somewhat modified in the process of consultation. It offered a good compromise, for example, on the question of the withdrawal of troops, and would not be improved by the insertion of anything that might be ideally perfect, but not practically possible.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC considered that the basis of the joint draft resolution, as well as of the programme outlined by the Netherlands delegation was the elimination of the Republic and the re-establishment of the old colonial order. He commented that the paragraph calling upon the Republican Government to order its armed adherents to cease guerrilla warfare was absolutely illegal and favourable only to the aggressor; that the paragraph on free elections had been inserted to mislead world opinion since none was possible until the troops had been withdrawn; that the

clause relating to the creation of a provisional government in Indonesia was based on false grounds, since it would be under the control of the Netherlands; and that the continued presence of the Netherlands armed forces for the purpose of what was called maintaining law and order was entirely unacceptable.

The representative of the PHILIPPINES went on record as favouring unequivocally and unreservedly the recommendations of the New Delhi conference. Noting that the joint draft and the New Delhi resolution had the same fundamental objectives in view, he explained in detail a number of points in the latter resolution which he thought should be incorporated in the joint draft, particularly the earlier date for the transfer of sovereignty, the withdrawal of Dutch troops by 15 March 1949, and the provisions for the removal of restrictions on the trade of the Republic.

At the 404th meeting (27 January) the representative of the REPUBLIC OF INDONESIA remarked that his delegation realized that the sponsors of the joint draft resolution (S/1219) had been forced to make compromises. He expressed regret that by doing so, the adoption of measures to solve the Indonesian problem would, to a great extent, be dependent on considerations which had nothing to do with the merits of the case. Under the present terms of the joint draft, which did not call for a withdrawal of Netherlands troops, there would be no guarantee whatsoever that the Republican Government could maintain the status of its territory economically, financially, and politically. The Republic would therefore be completely at the mercy of the Dutch in case of a deadlock in the negotiations. The fact that the United Nations agency in Indonesia would not have decisive powers would also give rise to difficulties. In view of the Committee's reports on the military situation, it would be wrong to assume that the immediate withdrawal of Netherlands troops would create a vacuum.

He urged the Council to make the fullest possible use of the ideas contained in the New Delhi resolution and to embody them in the joint draft to secure the attainment of the following points: (a) that the withdrawal of Netherlands troops to the truce lines of 17 January 1948 and the restoration of the territory under Republican control on 18 December 1948, should be completed not later than 15 March 1949, when the interim government should come into existence; (b) that Dutch troops should be immediately withdrawn from the area of Jogjakarta, a well-defined administration unit comprising the city of Jogjakarta and adjoining areas, and progressively from the rest of the Republican territories under conditions prescribed by the United Nations Commission for Indonesia; (c) that the Republic of Indonesia should be given an adequate economic basis; (d) that the elections for a Constituent Assembly should be completed not later than 1 October 1949 and that the transfer of sovereignty over the whole of Indonesia should be completed not later than 1 January 1950.

The representative of AUSTRALIA considered it to be not only proper but inescapable that the Council should take the New Delhi resolution into full account in reaching its own conclusions. Comparing the texts in detail, he urged that the joint draft resolution be brought into conformity with the New Delhi resolution on the position of the Council's agency in Indonesia, on the provisions

relating to the economic situation in the Republican areas and on the withdrawal of Netherlands forces and administration from Republican territory.

At the 405th meeting (27 January) the representative of CHINA introduced the following amendments on behalf of the sponsors of the joint draft resolution (S/1230).

1. Paragraph 2 should be revised to read as follows:

"Calls upon the Government of the Netherlands to release immediately and unconditionally all political prisoners arrested by it since 17 December 1948 in the Republic of Indonesia; and to facilitate the immediate return of officials of the Government of Indonesia to Jogjakarta in order that they may discharge their responsibilities under paragraph 11 above and in order to exercise their appropriate functions in full freedom, including administration of the Jogjakarta area, which shall include the city of Jogjakarta and its immediate environs. The Netherlands authorities shall afford to the Government of the Republic of Indonesia such facilities as may reasonably be required by that Government for its effective function in the Jogjakarta area and for communication and consultation with all persons in Indonesia."

2. Paragraph 4 (d) should be revised to read as follows:

"The Commission shall have authority to consult with representatives of areas in Indonesia other than the Republic, and to invite representatives of such areas to participate in the negotiations referred to in paragraph 3 above."

3. Paragraph 4 (f) should be revised to read as follows:

"The Commission should assist in achieving the earliest possible restoration of the civil administration of the Republic. To this end it shall, after consultation with the parties, recommend the extent to which, consistent with reasonable requirements of public security and the protection of life and property, areas controlled by the Republic under the Renville Agreement (outside of the Jogjakarta area) should be progressively returned to the administration of the Government of the Republic of Indonesia, and shall supervise such transfers. The recommendations of the Commission may include provision for such economic measures as are required for the proper functioning of the administration and for the economic well-being of the population of the areas involved in such transfers. The Commission shall, after consultation with the parties, recommend which if any Netherlands forces shall be retained temporarily in any area (outside of the Jogjakarta area) in order to assist in the maintenance of law and order. If either of the parties fails to accept the recommendations of the Commission mentioned in this paragraph, the Commission shall report immediately to the Security Council with its further recommendations for a solution of the difficulties."

The representative of BURMA expressed the hope that the Council would incorporate in its resolution the many constructive proposals embodied in the resolution of the New Delhi Conference, which he noted were deliberately moderate. The first necessary step in the present situation was to give the Republican political leaders and officials full freedom so that they might assume, once again, their proper functions

and authority. He explained the reasons for his support of the New Delhi proposals on the question of the withdrawal of Netherlands troops, on which, in his opinion, the cessation of hostilities depended; on the date for the transfer of sovereignty to Indonesia; and on provisions for economic resources for the re-established Republican Government.

The representative of CANADA supported the joint draft resolution (S/1219) and the amendments thereto (S/1230) as a practical basis for settlement. For purposes of clarification, he proposed an amendment to paragraph 4 (e) which was later accepted by the sponsors as follows:

In the first sentence of paragraph 4 (e) replace the words "and to make" by the following: "and is further authorized, in respect of the territories of Java, Madura and Sumatra, to make."

In the same sentence, replace "such" (fourth word following (a)) by "the".

The representative of BELGIUM considered that some members of the Council were acting on political and other considerations and that there was a general tendency to forget that, under the Charter, the United Nations must attempt to maintain international peace and security in conformity with the principles of justice and international law. The difficulties which confronted the Council in the Indonesian question did not arise from the aims sought, but rather from the means which had been used to attain these ends. The Security Council should understand that its role was not to impose arbitrary decisions but to seek constructive solutions.

The representative of the UNITED STATES OF AMERICA declared that it was clear that the objectives of the New Delhi Conference and of a majority of the members of the Security Council were the same. Commenting on the differences between the New Delhi resolution and the joint draft resolution before the Council, he explained that (a) 1 July 1950 had been selected as the date by which there was reasonable certainty that all the necessary preliminaries to an orderly transfer of sovereignty could be completed; (b) that, while accepting the principle of the progressive withdrawal of Netherlands forces, the sponsors of the joint draft believed the Commission on the spot could and should fix the time for the withdrawal; and (c) that the recent amendments to the joint draft had taken care of the question of the economic viability of the Republic more adequately.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS asked for a clarification of "the city of Jogjakarta and its immediate environs" and also asked whether, under paragraph 2 of the joint draft resolution, the Netherlands troops would remain in the Jogjakarta region.

The representative of CHINA replied that the Jogjakarta area included the city and certain surrounding territory, the determination of which would be left to the Commission on the spot. In regard to the withdrawal of Netherlands troops, he called attention to paragraph 4 of the preamble and paragraph 4 (f) of the operative part of the joint draft resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that he did not consider that his second question had been answered.

At the 406th meeting (28 January) the representative of EGYPT said he would have liked to

have seen a better draft resolution and would look upon the present one as merely one step forward which must be followed by others. He declared that he would vote for the joint draft resolution as amended (S/1219, S/1230, S/1232) with the understanding that the Council would keep the situation in Indonesia under review until an ultimate solution had been achieved.

The representative of ARGENTINA said that, because of grave differences between the major Powers, the Council was not in a position to cope adequately with situations calling for international harmony and unity of purpose. For that reason, he believed that the exercise of the Council's good offices represented the best means of action and that, if the Council limited itself to that role, the objections to its competence lost a good deal of their strength. He would support the joint draft resolution on that understanding, except for those parts which his delegation did not consider corresponded to its basic position in the matter.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that it had become perfectly apparent that a number of countries in the Anglo-American bloc had openly sided with the aggressor and had rejected even the modest and reasonable proposals of the New Delhi Conference for the withdrawal of Netherlands troops from Jogjakarta. Stating that he was proceeding according to the principles of the Charter, particularly the principle that the Security Council acted on behalf of all Members of the United Nations, he submitted the following amendment to replace paragraph 1 of the operative part of the joint draft resolution:

"The Netherlands troops shall be immediately withdrawn to the positions provided for by the Renville Truce Agreement."

Expressing the hope that this amendment would find support from members of the Security Council, he stated that his delegation considered that the adoption of measures for putting an end to Netherlands aggression against the Indonesian Republic, the withdrawal of Netherlands occupation forces from the territory of the Republic, and the restoration of the Republic's former status were not only in accordance with the desires and hopes of the Indonesian people but also with the interest of all Members of the United Nations and with the aim of strengthening international peace and security.

The representative of the NETHERLANDS assured the nations represented at the New Delhi Conference that their concept of a resurgent Netherlands imperialism, which had been the basis of their resolution, had been fundamentally incorrect. He explained that the fundamental objections of the Netherlands to certain elements in the joint draft resolution were that it (1) required the Netherlands Government, during the interim period, to renounce certain fundamental rights of sovereignty; (2) constituted an unprecedented interference in the internal affairs of a State, thus violating Article 2, paragraph 7 of the Charter; (3) was absolutely impracticable and would create an even more undeniable situation than the one which had caused all the trouble; and (4) duplicated yet partly deviated from the detailed programme and time-table worked out jointly by the Netherlands Government and the Federalists, and thus would have a confusing and paralysing effect on the work of political reconstruction.

The paragraphs of the joint draft resolution to which the Netherlands had fundamental objections were paragraph 2; sub-paragraph (c) of paragraph 3; the last sentence of sub-paragraph (a) of paragraph 4; and sub-paragraph (f) of paragraph 4. He stated that if the Council adopted that draft resolution, it would create a most unfortunate situation between the Council and the Netherlands Government. The Netherlands Government would carry out the resolution to the extent to which it was compatible with its responsibility for the maintenance of real freedom and order in Indonesia.

Decisions: *At the 406th meeting on 28 January 1949, the Union of Soviet Socialist Republics amendment and the joint draft resolution were put to vote. The Union of Soviet Socialist Republics amendment (S/1233) received 4 votes in favour (Cuba, Egypt, Ukrainian Soviet Socialist Republic, and Union of Soviet Socialist Republics), with 7 abstentions and was therefore not adopted.*

The joint draft resolution, as amended by its sponsors and the Canadian representative, was adopted paragraph by paragraph (S/1234), with no votes against, and with 1 to 4 abstentions on each paragraph. The representative of France abstained on all paragraphs. The representatives of the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics abstained on the reference to the Council's resolution of 25 August and 1 November 1947 in the first paragraph of the preamble, on paragraphs 2, 5, 6, and 7 of the preamble, and on all paragraphs of the operative part of the resolution except the sentence covering the release of political prisoners in paragraph 2. The representative of Argentina abstained on the last part of paragraph 3 of the operative part of the resolution, and on all of paragraphs 4, 5, and 6.

D. Council's directive of 23 March 1949 to the Commission

On 15 February 1949 the United Nations Commission for Indonesia recommended (S/1258) to the Security Council that, in light of the recent developments at The Hague, the Commission's initial reporting date under the Security Council resolution of 28 January be postponed from 15 February to 1 March. At the 410th meeting (16 February), the Council accepted the Commission's recommendation, with the representative of the Union of Soviet Socialist Republics dissenting.

The Commission, therefore, submitted its report on 1 March (S/1270 and Corr. 1), and during the Council's discussion it transmitted three supplementary reports (S/1270/Add. 1, Add. 2 and Add. 3). The report stated that the Netherlands Government had not released the Republican political prisoners and had refused to permit the re-establishment of the Republican Government at Jogjakarta, that there had been no negotiations under the resolution, and that there had been neither actual nor complete cessation of hostilities. In reporting on political activities in Indonesia since the adoption of the council's resolution of 28 January, the report described an approach by the BFO (Assembly for Federal Consultation) to the Republican leaders interned on Bangka Island and gave details of a proposal by the Netherlands Government to convene a round-table conference on the Indonesian question at The Hague on 12

March. The report concluded that no agreement had been reached on an interim federal government because of the Netherlands Government's failure to accept the procedures of the 28 January resolution. The Commission, stating that it viewed the invitation of the Netherlands Government to a round-table conference as a counter-proposal or substitute for the 28 January resolution, requested instructions as to what its position should be towards the invitation.

The Security Council discussed the Commission's report at the 416th through its 420th meetings (10 to 21 March). At the 417th meeting (11 March), the Council approved the request of the representative of Pakistan (S/1283) under Article 31 of the Charter, to participate in the discussions on behalf of his Government.

At the 416th meeting (10 March), the representative of the NETHERLANDS stated that his Government noted with satisfaction that its aims were identical with the aims of the Security Council, as stated in the resolution of 28 January, but felt obliged to maintain its objections to certain aspects of the method recommended by the resolution. However, certain essential steps had been taken by the Netherlands Government under paragraphs 2 and 3 of the resolution. The restrictions imposed upon the Republican leaders had been lifted and they remained subject only to certain limitations of travel and residence which were generally applicable in certain areas under military control. The Netherlands had announced its willingness to negotiate with the Republican Government and actually had resumed informal talks through representatives who had been repeatedly dispatched to Bangka.

But the Netherlands Government had serious objections to restoration of the Republican Government in Jogjakarta, since that restoration would inevitably give rise to the fear that the Republic might become the dominating power over the whole of Indonesia, would make the maintenance of law and order an impossibility, and would entail the restoration of the same old militarist and extremist influences which had been the main stumbling-block in past negotiations. He quoted statements by the so-called Republican Emergency Government in Sumatra rejecting the Council's resolution and instructing Republican followers to continue fighting.

Under the circumstances, the Netherlands Government had drawn up a revolutionary new scheme. Its principal provision was for the immediate holding of a round-table conference of all the parties to the Indonesian question at The Hague to draw up all necessary arrangements for a transfer of sovereignty within a few months, for the simultaneous establishment of the Netherlands-Indonesia Union, for the drafting of the agreements pertaining thereto, and for the formation of a representative federal government for the whole of Indonesia, and to make arrangements, if necessary, for a brief interim period. The Assembly for Federal Consultation had accepted the Netherlands invitation and he requested the Council to allow the United Nations Commission for Indonesia to take part in the round-table conference and to further its success. He pointed out two advantages over the Council's resolution: the transfer of sovereignty would take place a whole year earlier, and the length of the transition period would be reduced to practically no time. The main difference

lay only in the question of the restoration of the Republican Government.

The representative of the PHILIPPINES considered that the Netherlands attitude towards the provisions of the Council's resolution of 28 January had been characterized by double talk or by outright defiance. On the other hand, the Republic had been scrupulous in its respect for and observance of the Council's resolutions and had showed an exemplary disposition to come to terms with the Netherlands.

He declared that the Netherlands proposal would change the whole basis of the negotiations and the positions of the parties relative to each other. He considered that proposal to be an attempt to by-pass the Council, which must re-enforce its decisions and compel their observance through the appropriate provisions of the Charter. He noted that the nineteen States represented at the New Delhi Conference on Indonesia had pledged their full support to the Council in the application of any of those measures.

The representative of the REPUBLIC OF INDONESIA stated that the Netherlands Government had presented its new proposal instead of complying with the Council's resolution of 28 January and that, on the basis of past experience, the Republicans could not trust such proposals. He quoted excerpts from letters from Dutch soldiers in Indonesia describing the torturing of guerrilla fighters and asked for an investigation, by any competent international organ, of the methods being employed by the Netherlands Army in Java, Sumatra and Madura.

He said that the Netherlands proposal did not even guarantee a real transfer of sovereignty, much less an acceleration. In fact, the amendment to the Netherlands Constitution, on which the proposal had been based and which had been adopted unilaterally, provided that the Netherlands-Indonesian Union would guarantee judicial warrants and a good government in Indonesia. Furthermore, the Netherlands had usurped for itself any final decision in the proposed conference by announcing that it was prepared to examine "in how far" any proposed solution was "compatible with its responsibility". The Dutch intention was to reduce the powers of the United Nations Commission to the mere function of good offices or less; and, by inviting the President of the Republic to appoint a delegation the Netherlands was obviously trying to isolate the Republican leaders from the Republican troops and guerrillas. In that connexion, he requested the Council to order its military observers to report on the military situation, which he considered to be a new and decisive element in the struggle. In his opinion, the Dutch were trying to force the Federalists, who had struggled to free themselves from the status of puppets, to return to their original role.

He added that the Republic would not be un-receptive to a possible speeding up of the transfer of sovereignty to the United States of Indonesia through the instrumentality of a round-table conference, if the Republic were guaranteed that such a conference did not put aside the Council's resolution of 28 January, did not reduce the functions and position of the United Nations Commission, and did not alter the status of the two parties to the dispute. However, any decision to participate in such a conference would have to be taken by a full Cabinet session of the Republican Government

functioning in Jogjakarta, and the Council's paramount task was the implementation of its resolution of 28 January.

The representative of the UNITED STATES OF AMERICA stated that his Government continued to believe that the Council's resolution of 28 January represented a sound and practical basis for a just and lasting solution of the Indonesian question, although little progress had been made in implementation. He noted that the Netherlands had not offered the unconditional freedom contemplated in the Council's resolution and had not been prepared to restore the Republican Government to its capital at Jogjakarta, although the proposed accelerated transfer of sovereignty would give the Republic the power to restore the capital at Jogjakarta within twelve weeks. The United States was unable to understand the attitude of the Netherlands on this question, and emphasized that military action could not be allowed to eliminate one of the parties before the Security Council. Until the Republican Government could resume governmental responsibility at Jogjakarta, it could not be expected to assume the responsibilities which negotiations for a just and lasting political settlement required and entailed. If the parties came to an agreement on the terms and conditions for holding the proposed conference at The Hague, his Government believed that such a conference would be consistent with the basic purposes and objectives of the Council's resolution of 28 January which, of course, would remain in full force and effect. In the meantime, it would be appropriate for the Commission to consult with the representatives of the Netherlands, the Republic and the leaders of the Assembly for Federal Consultation and to assist them in reaching such an agreement.

At the 417th meeting on 11 March, the representative of INDIA said that the Netherlands must demonstrate its sincerity by co-operating with the Security Council and by taking action at least in regard to the preliminary steps essential to the resumption of negotiations. The Netherlands proposal, in its form at that time, was not an adequate substitute for the Council's plan. The Council should stand firmly by its resolution of 28 January and should not consider the Netherlands proposal until and unless the necessary preliminary steps had been taken by the Netherlands Government. He expressed the hope that there would be no hesitation in regard to the consideration of the action that should be taken to make the Council's resolution effective.

The representative of BELGIUM declared that the Council should use the same prudence and forbearance which had brought success to its efforts in Palestine and Kashmir, particularly since the Council's competence in the Indonesian question had always been considered highly doubtful by several members of the Council. There was no question of an injunction to the Netherlands to emancipate the people of Indonesia for, under Article 39 of the Charter, the Security Council's power to make an injunction was limited to measures envisaged under Articles 41 and 42, which referred not to the substance of the dispute but to enforcement measures for the maintenance or restoration of peace and security. At any rate, the Netherlands Government had been the first to proclaim its decision to give the people of Indonesia their independence.

A new step of considerable importance had been taken by the Netherlands in its proposal to accelerate the transfer of sovereignty to Indonesia. The Republican Government had made its return to Jogjakarta a preliminary condition, but the Security Council could not disregard the opinion of the Netherlands Government that the local situation rendered an immediate return of the Republican Government to Jogjakarta impossible. Why could the Republican Government not choose another site temporarily? The way had been prepared; it was only a question of inducing all parties concerned to meet without delay.

The representative of AUSTRALIA said that nothing which had happened should deflect the Council from maintaining the attitude and position it had laid down in its resolution of 28 January. The Council was being asked to accept a reversal of its own decisions because of conditions which had arisen solely from the refusal of the Netherlands to carry out that resolution. The military facts in Indonesia were far more real than the apprehension and unfounded doubts which had been expressed by the representative of the Netherlands. The Council must accept whatever consequences under the Charter would follow in the event of continued non-compliance by one of the parties. The basic conditions which might persuade the Security Council to agree to the holding of a conference broadly along the lines proposed by the Netherlands Government, provided the Republican authorities themselves were agreeable, were the restoration of the Republic and the maintenance of the status and authority of the United Nations commission in such negotiations.

The representative of CANADA welcomed the Netherlands proposal, with the proviso that the round-table conference should be so arranged as to take place with the agreement and co-operation of all parties directly concerned. It would be useful, in his opinion, if the services of the Council's Commission in Indonesia should be sought, to assist the parties in reaching an agreement on the time and conditions under which the proposed conference at The Hague could be held. It would be understood that those exploratory discussions would be without prejudice to the resolutions of the Security Council and to the rights, claims or positions of the parties. He suggested that no new resolution of the Council would be required if the President would communicate in that sense to the Commission.

The representative of CHINA noted that agreement in principle existed on the Netherlands proposal to advance the date for the transfer of sovereignty to Indonesia by one year and on a round-table conference as a method of negotiations. There was, however, an important element of disagreement on the restoration of the Republic, although the final position of the Republic in the minds of its leaders and in the minds of the Netherlands Government was not so very different. He considered the Netherlands argument, that the reconstitution of the Republic at the present time would mean a loss of prestige for the Federalists and the enhancement of the prestige of the Republic, was a flimsy one and that, while the apprehension of the Netherlands in regard to peace and order seemed to be on stronger ground, the Council had taken the latter question fully into consideration in drafting its resolution of 28 January. He suggested that there should be a preliminary conference in Indonesia to ensure the implementation

of paragraphs 1 and 2 of the Council's resolution of 28 January, which concerned only the Republic and the Netherlands. After such a conference had made some progress, there could be a round-table conference to deal with the larger aspects of the Indonesian problem referred to in paragraphs 3 and 4 of the resolution.

At the 418th meeting (14 March) the representative of PAKISTAN expressed the opinion that the Council's resolution of 28 January laid down the most practical formula for the settlement of the dispute although, to many observers, the concessions to the Netherlands point of view had been considerable. The constitution of the round-table conference proposed by the Netherlands authorities was unsatisfactory for, unless the Republican Government was re-established in its capital and was free from all restraining influences, the voice of its representatives would carry no conviction with the general public in that country. Furthermore, whenever invitations were placed on the authority of public leaders in the exercise of their lawful functions, tremendous incentive was given to disruptive forces to represent themselves as champions of the cause of the peace. The Pakistan Government most earnestly hoped that the situation would not be allowed to become worse and that the Security Council would proceed to implement its resolution of 28 January.

The representative of the REPUBLIC OF INDONESIA argued that the transfer of sovereignty envisaged by the Netherlands proposal was not complete, as desired by the Security Council, and that the assumption on which the Canadian suggestion had seemed to rest was therefore not valid. In his opinion, the subject of any preliminary conference in Indonesia should be the facilities to be provided for the restoration of the Republican Government, and a time-limit should be set. He noted that the Netherlands proposal had already brought a delay in the implementation of the Council's resolution which represented a serious deterioration of the situation in Indonesia.

The representative of EGYPT noted that the Netherlands Government, instead of implementing the Security Council's resolution of 28 January, had apparently been attempting to by-pass the Council to gain time and to have wider scope for arranging things. He expressed doubts as to whether the round-table conference could be really free and constructive unless the Republican Government were restored and its leaders allowed to get in touch with their own people. To the Belgian representative, he pointed out that there was no question of the council's creating a State by injunction since the Republic of Indonesia already existed. He also did not think it wise to take the Security Council's action in connexion with the Palestine question as a good example to follow. In principle, he agreed with the idea of a preliminary conference but emphasized that its purpose should be to ascertain the best and most rapid means of effecting the restoration of the Republic.

The representative of INDIA emphasized that, under the terms of the resolution of 28 January a preliminary conference could be held with Republican leaders regarding the restoration of the Republican Government to Jogjakarta, but any subsequent negotiations must be with representatives of that re-established Government. He also agreed that a time-limit for the conference was necessary.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS recalled that the majority of the Security Council, led by the United States and the United Kingdom, had rejected the USSR proposals for the immediate withdrawal of Netherlands troops from the territory of the Republic, and that the territory of the Republic had been reduced solely to the City of Jogjakarta by the Council's resolution of 28 January. As a result of that deal, the Netherlands Government had concluded that it could ignore even that resolution. No pretexts of the Netherlands representative could shield his Government's too obvious attempts to liquidate the Republic. It was clear that the calling of a conference by the Netherlands Government was only an attempt to cover up its continued aggression. The delegation of the Union of Soviet Socialist Republics opposed the participation of the Council's Commission in such a conference, and saw no justification for a preliminary conference. A Security Council decision had been violated and it was the Council's duty to demand fulfilment of that decision.

The representative of the UNITED KINGDOM said that his delegation shared in wide measure the views expressed by the United States representative, in particular his belief that military action could not be permitted to eliminate one of the parties to the dispute and that until the Republican Government had been re-established, it could not be expected to assume the responsibilities which the negotiation of a just and lasting political settlement required. It was also essential that the Commission should be enabled to function in the discussions between the parties in a manner fully consonant with the terms of the Council's resolution of 28 January. His delegation did not wish to cast any reflection on the sincerity of the Netherlands Government, but it was clear that the latest Netherlands plan, generous and statesman-like though it appeared to be, could not achieve results unless all the parties concerned willingly co-operated in putting it into effect. He therefore supported the Canadian suggestion for exploratory discussions under the Commission's auspices and agreed that no new resolution was required.

At the 419th meeting (16 March), the representative of NORWAY supported the suggestion outlined by the representatives of Canada and China for a preliminary conference. He drew attention to the fact that, in all disputes involving clashes between armed forces which had been considered by the Security Council, charges of atrocities had been made by both parties. It would seem desirable if, in addition to the rules of warfare adopted at The Hague in 1907 and those adopted in the Geneva Conventions on the treatment of war prisoners and of the wounded and sick in war, machinery could be established for ascertaining whether the substantive rules of those conventions were being observed in minor wars. He did not wish to make any concrete proposals but to draw the attention of the Security Council and the parties to the importance of considering what the Council could do in that and similar cases and whether the Council, pending the establishment of adequate machinery, inside or outside the United Nations, should ask any of the organs of the United Nations or any other international organization — governmental or non-governmental — to investigate the question of alleged atrocities in Indonesia.

The representative of FRANCE said that the Netherlands proposal to advance the transfer of sovereignty to Indonesia by one year constituted a new fact of great importance, and that a round-table conference would obviously be useful for the exploration of the elements of disagreement which separated the parties. The Republican position that a round-table conference could never be considered as replacing the provisions of the Council's resolution was no doubt a misunderstanding. The Council should make clear that the provisions of its resolutions were not inflexible rules but formed a framework designed to guide negotiators in their work. The Security Council's task was of necessity one of conciliation, and in that connexion the suggestion of the Canadian representative appeared to be a happy one.

The representative of CUBA expressed his Government's disappointment over the attitude of the Netherlands Government toward the Council's resolution of 28 January, none of the three requirements of which had been fulfilled by the Netherlands Government. His delegation considered that all members of the Council had the duty of demanding that the Netherlands implement that resolution without any modification and that only after its requirements had been fulfilled, could the Council take note of other suggestions.

The representative of AUSTRALIA was of the opinion that there was an unwarrantable risk of prejudice to the Council's resolution of 28 January even in any carefully framed suggestion like the Canadian-Chinese proposal, since it could very easily lead to a discussion of matters of principle. Moreover, there was a real danger that the Republican leaders would be placed in a false position by accepting an invitation to such a preliminary meeting, since the people whom they represented might believe that they were acting under duress. The Council now stood on a perfectly clear position and should take heed of the consequences which would follow any step which would be regarded as a weakening of its attitude.

The representative of the PHILIPPINES concluded that a majority of those who had so far stated their views supported the Indonesian contention that the restoration of the Republic to full authority in Jogjakarta was a condition *sine qua non* to the holding of any conference under United Nations auspices. In his view, the Canadian proposal that an exploratory meeting be held on the terms and conditions for a round-table conference at The Hague recognized the existence of an obstacle, namely the non-restoration of the Republic of Indonesia, and then sought to avoid it. On the other hand, the Chinese proposal tried to meet that obstacle and remove it. In the view of his Government, the Council ought not to embark upon any method which could set aside the principles of the resolution of 28 January. It was apparent that the only sort of preliminary conference which the Republican leaders could enter upon was one that would discuss arrangements and facilities for their release and for the restoration of the Republican Government.

The representative of the NETHERLANDS stated that a thorough investigation in January of an accusation similar to that made by the Republican representative had proved it to be unfounded. On the other hand, the Republican army had perpetrated excesses on a very large scale. He stated that the amendments to the Netherlands Consti-

tution, which the Republican representative had criticized, were based upon principles which had been agreed to by the Netherlands and the Republic in the Linggadjadi and Renville Agreements and subsequently adhered to by the Federalists. If the restoration of the Republic in Jogjakarta were to take place before the transfer of sovereignty to an over-all Indonesian federal government, the danger would be revived that the Republic would be either pushed or supported by its reconstituted armed forces to impose its hegemony on the whole of Indonesia. A way out of the impasse had been indicated by the Canadian and Chinese suggestion for a preliminary conference. His Government was willing to accept that suggestion, with the terms of reference and objectives formulated by the Canadian representative. The grounds stated by the Republican representative for not accepting Canadian proposal were weak excuses, and he expressed the fear that the real reason was the mistaken Republican belief that the guerrillas would be able to exhaust the Netherlands militarily. In order to dispel any doubts, the Council should ask for the complete reports of its military observers. Emphasizing that the willingness of the Netherlands to negotiate a settlement did not spring from weakness, he hoped that the Republic would reconsider its attitude.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC noted that even the watered down and harmless resolution adopted by the Security Council on 28 January had been ignored by the Netherlands Government, which was confident that it had protectors in the Security Council. It was surprising that the Commission could not see clearly for itself that its participation in the round-table conference would give direct assistance to the Netherlands Government in its attempt to confuse world public opinion. That Government, in agreement with some delegations in the Council, was seeking an appropriate way to destroy the Indonesian Republic. Although that fact was well understood by the representatives of Canada and China, they nevertheless were attempting to convince the Council to accept the device of a round-table conference. He opposed the participation of the Commission in the round-table conference at The Hague and the proposal for a preliminary conference in Indonesia.

At the 420th meeting (21 March), the representative of INDIA drew attention to the statement of the Netherlands representative that his Government would maintain its offer of accelerated independence only if it could be reasonably certain that the disruptive influence of the Republican Government would remain eliminated. In that situation, he asked whether a preliminary conference to discuss the implementation of paragraphs 1 and 2 of the Council's resolution of 28 January would serve any purpose except to give the Netherlands Government time to consolidate its position in Republican territory. The matters which the Security Council proposed to be discussed at a preliminary conference, and which the Netherlands representative agreed to accept, must be formulated in unambiguous language before the Council departed from the programme of action laid down in its resolution of 28 January.

The representative of the REPUBLIC OF INDONESIA charged that the Dutch were destroying Jogjakarta, the capital of the Republic, and mistreating Indonesian leaders. He summarized the position of his delegation as follows: (1) the reso-

lution of 28 January must be immediately implemented, in accordance with the procedure established therein; (2) a preliminary conference between representatives of the Republic and the Netherlands, under the Commission's auspices, to consider the provision of facilities for the immediate return of the Republican Government to Jogjakarta, could be considered by his delegation as a start in the implementation of the Council's resolution, but such a conference, and the restoration of the Republic of Indonesia which would follow, must take no more than fourteen days; (3) the Commission should report immediately on the situation in Jogjakarta; (4) after the restoration of the Republican Government, that Government should be able to participate lawfully in whatever conferences or negotiations were provided for in the Council's resolution or were deemed necessary by both parties and the Commission; (5) there should be a report, as soon as possible, on the military situation, including the situation in those areas occupied by the Netherlands before 18 December 1948; (6) there should be an immediate investigation, by any competent international organ, of atrocities.

The representative of PAKISTAN stated that any proposals aimed at watering down the fundamental directives contained in the Council's resolution of 28 January must be firmly resisted. Nevertheless, it was reasonable to concede that preliminary talks, while unnecessary, might be allowed between the parties, under the auspices of the Commission, so as to arrange that the Republican leaders be restored to full authority in the Jogjakarta area and all fighting be brought to a standstill. The Council would have to insist on the implementation of those latter points. He expressed the hope that the representative of Canada would make clear that his proposal had identically the same purpose as that of the representative of China.

The representative of BELGIUM noted that the Netherlands representative had dispelled any fears in regard to the completeness of the transfer of sovereignty to Indonesia; that there was no reason to believe that the Netherlands Government was trying to preclude the President of the Republic from contacting political circles; and that the Netherlands Government was authorized by the Council's resolution of 28 January itself to take considerations of the maintenance of law and order into account. He thought that the Canadian proposal followed logically from the Council's resolution and that the Commission should take account of the necessity of maintaining law and order in the fulfilment of its terms of reference. Some day or other, the guerrillas would have to be stopped, and it was in the interests of the leaders and people of Indonesia to put an end to such violence as soon as possible.

The representative of EGYPT took the view that a matter of basic principle was involved, including the right of self-determination. The Council, moreover, must decide whether it would adhere to its own mandate or submit to violence and another *fait accompli*. The Council should try to find the best ways and means of overcoming the difficulties, but its resolution must be implemented and not sidetracked. The Council must ensure that the proposed conference at The Hague would be held with Commission participation and that the political leaders of the Republic were released and allowed to get in touch with their people. He added that when the Council by a large majority

adopted its resolutions on the Indonesian question, it gave unequivocal proof of its conviction that it was competent to deal with the matter.

At the 421st meeting (23 March), the representative of CANADA further developed his suggestion for exploratory discussions between the parties under the auspices of the Commission. He proposed that the President, on behalf of the Council, communicate the following message to the Commission the text of which, he added, had the assent of those members of the Council who had supported the resolution of 28 January (S/1234):

"It is the sense of the Security Council that the United Nations Commission for Indonesia, in accordance with the Council's resolution of 28 January 1949, and without prejudicing the rights, claims and positions of the parties, should assist the parties in reaching agreement as to (a) the implementation of the Council's resolution of 28 January, and in particular paragraphs 1 and 2 of the operative part thereof; and (b) the time and conditions for holding the proposed conference at The Hague, to the end that the negotiations contemplated by the resolution of 28 January may be held as soon as possible. It is further the sense of the Council that, if such an agreement is reached, the holding of such a Conference and the participation by the United Nations Commission for Indonesia in accordance with its terms of reference, would be consistent with the purposes and objectives of the Council's resolution of 28 January 1949."

The representative of the NETHERLANDS reviewed recent developments which he considered many representatives had disregarded, emphasizing the efforts of the Netherlands to find a way out of the present difficulties and contrasting its attitude with that of the Republic. He denied that the offer to accelerate the transfer of sovereignty was dependent on the non-restoration of the Republican Government at Jogjakarta or that Jogjakarta was being destroyed by the Dutch. As he saw it, at the preliminary conference the Netherlands and the Republican representatives would consider, under the auspices of the Commission, whether ways and means could be found: (1) to achieve the discontinuance of all military operations and of guerrilla warfare; and (2) to meet the objections of the Republican leaders to their participation in the round-table conference in such a way as to ensure that the restoration of peace and the maintenance of law and order should not be endangered. He added that those subjects, and the solution to be found, were inter-connected and interdependent.

The representative of INDIA repeated the view of his delegation that the preliminary conference should be conducted in two stages. The Canadian suggestion did not make the procedure clear. He asked for an authoritative interpretation of the Canadian text by the President.

The representative of AUSTRALIA expressed disappointment that the Canadian suggestion did not reflect more closely the real opinion of most of the representatives participating in the discussion, and that it proposed steps toward the implementation of the Netherlands proposal rather than the Council's resolution of 28 January. He pointed out what he considered to be several inconsistencies and redundancies in the proposed directive and said that it would be quite unreal

for the Council to expect the preliminary conference, as outlined therein, to reach any finality as to the conditions for further negotiations.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said the discussion had confirmed his delegation's view that he convocation of a conference such as had been proposed would be not only useless but harmful, and would encourage the aggressor by giving the false impression that such a conference was necessary for the implementation of the Council's decision. The Security Council should press for the immediate and unconditional release of the political leaders of the Indonesian Republic and for their return to Jogjakarta, and detailed information about the situation in Jogjakarta should be demanded immediately.

The representative of CHINA supported the Canadian text, which he considered was intended to implement the Council's resolution of 28 January, with a preliminary stage in Indonesia and, if that were successful, a second stage at The Hague. In his opinion, it would be reasonable for the Commission to say that the question of the restoration of Jogjakarta to the Republican Government should be taken up first and that, while the actual process of restoration was under way, there might be an exchange of ideas on the other topics. It would be hampering the progress of events in Indonesia, however, if the Council should attempt to divide the process of negotiations into further sub-stages.

The representative of the UNITED STATES OF AMERICA supported the action suggested by the Canadian representative because it would open the door to an arrangement between the parties in which neither of them would lose dignity or honour.

The representative of FRANCE stated that the position of principle adopted by his Government in regard to the Indonesian question would not permit his delegation to take part in the vote on the Canadian proposal, but that his Government considered it most desirable to effect a resumption of contact between the parties.

The representative of ARGENTINA, who supported the Canadian proposal, considered that it was the Security Council's function to attempt to bring the parties closer together and to seek a peaceful solution of their problem.

The representative of EGYPT said that he was not entirely satisfied with the Canadian text, but that he would vote for it if the following interpretation of its meaning were not challenged: that the political leaders of the Republic of Indonesia would be freed and be enabled to get in touch with their own people; that a preliminary conference would be held for the purpose of setting up a Government of the Republic; and that only after that would further steps be taken for a conference to continue the attempt to reach an agreement between the parties.

The representative of the REPUBLIC OF INDONESIA said that, in his opinion, the interpretation given by the representative of Egypt might be acceptable to his Government.

Decision: *At the 421st meeting on 23 March 1949 at the request of the representative of the Union of Soviet Socialist Republics, a vote was taken on the text of the directive to the Commission suggested by the Canadian representative. It*

was approved by 8 votes, with three abstentions (France, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

E. Discussion between the parties pursuant to the directive of 23 March 1949

On 9 May, the Commission reported to the Council that both parties had accepted its invitation to discussions pursuant to the Council's directive of 23 March. The report (S/1320) stated that at the fifth meeting of these discussions, on 7 May, the Chairmen of the delegations of both parties delivered statements on which they had agreed in consultation and confirmed that each found himself in accord with the position set forth by the other.

The Chairman of the Republican delegation said that he was authorized by the President and Vice President of the Republic to give their personal assurances that they favoured, and would urge the adoption, by the Republican Government as soon as possible after its restoration, of a policy including (1) issuance of an order to Republican armed adherents to cease guerrilla warfare; (2) co-operation in restoration of peace and maintenance of law and order; and (3) participation in a round-table conference at The Hague with a view to accelerate the unconditional transfer of real and complete sovereignty to the United States of Indonesia.

The Chairman of the Netherlands delegation stated that, in view of the undertaking just announced by the Chairman of the Republican delegation, his delegation agreed to the setting up of joint committees under the auspices of the Commission (a) to make necessary investigations and preparations preliminary to the return of the Republican Government to Jogjakarta; and (b) to study and advise on measures to be taken in order to effectuate cessation of guerrilla warfare and co-operation in the restoration of peace and in the maintenance of law and order. Furthermore, the Netherlands Government agreed that the Republican Government should be free and facilitated to exercise its appropriate functions in an area consisting of the residency of Jogjakarta; reaffirmed its willingness to ensure immediate discontinuance of all military operations and to release immediately and unconditionally all political prisoners arrested since 17 December 1948 in the Republic; agreed to refrain from the establishment, recognition or expansion of *negaras* and *daerahs* affecting the territory under Republican control prior to 19 December 1948; agreed that the number of representatives from the Republic to a provisional representative body for the whole of Indonesia would be one half of the total membership, exclusive of the Republic's membership; was fully prepared to do its utmost that a round-table conference take place immediately after the return of the Republican Government to Jogjakarta for discussions as to the way in which to accelerate the unconditional transfer of real and complete sovereignty to the United States of Indonesia; agreed that in all areas outside the residency of Jogjakarta where civil, police and other officials of the Government of Indonesia were not operating, Republican civil, police and other officials, where still operating, would remain in function; understood that the Netherlands authorities should afford to the Republican Government such facilities as might

reasonably be required for communication and consultation with all persons in Indonesia.

Following a meeting under its auspices on 23 June, the Commission issued a Press communiqué regarding the results of the discussions to that date. It was noted that the meeting was attended by the Chairman and members of the Federal Consultative Assembly, representing areas in Indonesia outside the Republic, following a recent invitation extended to them by the Commission to participate in the discussions. The Chairman of the Netherlands delegation had announced that preparations for the return of the Republican Government to Jogjakarta had proceeded to such an extent that the Netherlands Government would order its troops to start the evacuation of the residency of Jogjakarta on 24 June.

The communiqué further stated that a meeting of minds had been reached which would enable the Republican delegation to make proposals to the Republican Government, as soon as possible after its restoration, for a cessation of hostilities and as to the time and conditions of the proposed round-table conference at The Hague. A memorandum expressing the meeting of minds on the round-table conference said that the participants

would strive for the convening of the conference by 1 August 1949, and that sovereignty should be transferred to the United States of Indonesia before the end of 1949. The participants in the conference were to be the Netherlands, the Republic of Indonesia, the Federal Consultative Assembly and the United Nations Commission for Indonesia. The procedure for the ratification of the agreements reached was laid down, certain points of procedure established and the following items for the agenda set forth: (a) Provisional Constitution of the United States of Indonesia; (b) the Charter of Transfer of Sovereignty; (c) the fundamental provisions of the Statute of the Netherlands-Indonesian Union; (d) observation of implementation of agreements; and (e) other items.

In a Press communiqué issued by the Commission on 5 July, it was announced that the evacuation of Netherlands troops from the Residency of Jogjakarta, under the observation of United Nations military observers, had been completed on 30 June. In a communiqué issued the following day, it was stated that the Republican Government had been re-established in Jogjakarta.

Chapter 2

THE INDIA-PAKISTAN QUESTION

A. Message from the Chairman of the United Nations Commission

As indicated in chapter 5 of the last annual report (A/620), the Security Council, by resolutions of 20 January (S/654) and 21 April 1948 (S/726), had established the United Nations Commission for India and Pakistan composed of the representatives of Argentina, Belgium, Colombia, Czechoslovakia and the United States. The Commission had arrived in Pakistan on 7 July 1948 and had immediately begun to consult with the two parties regarding the establishment of a cease-fire in the State of Jammu and Kashmir.

A message (S/987), dated 11 August 1948 from the Chairman of the United Nations Commission informing the President of the Security Council that the Secretary-General had been requested to take steps to appoint, at short notice, military observers for the supervision of the cease-fire in Kashmir, was placed on the provisional agenda for the 356th meeting (30 August).

The representatives of SYRIA and BELGIUM objected to the inclusion of the item on the basis that, under the terms of the Council's resolution of 21 April 1948, the appointment of observers was within the competence of the Commission itself.

The representative of the UNITED STATES OF AMERICA considered that the document in question had been sent merely for the information of the Security Council. He questioned the urgency of the matter, in view of the fact that the members of the Council had agreed not to meet before the Paris session of the General Assembly unless an emergency arose.

The PRESIDENT declared that, in view of the document and of the resolution of 21 April, the Security Council ought to decide rapidly how and on what principle the military observers were to be selected and which countries were to send them. The inscription on the agenda had been proposed so as to allow an exchange of views among the representatives on that important question, which the Secretary-General was not empowered to decide alone.

The representatives of SYRIA and FRANCE stressed that refusal to adopt the item would not mean that the Council was not willing to discuss the point in the future.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC pointed out that, in any case, the removal of the question from the agenda would create a most unfavourable impression on the parties to the dispute, and, in particular, on the people of India.

Decision: *At the 356th meeting on 30 August 1948, the provisional agenda was rejected, having received 2 votes in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 9 abstentions.*

B. Consideration of the Commission's interim report

On 9 November 1948, the United Nations Commission for India and Pakistan adopted an interim report (S/1100) concerning its activities from 15 June to 22 September 1948. On 22 November, the Chairman of the United Nations Commission transmitted a communication from the Minister for Foreign Affairs of Pakistan concerning alleged reinforcements and movements of Indian troops in Kashmir and stated that the Commission had appealed to the parties to refrain from any action which might aggravate the situation and endanger the negotiations (S/1087). Those documents were placed on the agenda of the Security Council for the 382nd meeting (25 November).

On the proposal of the representatives of Syria and Colombia, the Rapporteur of the United Nations Commission was invited to the Council table.

The RAPPOREUR gave a brief summary of the activities of the Commission and expressed the hope that the conversations which had commenced on the sub-continent of India would be continued in Paris between the Commission and the two delegations to the General Assembly, with a view to finding a common ground for a peaceful and definitive settlement.

The representative of COLOMBIA suggested that the Council should merely invite the parties to continue their collaboration with the Commission.

The representative of the UNITED STATES OF AMERICA supported the Colombian suggestion and the appeal of the Commission contained in document S/1087.

The representative of the UNITED KINGDOM stressed the importance of finding the earliest possible solution to the problem.

The representative of PAKISTAN, after expressing the tribute of his Government to the Commission for its work, stated that the situation in Kashmir was deteriorating in view of the action of the Indian Government described in document S/1087. The recent Indian military advance in northern Kashmir amounted to at least fifty miles and artillery duels were taking place in the southern part of the country. Consequently, the number of refugees had grown considerably. The Pakistan forces, which had entered Kashmir during the last six months, had taken a purely defensive action, but the deterioration of the military situation during that week might force Pakistan to take new military counter-measures and might even spell the end of all possibilities for any kind of peaceful settlement.

The representative of INDIA, arguing the right of India to expel all outsiders from Jammu and Kashmir, declared that the Indian military action was of a defensive character and that no major offensive had been contemplated. The Pakistan and the Azad Kashmir forces had been attacking

the Indian positions continuously, while the recent operations in Ladakh and Poonch had the objective of safeguarding the Indian military situation in that part of Jammu and Kashmir. On the other hand, over a period of eight months, only 5,000 Indian troops had been sent to Kashmir, in part for the purpose of replacing old garrisons and in part to assist in the defensive action in the Ladakh and Poonch areas.

The representative of PAKISTAN replied that his country had never recognized the accession of Kashmir to India and that the so-called defensive Indian action had tremendously increased the number of refugees. Nevertheless, the representatives of both parties stressed their desire to find a friendly solution.

Summing up the debate, the PRESIDENT stated with the approval of the Council, that the Council wished: (1) to confirm to the Commission the full support of the Security Council in its work for the purpose of arriving at a peaceful solution; and (2) to bring to the attention of both parties the need for refraining from any action which might aggravate the military or the political situation and, consequently, prejudice the negotiations carried out for the purpose of achieving a final and peaceful understanding of the matter. The President added that he would communicate with the Commission and the parties accordingly.

C. Consideration of the Commission's second interim report

On 10 January 1949, the United Nations Commission for India and Pakistan submitted, to the

President of the Security Council, a second interim report (S/1196), which was placed on the agenda for the 399th meeting (13 January).

On the invitation of the President of the Security Council, the Chairman of the Commission for India and Pakistan presented the Commission's interim report to the Council, emphasizing that the Governments of Pakistan and of India, on 23 and 25 December 1948, had accepted the final proposals which the Commission had communicated to them on 11 December 1948. On that basis, the Governments had declared the cessation of hostilities in the territory of the State of Jammu and Kashmir as of 1 January 1949. Moreover, the Commission intended to return to India shortly to assist the two Governments in the implementation of the resolution of 13 August 1948 which appears in the Commission's first interim report (S/1100).

The PRESIDENT expressed the appreciation of the Council to the Commission and to the two Governments concerned.

The representatives of INDIA and PAKISTAN expressed the gratitude of their respective Governments for the work of the Commission and their hope for a successful completion of the task.

The representatives of the UNITED KINGDOM, CHINA, the UNITED STATES OF AMERICA and FRANCE endorsed the statement made by the President.

The PRESIDENT stated that the Council had taken note of the second interim report and would like the Commission to return to the sub-continent of India at its earliest convenience.

Chapter 3

THE HYDERABAD QUESTION

A. Communication dated 21 August 1948 from the Hyderabad Government

By a letter dated 21 August 1948 (S/986), the Secretary-General of the Hyderabad Department of External Affairs communicated to the President of the Security Council his Government's request that the grave dispute which had arisen between Hyderabad and India be brought to the Council's attention, in accordance with Article 35, paragraph 2, of the Charter. He said that, unless settled in accordance with international law and justice, the dispute was likely to endanger the maintenance of international peace and security. The letter stated that Hyderabad had been exposed in recent months to violent intimidation, to threats of invasion and to economic blockade which were intended to coerce it into a renunciation of its independence. The action of India threatened the existence of Hyderabad, the peace of India and the entire Asiatic continent, and the principles of the United Nations. For the purposes of the dispute, the Government of Hyderabad accepted the obligations of pacific settlement provided in the Charter.

B. Other communications from the Hyderabad Government

By a letter dated 8 September (S/996), the Secretary of the Hyderabad Department of External Affairs communicated his Government's request to become a party to the Statute of the International Court of Justice, in conformity with Article 93, paragraph 2, of the Charter, in order to facilitate the peaceful solution, on the basis of international law, of the difficulties which had arisen between his Government and the Dominion of India, in particular with regard to the interpretation of the Standstill Agreement concluded between the two countries on 21 November 1947. Once Hyderabad had become a party to the Statute, it was intended, with that objective, to sign the optional clause of Article 36 of the Statute.

In a cablegram dated 13 September (S/1000) to the Secretary-General, the Secretary-General of the Hyderabad Department of External Affairs stated that Hyderabad was being invaded by Indian forces and that hostilities had broken out in various parts of the country.

On 15 September, in support of its application to the Security Council, the Government of Hyderabad submitted a written statement of its case (S/1001) and a memorandum dealing with the following subject-matter: the political history of Hyderabad before and during British suzerainty; the cessation of British suzerainty; negotiations with the Dominion of India; the communal issue; border incidents and subversive activities; the blockade; and other data relating to the State of Hyderabad.

C. Discussion on inclusion of the communications in the agenda

The communication dated 21 August (S/986) from the Government of Hyderabad was included in the provisional agenda for the 357th meeting (16 September) together with communications requesting urgent consideration and reporting that hostilities had broken out. That was the first meeting after the Security Council's transfer from New York to Paris, and several representatives requested adjournment to permit receipt of instructions and the arrival of the regular representatives.

Decision: *Following discussion, the Council rejected the proposal of the representative of China for adjournment until 20 September. The result of the vote was 1 in favour, with 10 abstentions.*

A number of representatives then made the express reservation that adoption of the agenda would not, in any way, prejudice the competence of the Security Council or any of the merits of the case. No objection was made to these reservations, although the representative of China considered that admission of a question to the agenda might be held to imply a certain view of the Council's competence and juridical status of the parties.

Decision: *After discussion, the agenda was adopted by 8 votes, with 3 abstentions.*

D. General discussion

The representative of HYDERABAD submitted that the situation demanded immediate action by the Security Council under Chapter VII of the Charter. His Government asked that the Council use its powers under the Charter to call a halt to the invasion and to bring about a withdrawal of the invading troops. Unless measures were taken immediately, the world might be confronted with a *fait accompli* following the use of force. When those steps had been taken, he hoped that the Council would consider, investigate fully, and make recommendations upon the dispute between Hyderabad and India in relation to the situation as it existed when the dispute was first brought before the Council under Article 35, paragraph 2.

The representative of Hyderabad then described the blockade and the other facts of the situation and said that it had been clear, from the outset, that the Indian Government's policy was intended to create on the borders of Hyderabad and India a condition of confusion and disorder which would provide the aggressor with a plausible justification for what would be described as police action. Those plans had been made despite the fact that the Standstill Agreement of 29 November 1947 between the two countries had expressly provided that nothing in it should give India the right to send in troops to assist in the maintenance of internal order.

Turning to the question of the independent status of Hyderabad, he quoted an official statement made by the British Viceroy to the rulers and representatives of the Indian States on 25 July 1948, and reproduced in the White Book on Indian States published by the Government of India in July 1948, to the effect that the Indian Independence Act released the States from all their obligations to the Crown, and that the States had complete freedom and were technically and legally independent.

The Government of Hyderabad had offered, and he affirmed that offer, to submit the question of accession in matters of defence, external affairs and communications for determination by a plebiscite on the basis of adult suffrage under the supervision of the United Nations, provided that negotiations were resumed free of dictation, and that the conditions of freedom from outside interference and coercion were restored.

He then replied to the legal objections to the Council's competence based on the alleged domestic jurisdiction of India in the matter, the international status of Hyderabad and the Standstill Agreement. He maintained that, in fact, it had been India which had violated the Standstill Agreement and had repeatedly refused to abide by the provision relating to the arbitration of disputes concerning the interpretation of the Agreement.

The representative of INDIA maintained that Hyderabad was not competent to bring any question before the Security Council; that it was not a State; that it was not, and never had been independent. The usefulness of the United Nations would be impaired and the cause of peace damaged if the provisions of the Charter were not respected and if areas which did not possess the characteristics of States were permitted to present their grievances before the Security Council. The account that had been given of his country's invasion of Hyderabad had no bearing on the application made by Hyderabad on 21 August. Therefore, the case which the Security Council should first consider was whether, on 21 August, Hyderabad had been competent to come before the Council. In due course, he would submit a detailed analysis of the situation to demonstrate that legally and politically Hyderabad could never be an independent territory.

Without going into the merits of the case, the representative of India indicated the events which had exhausted his Government's patience and finally had obliged it to take action. He referred to the heavy armaments in the possession of the Hyderabad Government and the depredations of the private armies which had been encouraged or countenanced by the Hyderabad Government.

At the 359th meeting (20 September), the representative of HYDERABAD said that no new instructions emanating directly from the Nizam had reached his delegation. However, he suggested that the discussion should be postponed for a few days, in view of the surrender of the Hyderabad forces and reports that the Nizam had given instructions to the Hyderabad delegation not to press the complaint before the Security Council.

The representative of INDIA read a telegram from the Nizam to the President of the Hyderabad delegation, which had been transmitted by the Indian Agent-General in Hyderabad, ordering the withdrawal of the Hyderabad case from the

Security Council. The Indian Government stated emphatically that the action had been taken by the Nizam himself without India's request and before the Indian Army had reached Hyderabad.

Indian troops had taken action to put an end to atrocities and border incidents and to prevent repercussions in the provinces adjoining Hyderabad and the rest of India. The ease with which the Indian forces had entered was an indication of the overwhelming goodwill of the people of Hyderabad. In his opinion, the matter was concluded by the instructions which the Nizam had issued to the Hyderabad delegation.

The representative of the UNITED STATES OF AMERICA said that the use of force did not alter legal rights and the Government of India did not predicate any rights on the use of force. From that point of view, the situation had not been materially changed since the previous (357th) meeting. He felt sure that the parties would desire to keep the Council informed and would supply detailed information. He quoted a Press report of a proclamation of the Indian Army Command to the people of Hyderabad stating that an opportunity would be given to them to decide their future internal government and relations with India. His Government had no doubt that the Government of India, in giving effect to that declaration, would have in mind that the Members of the Security Council and of the United Nations would watch developments in Hyderabad with the hope and expectation that the outcome would demonstrate loyal support of the principles of the Charter.

The representative of INDIA replied that his Government shared the deep regret for the use of force by any country on any occasion. He reiterated that force had been used in the present case only to maintain law and order, which had completely broken down in several parts of Hyderabad. He emphasized that his Government had repeatedly said that the will of the people would determine the relationship of Hyderabad with the Dominion of India and the form of government which they wished for their own State. While maintaining the domestic character of the dispute, his delegation would be prepared to report, in due course, to the Security Council, full details of the steps which his Government proposed to take to restore order and to ascertain and give effect to the will of the people of Hyderabad.

The representative of ARGENTINA expressed surprise at developments in the Council. He considered that the representative of India had not demonstrated that the Council had no competence in the question and had not dealt with the merits of the case. He could believe the statements that the Nizam and his people were co-operating with the Indian Army since a refusal to co-operate would have been difficult. He hoped that the question of Hyderabad would remain on the Council's agenda and that all members would be given an opportunity to discuss the substance of the matter.

The representative of COLOMBIA said that, if the State and Government of Hyderabad were to disappear, and if the Council found itself in a situation where the question could no longer be examined, his delegation would have to make a reservation based on two of the fundamental principles of the United Nations: the self-determination

of peoples and the condemnation of any forcible acquisition of territory.

The representative of CANADA considered that the question of competence need not be further considered since the parties had undertaken to supply information to the Council.

The representative of SYRIA said that the Security Council must keep the Hyderabad question on its agenda. He suggested the possibility of setting up an *ad hoc* committee to study the problem.

E. Communication dated 22 September 1948 from the Nizam of Hyderabad withdrawing the complaint

In a cable dated 22 September (S/1011), the Nizam of Hyderabad informed the Secretary-General that, on 13 September, he had sent a message to the representative of Hyderabad ordering him to withdraw Hyderabad's case from the Security Council. He had also asked his Agent-General in New Delhi to communicate the order to that representative. To resolve all doubts in the matter, he formally requested the Security Council to note that he had withdrawn the complaint made by his Government to the Council. He added that the Ministry at whose instance the complaint had been made had resigned on 17 September, at which time he himself had personally assumed the charge of his State. The delegation to the Security Council which had been sent at the instance of that Ministry, had ceased to have any authority to represent either him or his State. On 30 September, the Secretary-General received from the Nizam a letter confirming the cable.

In a note dated 24 September (S/1015) to the President of the Security Council, the Hyderabad delegation stated that it viewed with satisfaction the attitude which the Council had adopted at the 359th meeting on 20 September. The Hyderabad delegation understood the Council's view to be that the invasion of Hyderabad by India, having been an act of force, could confer no legal rights upon India; that the Council had taken note of the declaration of the Indian representative that the sole purpose of the intervention of India had been to restore order and to create conditions for a free expression of the will of the people of Hyderabad; and that the Council retained the question of Hyderabad on its agenda.

However, the events which had occurred since the Council's 359th meeting had shown that the Government of India and the Indian occupation authorities in Hyderabad were determined not to act in accordance with the declaration of the representative of India. Important constitutional and administrative changes had been introduced which were not related in any way to the avowed purpose of maintaining internal order. The Nizam had been compelled to surrender complete power to the Indian Military Commander. The principal administrative officers in most districts of Hyderabad had been removed. Instructions had been issued to the Hyderabad agents-general abroad to suspend their activities. In addition, there were reports, substantiated from Indian sources, that a régime of victimization and persecution had already begun.

The Hyderabad delegation stated that, in those circumstances, it was imperative that a meeting of the Security Council be called to review the situation and prevent extension of the scope of

the *fait accompli*. In view of the strict censorship and complete blackout of impartial news, it was suggested that the Council might find it desirable to appoint its own observers to keep itself informed of the trend of events in Hyderabad.

At the 360th meeting (28 September), there was some discussion of the Hyderabad delegation's credentials and rights to future participation in view of the communication (S/1011) which had been received from the Nizam and the note (S/1015) from the Hyderabad delegation.

The representative of CHINA considered that the Hyderabad delegation should not be invited to the Council's table.

The representative of COLOMBIA did not consider that the Council should reverse its decision with regard to the representation of the two parties.

The representative of SYRIA argued that the Council should not base its actions on cablegrams which might not come from a truly authentic source. The Council, not being cognizant of conditions in Hyderabad, might request a representative of a member of the Council to obtain the necessary information on the spot.

The representative of ARGENTINA said that, since the Indian Government had proclaimed martial law in the State of Hyderabad and had assumed civil and military control, he could not give credence to communications signed by the Nizam, so long as the Nizam did not appear in person before the Council. He considered that the Council should request the Government of India to withdraw its troops from Hyderabad and to re-establish the normal Government, leaving any dispute to be settled by peaceful negotiations. The representative of Argentina said that he would not vote for the withdrawal of the item from the agenda.

The representative of COLOMBIA said that, since Hyderabad was under military occupation, the Council could not be certain that the Nizam had signed the letter of his own free will. He agreed with the suggestion of the representative of Syria that the Council should rely on its own sources of information.

After further discussion, the Council accepted the suggestion of the President that it hear the representative of Hyderabad on the question of credentials.

The representative of HYDERABAD said that a successful invader had withdrawn the credentials issued to his delegation by the lawful Government. He asked whether such a procedure was consistent with the authority and purpose of the United Nations. His delegation would leave to the Security Council the important decision concerning its status before the United Nations.

He declared that Hyderabad had been invaded not for the purpose of maintaining order, but as part of the plan of creating a unified India. There had been no disorders, communal strife or excesses in Hyderabad, even after the invasion had begun. Furthermore, there was a profound difference between restoring order and the complete substitution of Indian authority for that of Hyderabad. He described the far-reaching administrative and constitutional changes which were being made and which amounted to annexation.

The representative of Hyderabad said that the proposed plebiscite must not be a mockery under the pressure of Indian military power and imported

administrators. Regular constitutional government must be restored, pending the establishment of international machinery for a plebiscite. Impartial observers must be appointed to report on the conditions and administration of the country, since it was clearly impossible for the Council to limit itself to information supplied by the Indian authorities alone. There was no reason why both parties should not, at that time, put forward constructive proposals for dealing with the entire situation, unhampered by the previous history of the negotiations. In that endeavour, they might well be aided by a member or by a committee of the Security Council.

The representative of INDIA said that the question of the genuineness of the credentials of the Hyderabad delegation might well have been examined at a much earlier stage. He quoted statements made by the Nizam and by Lord Mountbatten, the Governor-General of India, to show that the Government of Hyderabad had been taken over through a *coup d'état* by the extremist Ministry which had referred the matter to the Security Council. At that time, the Nizam had ceased to be a free agent and had come under the control of a group of extremists from whom he had recently been released.

Replying to allegations regarding censorship in Hyderabad, he said that all the normal functions of government were being carried on by officers of the Hyderabad Government, although certain officers whose political contacts with the extremists had been proved had been dismissed. He pointed out that, as early as August 1947, the Indian Government had suggested a plebiscite on the issue of Hyderabad's accession, but the Hyderabad Government had rejected that proposal. The solution of the Hyderabad problem had established a new bond of friendship between Hindus and Muslims throughout India and Hyderabad. The Security Council should now consider whether the cause of peace would not be better served by dropping the matter from the agenda.

In a letter dated 11 October (S/1031) the Head of the Hyderabad delegation stated that, since the views of his delegation on the validity of their credentials and cognate matters had already been placed before the Security Council (360th meeting), he did not propose to ask that the delegation be represented at the next meeting of the Council on the question.

F. Proceedings following the intervention of Pakistan

In a letter dated 6 October 1948 (S/1027), the Minister for Foreign Affairs of Pakistan requested that Pakistan be permitted to participate in the discussion of the Hyderabad question, in accordance with Article 31 of the Charter.

In another letter dated 20 November (S/1084), the Minister for Foreign Affairs of Pakistan stated that reports received since the date of his previous letter indicated that the situation in Hyderabad had continued to deteriorate and that urgent action by the Security Council was needed to remedy the situation. He therefore requested that the Council deal with the Hyderabad question at an early date.

The question was placed on the provisional agenda for the 382nd meeting (25 November). Subsequently, the leader of the Indian delegation informed the President of the Council that the dele-

gation which India had appointed to deal with the Hyderabad question had been withdrawn (S/1089). The Council postponed discussion of the question to its next meeting.

At the 383rd meeting (2 December), the Assistant Secretary-General in charge of the Department of Security Council Affairs informed the Council, in reply to a query from the representative of Syria, that the delegation of India still had no duly qualified representative in Paris to participate in the discussion of the Hyderabad question.

By a letter dated 6 December (S/1109), the Minister for Foreign Affairs of Pakistan requested that a meeting of the Security Council be called as soon as possible.

By a letter dated 10 December (S/1115), the Government of India informed the Security Council that conditions in Hyderabad were peaceful and normal and that there was complete freedom of access by air, rail and road. In the circumstances, the Indian Government did not propose to send a representative to the Security Council to discuss the Hyderabad question.

In a letter dated 12 December (S/1118), the Head of the Hyderabad delegation said that it was now clear that the Nizam's alleged instructions for the withdrawal of the complaint had been given under duress and that he was virtually a prisoner of the Indian military authorities. Information in the possession of the Hyderabad delegation indicated that the Nizam approved of its continued efforts to enlist the support of the United Nations. Accordingly, his delegation was reasserting its authority as originally appointed. Were that authority to be challenged, the Security Council would have to ascertain to what extent the Nizam had been a free agent. The situation also raised a question of law which could be properly answered by the International Court of Justice. That question was to what extent the Security Council could consider as valid an order for the withdrawal of a complaint made by the Head of a State occupied by an aggressor.

In a letter dated 13 December (S/1124), the representative of India transmitted to the President of the Security Council a brief factual report on the situation in Hyderabad. The report, made without prejudice to the question of the Council's competence, described the general conditions prevailing in Hyderabad, and, *inter alia*, developments in the administration, the State's financial and economic position, preparation for a Constituent Assembly and the status of the Nizam. The report quoted a statement by the Nizam that his subjects were settling down to normal life and that all shades of opinion in the State felt that the present administration was impartial and efficient.

Decision: *At the 384th meeting on 15 December 1948, the representative of Pakistan was invited to participate in the discussion of the Hyderabad question. Further consideration was postponed until after the Council's return to Lake Success.*

By a letter dated 4 May 1949 (S/1317), the Minister for Foreign Affairs of Pakistan requested an early meeting of the Security Council to consider the Hyderabad situation, which had continuously deteriorated so far as it affected the Muslim population and constituted a grave threat to the preservation of peace.

In a letter dated 18 May (S/1324), the representative of India deprecated the recurrent attempts

to debate in the Security Council matters which were wholly within India's domestic jurisdiction and concerning which adequate constitutional means of redress existed in India. Such discussion could inflame communal passions. He urged that the question be removed from the Council's agenda and requested an opportunity to make a fuller statement to the Council of his Government's views on the question of competence.

At the 425th meeting (19 May), the representative of INDIA recounted the circumstances in which India had been forced to take action to put an end to the prolonged lawlessness and disorder which had been disturbing not only Hyderabad but also the adjoining districts of India. In particular he cited the case of Sidney Cotton, who had been convicted in a London court on charges of gun-running in Hyderabad, with the help of Pakistan officials. The military action had lasted only three or four days, because of the favourable attitude of the people. The Ministry at whose instance the complaint had been filed had resigned and the Nizam had formally withdrawn the case from the Security Council. He quoted statements of the Nizam denying allegations that he had acted under duress. With regard to the ministers who had been kept in power by a military organization known as the Razakars, he quoted Lord Mountbatten's statement that they had taken office by "engineering a coup". He also quoted various excerpts from a letter from Lord Mountbatten to the Nizam to the effect that those ministers had used coercive methods to prevent the carrying out of the Nizam's wishes thereby jeopardizing relations between India and Hyderabad. The ministers had also taken considerable liberties with State funds.

The action which India had been forced to take had not been directed against the people of Hyderabad or their ruler, but against the fascist *clique* which had usurped power and had been misusing it in a manner that had threatened the tranquillity of India as well as Hyderabad. As soon as those ministers had resigned and the Nizam had assumed charge, he had withdrawn the complaint which they had made to the United Nations. The future of the State and its relationship with India were matters which had been left to be decided by the people. Arrangements for convening a Constituent Assembly for that purpose would be completed by the autumn.

The representative of India made a detailed reply to the legal arguments which had been advanced in support of the view that Hyderabad was a State in international law and therefore capable of being a party to an international dispute and able to invoke Article 35, paragraph 2. In particular, he criticized the analogy that had been drawn between the international status of Hyderabad and that of the Republic of Indonesia. The Republic had been recognized *de facto* by a number of States, but no Government had ever recognized Hyderabad. Furthermore, Indonesia was not in the heart of the Netherlands as Hyderabad was in the heart of India. With the lesson of developments in Burma, India could not possibly agree to be dismembered by allowing any of the Indian States to claim international statehood. Hyderabad had never been a State in the sense of international law and it could never be one in the future if India was to live.

He said that conditions were settling down to normal and that the Nizam and his officers had been co-operating with the Indian authorities for

the restoration of law and order. Relations between the religious communities were cordial. There was no restriction on entry to Hyderabad, and Press representatives from India and abroad had visited the State without hindrance. Any genuine grievances of the Muslims in any part of India could be voiced in the Indian Parliament Assembly, where they had adequate representation. The Indian Cabinet contained seven Hindus, two Muslims, two Christians, two members of the scheduled castes and one Sikh. In recent months, there had sprung up the salutary practice of conferences between India and Pakistan on such problems as rehabilitation of refugees and treatment of minorities. Quite apart from the question of competence, if the Council desired information on any specific points, India would be able to supply it. Clearly, recurrent debates in the Council served no useful purpose and merely gave the opportunity for statements which disturbed India's internal tranquillity. In all these circumstances, he submitted that it was neither necessary nor desirable that the question be retained on the Council's agenda.

In reply, the representative of PAKISTAN maintained that India's action had been entirely unjustified and had constituted a breach of international peace, a threat to the maintenance of peace and a continuation of aggression which called for redress.

He described at length the historical position of Hyderabad, its relations with the United Kingdom, and the international status of the various Indian States after 15 August 1947, with a view to proving that, at the termination of British rule, all those States had become independent unless they had signified a desire to accede either to India or to Pakistan. India had recognized that principle with regard to Jammu and Kashmir. It followed therefore that Hyderabad was independent. However, India was maintaining the view that the people of Hyderabad would be free to choose whether or not to accede to India, but that in either case, Hyderabad would have to hand over to India the conduct of its foreign affairs. India had long contended that the dispute, if any, between Hyderabad and India was a domestic matter, but if Hyderabad had been independent before 12 September 1948, then the mere fact that its independence had been destroyed did not make the dispute a domestic matter for India.

With regard to the similarity between Indonesia and Hyderabad, he pointed out that, whereas the Netherlands could, perhaps with some plausibility, claim that Indonesia was still a Dutch colony, Hyderabad had a ruler and all the machinery of a State. After 15 August 1947, that State had been independent and its independence had been destroyed by military action on the part of India.

The representative of India had drawn the Council's attention to the fact that there were over thirty million Muslims in India and that no Government could afford to ill-treat so large a minority. However, earlier occurrences and incidents had created grave doubts in the minds of both Pakistani and Indian Muslims regarding the ability of the Government of India to safeguard that minority. In any event, the main question, was not the treatment of an Indian minority, but the problem of Hyderabad, which constituted a disturbing factor in the relations between India and Pakistan and subjected the Government of Pakistan to pressure from its own people for active intervention. The Government of Pakistan had had to exercise a great deal of restraint in order to prevent action

which might have destroyed the possibility of the continuation of peaceful relations between the two States. That was the principal reason why, on behalf of Pakistan, he had requested the Security Council, in Paris, to grant him a hearing on that problem.

Reviewing the development of the dispute, the representative of Pakistan said that the Nizam, on 11 June 1947, had issued a declaration to the effect that he had decided not to participate in the Constituent Assembly of either Pakistan or India. On 9 July 1947, in a letter to the Crown Representative, the Nizam had requested that his State be accorded dominion status. At that time the Government of India had insisted on accession, whereas the Nizam, short of accession, had been willing to sign a treaty with India on the subjects of communications, defence and international affairs. Later on, it had been found necessary, pending a settlement, to agree upon a *modus vivendi*; that had been the Standstill Agreement of 29 November 1947. That Agreement was to have remained in force for a period of one year, and disputes arising out of it were to have been referred to the arbitration of two arbitrators, one appointed by each of the parties, and an umpire appointed by those arbitrators. He then described the development of negotiations on the supply of arms and equipment. After examining the nature of the Indian blockade, he replied to the charges of gun-running. Later, the Governor-General had suggested that, in order to satisfy public opinion in India, the Nizam should take steps to introduce a responsible government. The Nizam had not been unresponsive.

As to the alleged breaches of the Standstill Agreement, Hyderabad had suggested arbitration, as provided by the Agreement. India had replied, however, that consideration of the large number of points on which differences had emerged made it clear that arbitration would take up all that remained of the period of one year for which the Agreement was to last. The Indian answer had concluded that reference to arbitration could be regarded as a practical solution only if the Hyderabad Government would agree to take, immediately, certain steps which could be regarded as a genuine token of a desire to maintain cordial and friendly relations with the Government of India. The suggestions had been rejected, since they would have meant that India would practically have run the Government of Hyderabad.

Continuing his statement at the 426th meeting (24 May), the representative of Pakistan recalled that, on 10 June 1948, the Director of the Information Bureau of the Nizam's Government had issued a Press note to the effect that, in order to avoid the possibility of a clash with Indian forces, orders had been given that all Hyderabad troops should be withdrawn to a line three miles within the border. On 19 June, the Prime Minister of Hyderabad had made a complete review of relations with India. He had explained that, after protracted negotiations, the Government of India had made three alternative proposals; first, accession; second, immediate responsible government on the lines determined by the Government of India; and third, decision of the issue of accession to India or independence by a plebiscite under neutral observation. With regard to the last alternative, the Nizam had agreed to a plebiscite under the general supervision of an independent international body. The Government of India had proposed, however, that during

the interim period and pending the verdict of the people, Hyderabad should accede in substance and should institute responsible government on the lines determined by India. At that stage, the Prime Minister concluded, there had been no alternative but to reject the Indian proposals. Thereupon, the representative of Pakistan continued, negotiations had come to a standstill because there had been no further avenue to explore. The negotiations had showed that the Nizam had been willing to settle all matters in dispute by treaty, while the Indian Government had insisted on accession, which would have given the Indian Union the direct right to legislate for Hyderabad.

Then the military invasion had taken place, and after four or five days of bloody struggle the resistance had been overcome by the heavily armed forces of India, supported by intense aerial bombing on more than twenty fronts. The Nizam had transferred full authority of government to the military commander, and that military government had continued ever since.

During the military occupation, outstanding individual Muslims had been persecuted on the ground that almost every one of them was a member of the Razakars organization, which had resisted the demand for accession to India. With regard to the alleged *coup d'état* of 27 October 1947, he pointed out that, following some demonstrations in Hyderabad, the Prime Minister alone had resigned. Then the Government had been reconstituted with the majority of the ministers remaining. Later Mir Laik Ali had been called upon to take over the Prime Ministership and the Government had been enlarged. For the first time in the history of Hyderabad, seven out of a total of twelve ministers had been elected representatives of the people. He cited instances to disprove the Indian representative's contention that Hyderabad was free from censorship and travel restrictions.

The representative of Pakistan suggested that, if any doubt remained with regard to the Council's competence, an advisory opinion of the International Court of Justice should be obtained under Article 96. Meanwhile, provisional action should be taken under Article 40, to include arrangements for a general amnesty for the Razakars and other organizations. The ministers and other political leaders should be set free. Every type of persecution and discrimination should be stopped. If the Court was of the opinion that the Council was competent and the facts disclosed an unjustified aggression, the Council would have the duty of taking appropriate steps to restore the *status quo* as far as possible. If the Council was in any doubt on the matter, it had the means of ascertaining the facts for itself.

Since the Government of India had frequently expressed its willingness to refer the matter to the people, he submitted that a plebiscite should be held under the guidance, supervision and control of the Security Council to settle the question of accession or independence.

He stressed his country's need and desire to live in friendly co-operation with India and appealed to the Council to take action as soon as possible to rectify a situation which caused unfriendliness between Muslims and Hindus and made it more difficult for the Governments of India and Pakistan to co-ordinate friendly relations.

The Council remains seized of the Hyderabad question.

Chapter 4

THE PALESTINE QUESTION

Introductory note. Consideration of the Palestine question by the Security Council from the introduction of the question at the 222nd meeting on 9 December 1947 through 15 July 1948 is dealt with in chapter 6 of the Report of the Security Council to the General Assembly covering the period from 16 July 1947 to 15 July 1948 (A/620). At the end of the 338th meeting on the latter date, the Council had been considering the Syrian draft resolution (S/894) requesting the International Court of Justice to give an advisory legal opinion as to the international status of Palestine after the termination of the Mandate; and statements had been made by the representatives of Syria, the Union of Soviet Socialist Republics, the Ukrainian SSR, Egypt and Israel. From that point, the discussion continued as under.

A. Syrian draft resolution

At the 339th meeting (27 July), the representative of SYRIA stated that the legal aspect of the Palestine question should not be neglected. The existence of a threat to international peace should be determined in conformity with the Charter and the principles of justice and international law. In view of the fact that serious doubts existed on that question, the Security Council should ask for an opinion from the International Court of Justice.

The representative of COLOMBIA said that mediation had been adopted and accepted, both by the Security Council and the parties concerned, as the means of solving the conflict. Since mediation was making good progress in Palestine, he submitted the following amendment (S/921) to be inserted at the end of the Syrian draft resolution:

"This request should be made provided it will not delay or impair the normal process of mediation."

The representatives of ARGENTINA, the UNITED KINGDOM and CHINA supported the Syrian draft resolution and the Colombian amendment, which was accepted by the representative of Syria.

The representatives of CANADA and the UNITED STATES OF AMERICA opposed the Syrian draft resolution as being neither necessary nor desirable. It would inevitably hinder and postpone the negotiations for a peaceful settlement.

The representative of CANADA pointed out that the Security Council might ask the assistance of the Court in regard to specific questions of law which might arise in the course of the present negotiations.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS believed that the Syrian proposal would, if adopted, reopen the whole question, which had already been studied and on which a decision had been adopted by the General Assembly. He could not support the Syrian draft resolution since its adoption would hinder the peaceful adjustment of the situation in Palestine and undermine General Assembly resolution 181 (II) of 29 November 1947.

At the 340th meeting (27 July), the representative of EGYPT stated that General Assembly reso-

lution 186 (S-2) of 14 May 1948 had opened the door for the reconsideration of the Palestine question. After reviewing some of the juridical aspects of that question, he supported the Syrian draft resolution.

The representative of ISRAEL observed that the existence of a State was primarily a question of fact, not of law. He opposed the Syrian draft resolution, stating that its adoption would turn the International Court of Justice into a court of appeal against the action of the General Assembly, a principal organ of the United Nations. The juridical status of Palestine had no relevance to any determination of a threat to the peace within the meaning of Chapter VI or VII.

Decision: *At the 339th meeting on 27 July 1948, the Syrian draft resolution, incorporating the Colombian amendment (S/894 and S/921), was not adopted, having failed to obtain the affirmative votes of seven members. There were 6 votes in favour, 1 against (Ukrainian Soviet Socialist Republic) and 4 abstentions (Canada, France, Union of Soviet Socialist Republics, United States of America).*

At the 340th meeting (27 July), the representative of the UNITED KINGDOM drew attention to two communications from the Palestine Truce Commission (S/898 and S/905) regarding the abduction on 6 July of five British subjects, members of the staff of the Jerusalem Electric Corporation. As the building from which the five men had been abducted was protected by the flags of the three Powers represented on the Truce Commission, their abduction was an affront to the prestige of the Commission and, through it, to that of the United Nations. The abduction also threatened the Commission's future operations in Palestine. He submitted a draft resolution (S/923) to the effect that the Security Council, having considered the messages sent by the Truce Commission concerning the five members of the Jerusalem Electric Corporation abducted by the Irgun Zvai Leumi, supported the Commission's demand for the release of these men and called for their surrender to the Commission in Jerusalem.

The representative of ISRAEL, noting that the five men were then in the custody of the Provisional Government of Israel, considered that the sole point at issue was whether jurisdiction to investigate the matter rested with the Provisional Government of Israel or with the Truce Commission. His Government considered that the matter was one of bilateral relations between itself and the United Kingdom Government. The most appropriate way of dealing with the question would be to allow juridical processes to take their course.

The PRESIDENT considered it inappropriate for the Council to deal with the case at that moment, since the decision requested by the representative of the United Kingdom would constitute interference in the internal affairs of the State of Israel.

The representative of the UNITED STATES OF AMERICA was of the opinion that the statement of

the representative of Israel, containing assurance of a fair trial for these men in the courts of Israel as well as the assurance that his Government was pledged to support the work of the United Nations and was willing and able to control all extremist elements, might have made it unnecessary for the Security Council to adopt the draft resolution submitted by the representative of the United Kingdom.

The representative of SYRIA observed that the United Kingdom proposal was a very moderate one and should be adopted.

The representative of BELGIUM did not understand how the Security Council could tolerate such an infringement upon the authority of the Truce Commission.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the question had already reached a stage where it must be regarded as a domestic affair of the State of Israel. His delegation would not support the United Kingdom proposal.

At the 343rd meeting (2 August), the PRESIDENT drew attention to letters dated 29 and 30 July from the representative of Israel (S/936 and S/936/Corr. 1, and S/937) regarding the judicial procedure to be followed in the trial of the five men as well as the circumstances of their removal from private dwellings which were not under the flag of the United Nations.

The representative of the UNITED KINGDOM stated that his Government felt strongly that two aspects of the Palestine problem directly affected the chances of finding an equitable solution for it. Those were the fate of the large number of displaced persons in Europe for whom no home had yet been found; and the existence at the time of a large body of Arab refugees in Palestine itself and in the adjacent countries. As regards the first question he pointed out that continued failure to find a home for the Jewish displaced persons had continued to aggravate the Palestine difficulties and said that if the existing agencies could not make some marked progress in the near future, it would be necessary to consider other measures. The second problem, that of the Arab refugees who had been driven from their homes in Palestine and of whom there were now certainly no less than 250,000, represented a major factor in the Palestine situation. He hoped that the Council would lay special emphasis upon that second problem in order to strengthen the hand of the United Nations Mediator in dealing with it. The United Nations would also be confronted with the even more urgent question of short term relief for those Arab refugees. As a first step the Council might perhaps ask the International Red Cross to send a small party at once to Palestine and the neighbouring States to examine the scope of the problem and to make recommendations. Extra funds would almost certainly be required, and as an earnest of their intentions, the Government of the United Kingdom would be ready to provide up to £100,000 immediately as an advance on whatever contribution might eventually be required of them.

The representative of SYRIA remarked that that matter was one of great importance. He believed that the attention of the Mediator should be called to the suggestions of the United Kingdom representative.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that information should

be requested from all the Governments concerned as to the situation of Jewish and Arab refugees. In this connexion information should be supplied by the Government of the United Kingdom regarding Jewish refugees detained in Cyprus.

The representative of EGYPT considered that the question of the return of Arab refugees could not be subjected to conditions involving the whole matter of refugees and displaced persons all over the world.

The PRESIDENT stated that information would be requested from the Governments and authorities concerned and from the Mediator regarding the following questions:

1. Displaced persons of Jewish nationality in Europe;
2. Arab refugees;
3. Assistance to both displaced persons and Arab refugees;
4. Jews detained by United Kingdom authorities on Cyprus.

Later the President suggested postponing discussion of the United Kingdom draft resolution and the Council agreed.

At the 349th meeting (13 August), the ASSISTANT SECRETARY-GENERAL drew attention to the following communications: (1) a letter from the Vice-Chairman of the Arab Higher Committee containing the replies of the Committee to the questions previously addressed to it by the Council (S/957); (2) a letter from the representative of the United Kingdom to the President of the Security Council concerning the assistance to be given to Arab refugees (S/962); (3) a cablegram from the United Nations Mediator the Secretary-General concerning refugees and displaced persons (S/964); (4) communications (S/946, S/949 and S/965) from the Provisional Government of Israel concerning the questions addressed to it by the Council. He also drew the Council's attention to several communications (S/955, S/961 and S/963) concerning the general situation in Palestine and the observance of the truce.

The representative of ISRAEL, referring to a communication from the Foreign Minister of the Provisional Government of Israel (S/966), stated that the persistent and forcible denial of water to Jerusalem was a grave violation of the truce. If the resumption of the water supply were not assured by the Mediator, his Government would surely be free to take whatever action it might deem appropriate with a view to ensuring such a supply which was an essential condition of any truce.

The representative of SYRIA drew attention to a passage from the Mediator's cablegram of 12 August (S/961) to the effect that the Jews had been, generally speaking, the aggressive party since the renewal of the truce. Pointing out that the Arabs had accepted the demilitarization of Jerusalem but that the Jews had not yet signified their acceptance, he stated that this question was connected with the matter of the water supply and should not be considered separately. Turning to the matter of Arab refugees, he stated that there could not be any justification for laying down any conditions for the return of the Arabs to their homes.

The representative of ISRAEL stated that there was no obligation for any party to agree to the

demilitarization of Jerusalem and that agreement to it was not a prior condition for the observation of the truce itself.

The representative of the UNITED KINGDOM explained the reasons for the detention of Jewish refugees on Cyprus. The clear intent of the Security Council resolution of 29 May (S/801) had been that neither side should be given any military advantage during the truce. His Government considered that the arrangements agreed upon by the parties and the Mediator regarding the interpretation of what would constitute a military advantage were expressly maintained by the fifth paragraph of the Council's cease-fire resolution of 15 July (S/902). He said that his Government would keep this matter under constant review in the light of the present circumstances.

The representative of EGYPT stated that the question of water supply for Jerusalem could not be separated from that of the City's demilitarization. He said that the entry into Palestine of the Jewish refugees detained on Cyprus would furnish definite advantage to one side.

The representative of ISRAEL stated that, in detaining Jewish refugees on Cyprus, the United Kingdom Government was carrying out neither the terms of the resolution adopted by the Security Council on 29 May and embodied in its resolution of 15 July, which now governed the truce, nor the opinion of the Mediator on that question.

The ASSISTANT SECRETARY-GENERAL read the text of a telegram, to be sent by the President to the Mediator, regarding the latter's telegram of 12 August (S/963) concerning the destruction of the water-pumping station at Latrun.

Decision: *At the 349th meeting on 13 August 1948, after some discussion, the text of the proposed telegram was adopted by 8 votes to 1 (Syria), with 2 abstentions (Argentina, China).*

At the 352nd meeting (18 August), the representative of the UNITED STATES OF AMERICA said that the truce could be terminated only by the Security Council which, on 15 July, had ordered the parties to observe it. He drew attention to the fact that the resolution of 15 July had contained two paragraphs dealing expressly with the City of Jerusalem and ordering an immediate and unconditional cease-fire there. The Mediator was instructed to continue his efforts to bring about the demilitarization of Jerusalem and the parties were under an obligation to co-operate with him to this end.

The representative of CANADA agreed with the views expressed by the representative of the United States. Referring to the Mediator's report of 7 August (S/955), he stated that it was the duty of the Security Council to give the Mediator its full support.

The representative of SYRIA said that certain big Powers were responsible for the aggravation of the situation in Palestine. How could the Arabs be expected to remain quiet in the face of numerous provocations by the Jews? The repatriation of Arab refugees was the urgent question to which no one paid any attention.

The representative of ISRAEL said that, with regard to the return of the Arab refugees, the criterion of military advantage must apply as long as there was war or the prospect of war. The Government of Israel was ready to negotiate the replacement of the truce by a permanent peace

settlement, in which it would be willing to include discussion of population movements, repatriation and resettlement. The immediate initiation of peace talks, with those questions high on the agenda, was the only hope for a radical solution. As long as the truce was in force, the Provisional Government of Israel would observe it in strict accordance with the resolution of 15 July, on the condition that it was observed and not repudiated by the other side.

The PRESIDENT, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, recalled that, in the discussions leading up to the establishment of the truce, his delegation had considered that a temporary and precarious truce would not be enough. Events had proved this attitude to be correct. The guilt and responsibility for the present situation in Palestine must be placed, in the first place, on the action and policy of the United Kingdom Government and on certain influential circles in the United States who, in the interests of United States oil companies, had sought to secure the revision of the General Assembly decision of 29 November 1947. That attempt had failed but had encouraged certain elements in the Near East, and, in particular, the King of Transjordan, to violate the plan adopted by the General Assembly. The only way of solving the Palestine problem as a whole and that of Arab refugees and Jewish displaced persons was by the implementation of the resolution of 29 November 1947.

The representatives of FRANCE and BELGIUM associated themselves with the declarations made by the representatives of the United States and Canada.

B. Resolution of 19 August 1948

At the 354th meeting (19 August), the PRESIDENT drew attention to a cablegram dated 18 August (S/977) from the Mediator concerning the situation in Jerusalem. The Mediator requested that the Security Council take prompt action to give effect to its resolution of 15 July and suggested that, if the Council's action took the form of a warning, it should be clearly pointed out to the parties:

1. That responsibility would be assessed, whether violations were due to members of opposing armies or to dissident elements or irregulars;
2. That each party had a duty to bring to justice its own dissident elements and irregulars when they had violated the truce;
3. That reprisals and retaliations were not permitted;
4. That no party would be allowed to gain by any violation of the truce.

The following draft resolution (S/981) was jointly submitted by the representatives of CANADA, FRANCE, the UNITED KINGDOM and the UNITED STATES OF AMERICA:

"The Security Council,

"Taking into account communications from the Mediator concerning the situation in Jerusalem,

"Directs the attention of the Governments and authorities concerned to the resolution of the Security Council of 15 July 1948 (S/902); and

"Decides pursuant to its resolution of 15 July 1948, and so informs the Governments and authorities concerned, that:

"(a) Each party is responsible for the actions of both regular and irregular forces operating under its authority or in territory under its control;

"(b) Each party has the obligation to use all means at its disposal to prevent action violating the truce by individuals or groups who are subject to its authority or who are in territory under its control;

"(c) Each party has the obligation to bring to speedy trial, and in case of conviction to punishment, any and all persons within their jurisdiction who are involved in a breach of the truce;

"(d) No party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other party;

"(e) No party is entitled to gain military or political advantage through violation of the Truce."

The representative of CHINA supported the draft resolution.

The representative of ISRAEL wondered whether the Mediator's ruling on the limits of legitimate defence, if either party was attacked, still stood under the terms of the draft resolution.

The representative of the UNITED STATES OF AMERICA confirmed that sub-paragraph (d) of the draft would not in any way conflict with paragraph 4 of the truce instructions (S/955).

While questioning the various proposals and suggestions of the Mediator, the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that the adoption of the draft resolution would yield no results since the Council's resolution of 15 July was not being implemented.

The PRESIDENT, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, was of the opinion that sub-paragraph (c) of the draft resolution would be a violation of Article 2, paragraph 7, of the Charter. Since sub-paragraph (d) would only weaken the resolution, and since the conditions governing sub-paragraph (c) were set forth more fully in the Council's earlier resolutions, he proposed that sub-paragraphs (c), (d), and (e) be deleted.

The representative of the UNITED KINGDOM remarked that sub-paragraph (c) would not constitute interference in domestic affairs and that sub-paragraphs (d) and (e), while repetitious, would add force to the draft resolution.

The representative of EGYPT observed that the draft resolution erred by omission. The Zionists had been benefiting and gaining a great deal in the way of military advantage during the first and second truces. He also regretted that the question of displaced Arabs was also omitted.

Decision: *At the 354th meeting on 19 August 1948, the draft resolution submitted by the representatives of Canada, France, the United Kingdom and the United States (S/981) was voted on in parts and adopted. Up to and including sub-paragraph (b), it was adopted by 10 votes, with 1 abstention (Syria). Sub-paragraphs (c) and (e) were adopted by 8 votes, with 3 abstentions (Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). Sub-paragraph (d) was adopted by 7 votes, with 4 abstentions (Colombia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).*

The representative of CHINA suggested that a reply should be sent to the Mediator's cable of 19 August (S/979) concerning the demilitarization of Jerusalem, urging him to redouble his efforts towards the demilitarization of that city despite the difficulties encountered.

The representative of FRANCE supported the suggestion.

The representative of the UNITED KINGDOM proposed that the record of the Council's discussions on the question of Arab and Jewish displaced persons be transmitted to the Economic and Social Council and to the International Refugee Organization. That proposal was adopted.

C. Assassination of Count Bernadotte, United Nations Mediator on Palestine

At the 358th meeting (18 September), the PRESIDENT informed the Security Council of the assassination of Count Folke Bernadotte, United Nations Mediator on Palestine, and of Colonel André Sérot of the French Air Forces, United Nations observer. The President paid tribute to the ability, integrity and courage of the late Mediator and offered his sympathy to the representative of France and through him, to the family of Colonel Sérot and to the French Government. He further informed the Council that the Secretary-General, with his approval, had empowered Dr. Ralph J. Bunche, personal representative of the Secretary-General, to assume full authority over the Palestine Mission until further notice. The Chief of Staff of Truce Supervision had been requested to make the fullest investigation of the circumstances of the shooting of Count Bernadotte.

The SECRETARY-GENERAL and the representatives of the UNITED STATES OF AMERICA, ARGENTINA, FRANCE, BELGIUM, CHINA, COLOMBIA, the UNION OF SOVIET SOCIALIST REPUBLICS, CANADA, SYRIA and the UKRAINIAN SOVIET SOCIALIST REPUBLIC associated themselves with the President's tribute to both Count Bernadotte and Colonel Sérot.

Subsequently, the PRESIDENT invited the representatives to stand for a moment in silent tribute to the memory of Count Bernadotte.

Before adjourning, the Council unanimously approved the following draft resolution submitted by the representative of Argentina (S/1006):

"The Security Council,

"Deeply shocked by the tragic death of the United Nations Mediator in Palestine, Count Folke Bernadotte, as the result of a cowardly act which appears to have been committed by a criminal group of terrorists in Jerusalem while the United Nations representative was fulfilling his peace-seeking mission in the Holy Land,

"Resolves:

"(1) To request the Secretary-General to keep the flag of the United Nations at half-mast for a period of three days;

"(2) To authorize the Secretary-General to meet from the Working Capital Fund all expenses connected with the death and burial of the United Nations Mediator;

"(3) To be represented at the interment by the President or the person whom he may appoint for the occasion."

D. Resolutions of 19 October 1948

At the 365th meeting (13 October), the ASSISTANT SECRETARY-GENERAL read a cablegram (S/1022) dated 30 September from the Acting Mediator to the Secretary-General. The cablegram described the increasingly serious situation in Palestine, as highlighted by the assassination of Count Bernadotte and Colonel Sérot, and stated that appropriate action by the Security Council at that time would be helpful to the effort to ensure the maintenance and the effective supervision of the truce in Palestine.

The Assistant Secretary-General also read a cablegram (S/1023) dated 30 September from the Chairman of the Truce Commission regarding a deliberate Jewish campaign, led by the Military Governor of Jerusalem, to discredit the Truce Commission and the Acting Mediator. The campaign appeared to be expressly designed to hinder the carrying out of the Council's resolution of 15 July.

The Assistant Secretary-General read a third cablegram (S/1018) dated 27 September from the Acting Mediator to the Secretary-General transmitting a report regarding the assassination of Count Bernadotte.

The UNITED NATIONS ACTING MEDIATOR made a statement elaborating his reports on the assassinations (S/1018) and on certain aspects of the truce supervision (S/1022). In his view, an expression at that time of the Security Council's firm expectation that all the obligations resting on the disputing parties as a result of the Council's truce resolutions of 29 May (S/801), of 15 July (S/902) and 19 August (S/983) would be honoured, would be very helpful to the situation and would be of immeasurable assistance to the work and the morale of the men in the truce supervision operation. He was of the opinion that the truce could be effective and fair to both sides only if the truce supervision machinery was afforded a reasonable degree of co-operation; and he feared that if the present tendency continued, a reasonable minimum of co-operation would soon be lacking, with consequences of utmost seriousness to the preservation of the truce and its continued supervision.

The representative of SYRIA noted that the late Mediator's suggestions (S/888) were not based on principles of law and justice, but on the basis of accomplished facts. Although his Government did not favour such a course, that would certainly not have permitted it to have borne any hatred against him personally. The Arabs had obtained no military advantage during the truce whereas the Jews had continuously smuggled arms and fighters into Palestine from Eastern Europe and other places. The observers knew this, but had no means of stopping it in accordance with the instructions of the Council and of the Truce Agreement.

The representative of the UNITED KINGDOM, referring to the reports and statement of the Acting Mediator and to the message from the Truce Commission (S/1023), stated that the question was now one of a threat to the foundation of the truce and to the authority of the Security Council by which the truce was maintained. Disregard for the authority of the United Nations had found its most serious expression in acts of violence committed against the servants of the Organization itself. It was high time the Council reasserted its authority. He asked for information concerning

the measures taken by the Jewish authorities with regard to the assassination of Count Bernadotte. If this was not available now, his Government was of the view that the Council should call for it as soon as possible. Moreover due weight should be given to the Acting Mediator's recommendations regarding the measures necessary to increase the efficiency of the truce supervision machinery. Accordingly, he was submitting a draft resolution jointly with the Chinese delegation (S/1032).

The representative of ISRAEL stated that the leader of the organization suspected of responsibility for the assassination of Count Bernadotte had been arrested. The Security Council would be kept informed of the progress of the judicial proceedings.

He considered that the positions occupied by the Arabs as a result of truce violations constituted an improvement in the Arab military situation. In this connexion, the Government of Israel had every right under the terms of the truce to resist the attempt by the Egyptians, in violation of the truce, to cut off communications with the Negeb, which was and would remain an integral part of the State of Israel.

The charges made by the Truce Commission (S/1023) were mostly without substance. The Israeli representative remarked that the road to a stable peace could lie only through direct negotiations between the Government of Israel and the neighbouring States.

The representative of CHINA said that he feared that a formal peace could not be achieved if the truce was not observed, since a final peace would have to be built on the latter.

At the 367th meeting (19 October), the ASSISTANT SECRETARY-GENERAL drew attention to two telegrams from the Egyptian Minister of Foreign Affairs (S/1038 and S/1041) concerning alleged violations of the truce by Jewish forces, to a report from the Acting Mediator to the Secretary-General concerning the Negeb situation (S/1042), and to a letter from the representative of the Provisional Government of Israel concerning an alleged breach of the truce by Egyptian forces (S/1043).

The UNITED NATIONS ACTING MEDIATOR noted in regard to the fighting in the Negeb area that the appeal which he had issued for a temporary unconditional cease-fire had been accepted by the Egyptian Government on the sole condition that it be accepted by Israel. The Israeli reply, however, amounted to a rejection since it offered to negotiate but ignored entirely the request for a cease-fire.

The current situation in the Negeb was related to decision No. 12 of the Central Truce Supervision Board, which had been approved by the late Mediator and which provided for use by the Israelis, under United Nations supervision, of the land route for convoys to the Israeli settlements in the Negeb. The decision also provided that aerial convoys to Jewish settlements were properly subject to truce supervision inspection. No such inspection had been permitted.

It was evident, from the strong striking forces which had been quickly made available at the time of the convoy incident, that the Israeli authorities had anticipated serious resistance to their unsupervised efforts to push the convoy through. Since the Israelis had apparently planned

well to meet trouble, the fact that United Nations observers should have been obstructed in the area, and should not have been notified of the intent to push the convoy through until it was actually on its way, was all the more incomprehensible.

The representative of ISRAEL stated that his Government had accepted unconditionally the decision in case No. 12 (annex to S/1042) in a letter addressed to the Mediator's representative on 30 September 1948. He pointed out that the Israeli convoy, having given due notice to General Riley, had proceeded under the conditions provided by the Mediator in that decision.

The UNITED NATIONS ACTING MEDIATOR, referring to the letter mentioned by the Israeli representative, stated that its assurances of co-operation had not been carried through by the men in the field.

The representative of SYRIA noted that the disturbances in the areas of Jerusalem and the Negeb reflected an attempt by the Jews to establish another *fait accompli* which would be subsequently accepted by the Security Council. He cited the occupation of Western Galilee as an illustration of those tactics.

The representative of EGYPT noted that the Acting Mediator's report pointed out that the military action of the last few days had been on a scale which could only have been undertaken after considerable preparation, and which could scarcely be explained as simple retaliatory action for an attack on a convoy.

After some further discussion, the representative of SYRIA proposed the adoption of the Acting Mediator's suggestions in paragraph 18 of his report (S/1042).

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the basic task of the Council was to decide on the immediate cessation of military activity. All other questions should be entrusted to the Mediator until the Council had studied them.

The representative of ISRAEL stated that his understanding was that sub-paragraphs (a), (b) and (c) of the Syrian proposal were each to be a subject of negotiation, and that the Security Council was not prejudicing the outcome of that negotiation or committing itself to any solution of any one of the matters raised in those sub-paragraphs. He asked whether he was correct in his understanding.

The PRESIDENT confirmed this interpretation.

The representative of SYRIA submitted an amendment redrafting sub-paragraph (c) of his proposal.

Decisions: *At the 367th meeting on 19 October 1948 the Syrian amendment was adopted by 9 votes, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). The Syrian draft resolution, as amended, was voted on in two parts and adopted. The first part, through "effective cease-fire", was adopted unanimously. The remainder was adopted by 9 votes, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). The text of the resolution, as adopted, follows (S/1044):*

"The present situation in the Negeb is complicated by the fluid nature of military disposi-

tions making the demarcation of truce lines difficult, the problem of the convoys to the Jewish settlements, as well as the problems of the dislocation of large numbers of Arabs and their inability to harvest their crops. In the circumstances, the indispensable condition to a restoration of the situation is an immediate and effective cease-fire. After the cease-fire, the following conditions might well be considered as the basis for further negotiations looking toward insurance that similar outbreaks will not again occur and that the truce will be fully observed in this area:

"(a) Withdrawal of both parties from any positions not occupied at the time of the outbreak;

"(b) Acceptance by both parties of the conditions set forth in the Central Truce Supervision Board decision number twelve affecting convoys;

"(c) Agreement by both parties to undertake negotiation through United Nations intermediaries or directly as regards outstanding problems in the Negeb and the permanent stationing of United Nations observers throughout the area."

The draft resolution submitted jointly by the representatives of the United Kingdom and China, as amended, was adopted unanimously in the following form (S/1045):

"The Security Council

"Having in mind the report of the Acting Mediator concerning the assassinations on 17 September of the United Nations Mediator Count Folke Bernadotte and United Nations observer Colonel André Sérot (S/1018), the report of the Acting Mediator concerning difficulties encountered in the supervision of the truce (S/1022) and the report of the Truce Commission for Palestine concerning the situation in Jerusalem (S/1023),

"Notes with concern that the Provisional Government of Israel has to date submitted no report to the Security Council or to the Acting Mediator regarding the progress of the investigation into the assassinations;

"Requests that Government to submit to the Security Council at an early date an account of the progress made in the investigation and to indicate therein the measures taken with regard to negligence on the part of officials or other factors affecting the crime;

"Reminds the Governments and authorities concerned that all the obligations and responsibilities of the parties set forth in its resolutions of 15 July (S/902) and 19 August 1948 (S/983) are to be discharged fully and in good faith;

"Reminds the Mediator of the desirability of an equitable distribution of the United Nations observers for the purpose of observing the truce on the territories of both parties;

"Determines, pursuant to its resolutions of 15 July and 19 August 1948, that the Governments and authorities have the duty:

"(a) To allow duly accredited United Nations observers and other Truce Supervision personnel bearing proper credentials, on official notification, ready access to all places where their duties require them to go including airfields, ports, truce lines and strategic points and areas;

"(b) To facilitate the freedom of movement of Truce Supervision personnel and transport by simplifying procedures on United Nations aircraft now in effect, and by assurance of safe-conduct

for all United Nations aircraft and other means of transport;

"(c) To co-operate fully with the Truce Supervision personnel in their conduct of investigations into incidents involving alleged breaches of the truce, including the making available of witnesses, testimony and other evidence on request;

"(d) To implement fully by appropriate and prompt instructions to the commanders in the field all agreements entered into through the good offices of the Mediator or his representatives;

"(e) To take all reasonable measures to ensure the safety and safe-conduct of the Truce Supervision personnel and the representatives of the Mediator, their aircraft and vehicles, while in territory under their control;

"(f) To make every effort to apprehend and promptly punish any and all persons within their jurisdictions guilty of any assault upon or other aggressive act against the Truce Supervision personnel or the representatives of the Mediator."

E. Resolution of 4 November 1948

At the 373rd meeting (26 October), the PRESIDENT drew attention to a letter (S/1052) dated 23 October from the permanent representative of Egypt to the Secretary-General concerning alleged violations of the truce by Jewish forces and requesting an emergency meeting of the Security Council. He also drew attention to (1) a letter (S/1053) dated 25 October from the Acting Mediator to the Secretary-General transmitting communications from the Government of Egypt and the Provisional Government of Israel concerning convoys to the Negeb settlements and to (2) a preliminary report (S/1055) dated 25 October from the Acting Mediator on the observance of the truce in the Negeb and in the Lebanese sector.

The representative of EGYPT quoted passages from the Acting Mediator's report (S/1042) to the effect that the Israeli military movements during the beginning of the recent conflict in the Negeb had been of such a character that they could not have been undertaken without considerable preparation and could not be explained as mere reprisals for an attack on a convoy. It was clear that the Jews had violated the truce. His Government expected from the Council not only a cease-fire order and an order to the Jews to return to the positions held before 14 October, but, above all, an energetic and vigorous attitude which would make impossible new acts of aggression.

The representative of LEBANON remarked that the Jewish activities in the Negeb, or elsewhere, were the result of a concerted plan to confront the United Nations with a *fait accompli*. The Jews had launched their general attack in the Negeb without provocation, in order to gain control over new territory.

The representative of SYRIA stated that the Jews had been using every means to make the world understand that they intended to keep the Negeb for themselves. They had been encouraged by certain States, even in the Security Council itself, to entertain such a hope of extending their frontiers and of expanding their territory. He added that it had become a rule and a tradition in the United Nations for the *fait accompli* to be recognized.

The representative of ISRAEL, commenting on the statement of the representative of Egypt,

pointed out that in its resolution of 19 October (S/1044) the Security Council had not made any distinction in the terms of that resolution between sub-paragraph (a), referring to a suggested withdrawal to previous positions, and sub-paragraphs (b) and (c) concerning other questions, the solution of which had been referred to the parties with a recommendation for direct negotiations.

Dealing with the question of these negotiations, the Israeli representative stated that it must be clear that a return to that state which had existed previously would be contrary to the main purpose of the resolution of 19 October, namely, ensuring that similar outbreaks would not occur again. On the other hand, a situation was developing in the north where irregular forces under Lebanese command were attempting to control all communications in a manner reminiscent of the similar Egyptian attempt in the Negeb last July.

The UNITED NATIONS ACTING MEDIATOR stated that both parties had now formally and unconditionally accepted the Central Truce Supervision Board decision in case No. 12 involving the passage of convoys to the Israeli settlements in the Negeb.

At the 374th meeting (28 October), the UNITED NATIONS ACTING MEDIATOR drew attention to the identical communications (S/1058) which he had addressed to the Governments concerned on 25 October regarding procedures for withdrawal of both sides to the positions held on 14 October and the establishment of provisional truce lines. He also drew attention to the reply (S/1057) of the Provisional Government of Israel to his communication.

He said the stage had been reached at which the United Nations should make it unequivocally clear that any resort to force in the Palestine question would not then or in the future, be tolerated. It was not enough for the United Nations to express its will in this regard through the instrumentality of the truce, even though it was of indefinite duration. He added that a broader action was required, which might well take the form of a clear declaration by the Security Council that the parties be required to negotiate, either directly or through the Truce Supervision Organization, a settlement of all outstanding problems of the truce in all sectors of Palestine, with a view to achieving a permanent condition of peace in place of the existing truce. Such negotiation would necessarily aim at a formal peace or, at the minimum, at an armistice.

The representative of the UNITED KINGDOM pointed out that under the resolution of 19 August no party was permitted to violate the truce on the ground that it was undertaking reprisals or retaliations against the other party. He recalled also that the resolution of 29 May (S/801) had included a paragraph to the effect that, if that resolution were rejected or subsequently repudiated or violated by either party or both, the situation in Palestine would be reconsidered with a view to action under Chapter VII of the Charter. The time had come when the Council should show its determination to uphold the truce, by taking certain preliminary steps in the direction of action under Chapter VII. He submitted a draft resolution (S/1059) jointly with the representative of China which referred to the resolutions of 29 May, of 15 July and of 19 August, and endorsed the order communicated to the Government of Egypt and to the Provisional

Government of Israel by the Acting Mediator on 25 October (S/1058). The draft resolution provided also for an appointment of a committee of the Council, consisting of the five permanent members together with Belgium and Colombia, to examine and report to the Council on the measures which it would be appropriate to take under Article 41 of the Charter, if either party or both should fail to comply with the order of the Acting Mediator within whatever time limit he might think it desirable to fix.

The representative of ISRAEL, referring to the Council's resolution of 19 October (S/1044), said that its wording indicated an explicit distinction between the various steps proposed. He drew attention to the fact that he had requested a ruling on the meaning of that resolution and the President had made an unchallenged statement to the effect that the negotiations were to be a prior condition to the withdrawal.

The Egyptian forces had invaded territory which was not theirs, and had violated the truce for sixteen weeks. The present state of affairs in the Negeb was a result of these actions.

The statement of the Acting Mediator, to the effect that the transition from a truce to a formal peace was an urgent objective, agreed fully with a viewpoint of his Government.

The representative of LEBANON disputed the interpretation of the Council's resolution of 19 October (S/1044). He remarked that the Israeli representative wanted negotiations to proceed upon the basis of a *fait accompli*. If this line were followed the Council would find itself in constant conflict with the Charter.

The representative of the UNITED KINGDOM considered that the wording of the resolution of 19 October meant that sub-paragraphs (a), (b) and (c) would be necessary preliminary conditions to further negotiations.

The representatives of CANADA and BELGIUM supported the Acting Mediator's interpretation of the resolution of 19 October and the draft resolution submitted jointly by the representatives of the United Kingdom and China (S/1059).

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that on 19 October the Security Council had adopted a hasty resolution. His delegation had drawn attention to that fact at the time since it considered that Security Council resolutions should be authoritative, clear and precise. Now a new resolution was being proposed which would be useless and confusing unless the Council could study it more fully and recommend measures justified by the existing situation and the interests of the parties.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC concurred with the view expressed by the representative of the Union of Soviet Socialist Republics and formally moved that consideration of the question be postponed for one or two days so as to give delegations an opportunity to examine the joint draft resolution.

Decision: *The Ukrainian SSR motion was not adopted. There were 5 votes in favour, 4 against and 3 abstentions (United Kingdom, Argentina, China).*

The representative of FRANCE proposed amendments to the joint draft resolution which were

accepted by both the representatives of the United Kingdom and of China.

At the 375th meeting (29 October), the representatives of the UNITED KINGDOM and CHINA introduced a revised version of their joint draft resolution (S/1059/Rev. 2).

The representative of SYRIA submitted an amendment calling for substitution of the word "return", for the word "withdraw" with regard to the movement of the troops of both parties to their original positions.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered it unwise to adopt a new resolution, since all the possibilities of implementing the resolution of 19 October had not yet been exhausted. He could not support the revised draft resolution.

The representative of CANADA submitted the following draft resolution (S/1062):

"The Security Council

"Resolves that a sub-committee be established consisting of the representatives of the United Kingdom, China, France, Belgium and the Ukrainian Soviet Socialist Republic, to consider all the amendments and revisions which have been or may be suggested to the second revised draft resolution (S/1059/Rev. 2), and in consultation with the Acting Mediator to prepare a revised draft resolution."

That proposal was adopted. No vote was taken, but the representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic both stated that if a vote were taken, they would abstain from voting.

At the 376th meeting (4 November) the representative of BELGIUM (Chairman of the Sub-Committee set up by the above resolution (S/1062)), presented the Sub-Committee's report (S/1064).

The representative of the UNITED STATES OF AMERICA submitted several amendments (S/1067) to the proposal contained in the report of the Sub-Committee.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC submitted the following draft resolution (S/1065):

"The Security Council,

"Taking into consideration the conditions set out in the resolution of 19 October, which could be carefully examined as a basis for further negotiations between the two parties,

"Calls upon the two parties to begin negotiations, either directly or through the intermediary of a United Nations representative, on the basis of the aforementioned resolution, with a view to the peaceful settlement of unresolved questions; and

"Instructs the Acting Mediator to offer his good offices to the parties for this purpose and to assist in the conduct of such negotiations."

The representative of FRANCE expressed reservations concerning references to Article 41 in the proposal submitted by the Sub-Committee and to Chapter VII in the last amendment submitted by the United States; he proposed that these references should be deleted. He supported the other United States amendments.

The representative of CHINA accepted the United States amendments. He opposed the Ukrainian SSR draft resolution, which ignored the principle that violations of the truce should not result in political or military advantage to either party.

The representative of ISRAEL, outlining his objections to the draft resolution (S/1064), said the circumstances did not warrant reference to Chapter VII of the Charter. The subject before the Security Council was not a breach of the peace, a threat to the peace or an act of aggression, but an anticipated or contingent violation of the Acting Mediator's instructions within the framework of the truce. He recalled that the Security Council had failed to take coercive measures in regard to the original invasion, which should have been determined as a breach of the peace.

He said that the draft resolution submitted by the representative of the Ukrainian Soviet Socialist Republic seemed to offer a more valid approach to the problem at that time.

The representative of the UNITED KINGDOM accepted the amendments proposed by the United States representative.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the United Kingdom and Chinese draft resolution as amended by the Sub-Committee and supported the draft resolution submitted by the delegation of the Ukrainian Soviet Socialist Republic.

The representative of SYRIA opposed the Ukrainian SSR draft resolution.

Decision: *At the 377th meeting on 4 November 1948, the proposal submitted by the Sub-Committee (S/1064) was voted upon paragraph by paragraph and adopted. The first three paragraphs were adopted by 9 votes with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).*

The fourth paragraph, as amended by the representative of the United States of America, was adopted by 9 votes to 1 (Ukrainian Soviet Socialist Republic), with 1 abstention (Union of Soviet Socialist Republics). The fifth paragraph, as amended by the representative of the United States of America, was adopted by 9 votes, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

The sixth and seventh paragraphs were adopted by 9 votes to 1 (Ukrainian Soviet Socialist Republic), with 1 abstention (Union of Soviet Socialist Republics). The last paragraph, as amended by the representative of the United States, was adopted by 8 votes to 1 (Ukrainian Soviet Socialist Republic), with 2 abstentions (Colombia, Union of Soviet Socialist Republics).

The resolution as a whole was adopted by 9 votes to 1 (Ukrainian Soviet Socialist Republic), with 1 abstention (Union of Soviet Socialist Republics). The text of the adopted resolution follows (S/1070):

"The Security Council,

"Having decided on 15 July that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force in accordance with the resolution of that date and with that of 29 May 1948 until a peaceful adjustment of the future situation of Palestine is reached,

"Having decided on 19 August that no party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against

the other party, and that no party is entitled to gain military or political advantage through violation of the truce, and

"Having decided on 29 May that, if the truce was subsequently repudiated or violated by either party or by both, the situation in Palestine could be reconsidered with a view to action under Chapter VII of the Charter,

"Takes note of the request communicated to the Government of Egypt and the Provisional Government of Israel by the Acting Mediator on 26 October (S/1058) following upon the resolution adopted by the Security Council of 19 October 1948; and

"Calls upon the interested Governments, without prejudice to their rights, claims or position with regard to a peaceful adjustment of the future situation of Palestine or to the position which the Members of the United Nations may wish to take in the General Assembly on such peaceful adjustment:

"(1) To withdraw those of their forces which have advanced beyond the positions held on 14 October, the Acting Mediator being authorized to establish provisional lines beyond which no movement of troops shall take place;

"(2) To establish, through negotiations conducted directly between the parties, or failing that through the intermediaries in the service of the United Nations, permanent truce lines and such neutral or demilitarized zones as may appear advantageous, in order to ensure henceforth the full observance of the truce in that area. Failing an agreement, the permanent lines and neutral zones shall be established by decision of the Acting Mediator; and

"Appoints a Committee of the Council, consisting of the five permanent members together with Belgium and Colombia, to give such advice as the Acting Mediator may require with regard to his responsibilities under this resolution and, in the event that either party or both should fail to comply with sub-paragraphs (1) and (2) of the preceding paragraph of this resolution within whatever time-limits the Acting Mediator may think it desirable to fix, to study as a matter of urgency and to report to the Council on further measures it would be appropriate to take under Chapter VII of the Charter."

Decision: *The Ukrainian SSR draft resolution (S/1065) was voted upon paragraph by paragraph and rejected, having received 2 votes in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), 1 against (Syria), with 8 abstentions.*

The representative of LEBANON said that he understood the adopted resolution to apply to the Galilee situation as well as to that of the Negeb.

The representative of the UNITED KINGDOM declared that, although the Council was discussing the Negeb incidents only, nevertheless his understanding was that the action already taken by the Council in relation to the Negeb situation should apply to similar situations which might develop elsewhere.

The representative of ISRAEL remarked that it would seem to him a very strange practice, when a resolution had been passed on a certain specific subject, to attempt a mechanical application of it to a matter which had not even come up for discussion before the Security Council.

The representative of the UNITED STATES OF AMERICA believed that the adopted resolution, by its references in the fourth paragraph, and particularly the reference to the resolution adopted by the Security Council on 19 October, clearly had in mind the present situation in the Negeb as referred to in the resolution of 19 October.

The representative of the UNITED KINGDOM submitted a draft resolution (S/1069) extending the scope of the resolution of 4 November to the situation in northern Palestine.

Commenting on the United Kingdom draft resolution, the representative of FRANCE said that the Security Council could not take any stand on the question of northern Galilee without having been informed of what had happened here.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS concurred with the views expressed by the representative of France.

The representative of EGYPT asked whether the Acting Mediator felt sufficiently armed for his difficult task with the adopted resolution (S/1070), or whether he would be encountering the old, previous difficulties in connexion with parts of Palestine other than the Negeb.

The UNITED NATIONS ACTING MEDIATOR stated that, unless there were specific instructions or interpretations from the Council to the effect that the resolution of 4 November was intended to apply to the Galilee sector, he would not feel free to make any such interpretation or application.

The representatives of CHINA and BELGIUM supported the United Kingdom draft resolution.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC formally moved to postpone discussion of the United Kingdom draft resolution.

The representative of the UNITED KINGDOM accepted the motion proposed by the representative of the Ukrainian Soviet Socialist Republic.

In view of the fact that no definite date was set, the Council was of the opinion that the President should convene a meeting whenever he deemed it useful.

F. Resolution of 16 November 1948

At the 378th meeting (9 November), the Security Council met in private and heard the Acting Mediator elaborate on the views expressed by him previously concerning the truce situation in Palestine and the possibility for a more permanent arrangement.

Mr. Bunche's suggestions to the Security Council, which were submitted by him for the purposes of convenience in the form of a draft resolution, were as follows (S/1076):

"The Security Council,

"Having decided on 15 July 1948 that subject to further decision by the Security Council or the General Assembly, the truce in Palestine shall remain in force in accordance with the resolution of that date and with that of 29 May 1948 until a peaceful adjustment of the future situation of Palestine is reached,

"Recognizing that in the nature of the case the truce, though of indeterminate duration, is a first stage in the effort to restore peace to Palestine, and that the transition from truce to a definitive end of hostilities is an indispensable condition to

an ultimate peaceful settlement of the basic political issues,

"Desirous of facilitating such transition at the earliest possible date, and

"Taking into account the resolution of 15 July 1948 which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter,

"Calls upon the parties directly involved in the conflict in Palestine, in order to eliminate this threat to the peace, to undertake immediately, through the good offices of the United Nations Acting Mediator on Palestine:

"(a) The settlement of all outstanding problems of the truce in all sectors of Palestine;

"(b) The establishment of an armistice involving:

"(i) The separation of their armed forces engaged in the conflict in Palestine by creation of broad demilitarized zones under United Nations observance;

"(ii) Such ultimate withdrawal and reduction of these forces as will ensure the restoration of Palestine to peacetime conditions;

"Requests the parties and the United Nations Acting Mediator on Palestine to submit to this Council frequent reports on the implementation of this resolution."

At the 379th meeting (10 November), the Security Council met again in private and continued the exchange of views on the suggestions submitted by the Acting Mediator in the above draft resolution.

In the course of the discussion, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following amendments (S/1077) to these proposals:

1. To word the first sentence of the fifth paragraph as follows: *"Calls upon the parties directly involved in the conflict in Palestine, in order to eliminate this threat to the peace, immediately to begin negotiations, directly or through the good offices of the United Nations Acting Mediator on Palestine, concerning:"*

2. In sub-paragraph (b) of the fifth paragraph, to substitute the words *formal peace* for the word *armistice*.

3. To delete sub-paragraph (b) from the fifth paragraph.

At the 380th meeting (15 November), the representative of the UNITED KINGDOM suggested that his proposal (S/1069) could be considered in relation to the suggestions submitted by the Acting Mediator (S/1076) since the latter dealt more or less with the same matters.

The representative of CANADA, supported by the representatives of FRANCE and BELGIUM, submitted the following draft resolution (S/1079):

"The Security Council,

"Reaffirming its previous resolutions concerning the establishment and implementation of the truce in Palestine, and recalling particularly its resolution of 15 July 1948 which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter;

"*Taking note* that the General Assembly is continuing its consideration of the future government of Palestine in response to the request of the Security Council of 1 April 1948 (S/714);

"*Without prejudice* to the actions of the Acting Mediator regarding the implementation of the resolution of the Security Council of 4 November 1948;

"*Decides* that, in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, an armistice shall be established in all sectors of Palestine;

"*Calls upon* the parties directly involved in the conflict in Palestine, as a further provisional measure under Article 40 of the Charter, to seek agreement forthwith, by negotiations conducted either directly or through the Acting Mediator on Palestine, with a view to the immediate establishment of the armistice, including:

"(a) The delineation of permanent armistice demarcation lines beyond which the armed forces of the respective parties shall not move;

"(b) Such withdrawal and reduction of their armed forces as will ensure the maintenance of the armistice during the transition to permanent peace in Palestine."

The representative of SYRIA, referring to the above draft resolution, stated that an armistice could not be imposed upon the parties, but had to be accepted by both sides when they found that it was consistent with their interests. The truce had to be respected and implemented before the further step of an armistice could be taken.

The UNITED NATIONS ACTING MEDIATOR said that, in his view, the demand for an armistice would differ from the truce in that it would specifically and firmly provide for a separation of the forces engaged in the conflict in Palestine and for their withdrawal and reduction to peacetime status. Such an armistice should be achieved by direct negotiations if possible, or by indirect negotiations through United Nations intermediaries.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the suggestions of the Acting Mediator (S/1076) should have priority over the United Kingdom draft resolution since the former covered the whole Palestine question. His delegation had endorsed the suggestions made by the Acting Mediator and had submitted certain amendments to them. Referring to those amendments (S/1077), he said that it would be difficult to establish the difference between a state of truce and of an armistice and his delegation, therefore, proposed to replace the word "armistice" by the words "formal peace."

The Canadian draft resolution (S/1079) moved even further from the idea of peace and a permanent peaceful settlement. His delegation considered that the wisest course would be to offer both parties an opportunity to settle the outstanding questions, either directly or indirectly through the Acting Mediator. The creation of demilitarized zones, as proposed by Canada, would only create new difficulties.

For all these reasons, his delegation moved to delete sub-paragraph (b) (i) of the fifth paragraph of the Acting Mediator's draft resolution (S/1076). With these modifications it would support that draft resolution.

The representative of FRANCE pointed out that an armistice was not synonymous with a truce. There was real value in the suggested change embodied in the Canadian draft resolution.

The representative of the UNITED STATES OF AMERICA supported the Canadian draft resolution, which he considered to be in line with the Council's resolution of 4 November.

At the 381st meeting (16 November), the representative of ISRAEL observed that there were certain incidental references in the Canadian draft resolution which appeared to contradict its central purpose of achieving an armistice, primarily by reference to the resolution of 4 November (S/1070). His delegation considered that resolution to be incompatible in principle and effect with the purposes of a peace settlement and with the conditions for unprejudiced negotiations. He observed that, by the terms of the Canadian draft resolution, the permanent demarcation lines were to be established through a process of negotiation regarding the withdrawal and reduction of the forces of the parties. He commented that, in general terms, the balance should be between the withdrawal of outside forces and the corresponding reduction of local forces. The conclusion of a formal peace should clearly follow any such interim arrangements as were provided for by the Canadian draft resolution.

He considered that a distinction should be made between the establishment of an armistice, which should be decreed by the Security Council, and its implementation, which would have to be a matter for negotiation.

The representative of SYRIA pointed out that the whole dispute on Palestine centred around the question of whether or not there was to be a Jewish State in Palestine. Article 40 and various other Articles of the Charter provided that any measures adopted should be without prejudice to the claims, rights and positions of the parties. The Arabs would not be expected to negotiate on the basis of recognition of the existence of the Jews as a sovereign State.

He requested that the previous resolutions adopted by the Council be implemented before any new steps were taken.

The representative of CHINA supported the Canadian draft resolution. However, he remarked that the armistice as proposed seemed to lead more to a preliminary peace than to a comprehensive truce. If his interpretation was correct, he was of the opinion that the proposal came close to overstepping the limits of the Security Council's powers since it tended to solidify the present situation and would, in turn, influence the course of the political settlement.

The representative of the UNITED KINGDOM supported the Canadian draft resolution and withdrew the draft resolution (S/1069) which he had submitted to the Council at the 377th meeting.

The representative of EGYPT pointed out that the League of Nations had failed for one principal reason, namely, its inability to carry out its decisions. He hoped that the same fate would not overtake the United Nations. He emphasized the determination of his Government not to negotiate with the Zionists, whom they did not recognize as a party. If there were to be negotiations, his delegation welcomed the idea that they should be

carried out with representatives of the United Nations.

The representative of COLOMBI supported the Canadian draft resolution on the understanding that the apparent contradiction pointed out by the representative of Israel was merely a matter of drafting.

The representative of CANADA stated that the authors of the draft resolution considered a truce to be something which could be imposed, whereas an armistice could result only from agreement. The Canadian draft resolution specifically provided for the maintenance of all resolutions which the Security Council had adopted, including that of 4 November. The method of arranging for the demilitarized zones, with the further development of the truce and prevention of fighting, remained open to the Acting Mediator.

The UNITED NATIONS ACTING MEDIATOR interpreted the Canadian draft resolution as having the following objectives; that the existing truce be quickly superseded by an armistice as a necessary step towards a permanent peace in Palestine; that the armistice, in principle, would involve such withdrawal and such reduction of the armed forces now engaged in the Palestine conflict as would make further fighting there improbable; that negotiations, either directly or through United Nations intermediary, were to be promptly undertaken toward those ends. He was completely convinced that an armistice signalling the end of fighting in Palestine would be equally in the interests of Arab and Jew.

The representative of EGYPT said that he still considered that the order for an armistice was prejudicial to the position of the Arab countries. The question of enforcement of the previous decisions of the Security Council had to be faced before the Council could proceed to a further decision.

The representative of SYRIA submitted an amendment to add to the end of the third paragraph of the Canadian draft resolution the italicized words as follows:

"Without prejudice to the actions of the Acting Mediator regarding the implementation of the resolution of the Security Council of 4 November 1948 which is to be applied also to the Lebanese front and to Galilee."

Decisions: *At the 381st meeting on 16 November 1948, the draft resolution submitted by the Acting Mediator (S/1076), as amended by the representative of the Union of Soviet Socialist Republics (S/1077), was voted on in parts and was not adopted. On all paragraphs, the vote was 2 in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 9 abstentions.*

The draft resolution submitted by Canada jointly with Belgium and France (S/1079) was voted on in parts and adopted. The first two paragraphs were adopted by 8 votes, with 3 abstentions (Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

The Syrian amendment to the third paragraph was rejected, having received 3 votes in favour (Belgium, China, Syria), with 8 abstentions.

The third paragraph of the draft resolution was adopted by 8 votes, with 3 abstentions (Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

The fourth and fifth paragraphs were adopted by 8 votes to 1 (Syria), with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

At the 394th meeting (28 December), the representative of EGYPT stated that the grave situation in Palestine which had been brought to the Security Council's attention by the Egyptian Government had arisen from a failure of the Council to insist upon the implementation of the resolution of 4 November (S/1070).

The Jews had attempted to find excuses for their aggressive attitude, and had stated they would not implement the Council's resolution of 4 November before the Egyptian Government had accepted the resolution of 16 November. In order to eliminate any possible basis for those Zionist excuses, his Government had accepted in principle the 16 November resolution in a letter dated 20 December to General Riley.

The representative of the UNITED KINGDOM submitted the following draft resolution (S/1163):

"The Security Council,

"Having considered the report of the Acting Mediator (S/1152) on the hostilities which broke out in Southern Palestine on the 22nd December,

"Calls upon the Governments concerned:

"(i) To order an immediate cease-fire; and

"(ii) To implement without further delay the resolution of 4 November (S/1070) and the instructions issued by the Acting Mediator in accordance with sub-paragraph 5 (1) of that resolution;

"Instructs the Committee of the Council appointed on 4 November to meet at Lake Success on 6 January to consider the situation in Southern Palestine and to report to the Council on the extent to which the Governments concerned have by that date complied with the present resolution;

"Invites Cuba and Norway to replace as from 1 January the two retiring members of the Committee (Belgium and Colombia); and

"Expresses the hope that the members of the Conciliation Commission appointed by the General Assembly on 11 December will nominate their representatives and establish the Commission with as little delay as possible."

The representative of ISRAEL was of the opinion that the present situation was dominated by the fact that the Egyptian Government had refused to implement the Security Council's resolution of 16 November, which called for armistice negotiations. The Egyptian Government had adopted the policy of invoking those decisions of the United Nations convenient to it and ignoring the others.

Turning to the United Kingdom draft resolution, he remarked that it did not take into account the refusal of the Egyptian Government to comply with the Council's resolution of 16 November and concentrated on certain insufficiently established facts while neglecting others.

The representative of BELGIUM could not agree with the interpretation of the Israel representative that the implementation of the 4 November resolution depended upon implementation of the 16 November resolution. He supported the United Kingdom draft resolution.

The representative of FRANCE noted that the statements of the parties showed that they each

insisted on the prior implementation of only one of the resolutions of 4 and 16 November. The Council had stated, however, that these resolutions were independent though interrelated; it was inadmissible that their implementation should be subordinated one to the other.

At the 395th meeting (28 December), the representative of SYRIA stated that, despite its shortcomings, his delegation would support the United Kingdom draft resolution (S/1163), if only to ensure that the Council should not depart without taking some action, as in the Indonesian question.

The representative of CANADA thought it desirable to postpone the vote on the United Kingdom draft resolution until the following morning. That postponement would enable his Government to study further the draft resolution and the statements of the parties. He said that the request for postponement did not imply any criticism of the draft resolution.

The representative of FRANCE pronounced himself in favour of that suggestion.

The fact that the United Kingdom draft resolution mentioned the Conciliation Commission showed that it was not based merely on the resolution of 4 November, but was much broader in intention. There should also be, therefore, a reference to the resolution of 16 November which ought to be implemented.

The PRESIDENT suggested, and the Council agreed, that voting on the United Kingdom draft resolution should be postponed until the following day.

The representative of FRANCE inquired whether or not the Egyptians had accepted the Acting Mediator's plan for an evacuation, by stages, of the Faluja garrison.

In reply to the representative of France, the representative of EGYPT said that there had been no real ruling by the Acting Mediator, but merely proposals based on an offer by the Jews. This did not alter the fact that the incident had resulted from a Jewish breach of the truce.

At the 396th meeting (29 December), the Council continued its discussion of the United Kingdom draft resolution (S/1163).

The representative of EGYPT proposed the following amendment to be inserted at the end of the second paragraph:

"(iii) To allow and facilitate the complete supervision of the truce by the United Nations observers in Palestine."

The representative of FRANCE sponsored the Egyptian amendment and proposed the following amendment (S/1168), to be added at the end of the second paragraph:

"(iv) To implement without delay the resolution of 16 November 1948."

The representative of the UNITED KINGDOM accepted the Egyptian amendment, subject to the deletion of the last two words, "in Palestine".

The representative of France, as sponsor of the Egyptian amendment, accepted the suggestion that those words be deleted.

After further discussion, the representatives of FRANCE and the UNITED KINGDOM agreed that, in lieu of the above French amendment and a United Kingdom revision (S/1167) concerning the imple-

mentation of the resolution of 16 November, the following words should be added at the end of the third paragraph: "... and with the resolutions of 4 and 16 November".

Decision: *At the 396th meeting on 29 December 1948, the United Kingdom draft resolution (S/1163), as amended, was put to the vote and adopted. The first paragraph and sub-paragraph (i) of the second paragraph were adopted by 10 votes, with 1 abstention (United States of America).*

Sub-paragraphs (ii) and (iii) of the second paragraph and the third, fourth and fifth paragraphs were adopted by 8 votes, with 3 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America).

The resolution as a whole was adopted by 8 votes, with 3 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America). The resolution as adopted, reads as follows (S/1169):

"The Security Council, having considered the report of the Acting Mediator (S/1152) on the hostilities which broke out in Southern Palestine on 22 December,

"Calls upon the Governments concerned:

"(i) To order an immediate cease-fire;

"(ii) To implement without further delay the resolution of 4 November and the instructions issued by the Acting Mediator in accordance with sub-paragraph (1) of the fifth paragraph of that resolution;

"(iii) To allow and facilitate the complete supervision of the truce by the United Nations observers;

"Instructs the Committee of the Council appointed on 4 November to meet at Lake Success on 7 January to consider the situation in Southern Palestine and to report to the Council on the extent to which the Governments concerned have by that date complied with the present resolution and with the resolutions of 4 and 16 November;

"Invites Cuba and Norway to replace as from 1 January the two retiring members of the Committee (Belgium and Colombia);

"Expresses the hope that the members of the Conciliation Commission appointed by the General Assembly on 11 December will nominate their representatives and establish the Commission with as little delay as possible."

On 7 January 1949, pursuant to the above resolution (S/1169), the Security Council Committee on the Palestinian Question considered the report of the Acting Mediator to the President of the Security Council on a cease-fire agreement for the Negeb (S/1187) and heard statements from the Acting Mediator and his Chief of Staff of Truce Supervision. The Committee also heard statements from the representatives of Egypt and Israel. After some discussion, the Committee was of the opinion that no further action by it was required at the moment, and decided that the Chairman should so report to the Security Council (S/1191).

G. Communications from the Acting Mediator with regard to cease-fire and armistice agreements

At the 413th meeting (3 March 1949) the PRESIDENT drew attention to two communications (S/1264, S/1264/Add.1 and S/1269) from the

Acting Mediator to the effect that on 24 February 1949, Egypt and Israel signed a General Armistice Agreement on the Island of Rhodes, and that on 1 March both contracting parties began implementing the terms of that armistice. The President congratulated both parties for the efforts and the sacrifices they had made in order to reach agreement. Furthermore, he expressed the gratitude of the Council for the untiring efforts of the Acting Mediator, and for the efficient co-operation which he received from all the members of his staff.

A number of representatives associated themselves with the remarks made by the President.

The representative of EGYPT thanked the President and the Council for their appreciation of the role played by his Government with regard to the armistice, and stated that Egypt was very glad to have been able to give still another proof of its desire for peace, its respect for the Security Council

and its unfailing compliance with the Council's resolutions.

Subsequently, the Acting Mediator transmitted to the Secretary-General the following communications:

A General Cease-Fire Agreement between Israel and Transjordan (S/1284 and S/1284/Corr.1.);

A General Armistice Agreement between Lebanon and Israel (S/1296/Corr.1, S/1296/Corr.2 and S/1296/Add.1);

A General Armistice Agreement between the Hashemite Jordan Kingdom and Israel (S/1302 and S/1302/Add.1 and S/1302/Corr.1);

and the Text of Declarations by Israel and Syria concerning the Cease-Fire Agreement (S/1308).

Those communications were brought to the attention of the Security Council.

Chapter 5

THE QUESTION OF THE FREE TERRITORY OF TRIESTE

A. Note dated 28 July 1943 from the Government of the Federal People's Republic of Yugoslavia

By letter dated 28 July 1948 addressed to the Secretary-General (S/927), the permanent representative of Yugoslavia transmitted a note from his Government concerning the Free Territory of Trieste. The note charged that a number of treaties concluded with Italy by the Allied Military Command of the British-United States zone of occupation in Trieste, were in complete contradiction to the provision contained in article 24, paragraph 4 of annex VI¹ of the Treaty of Peace with Italy for the economic independence of the Free Territory of Trieste, and had as a final effect the economic incorporation of Trieste into Italy. The Government of Yugoslavia was bringing the matter to the attention of the Security Council which, in accordance with article 21, paragraph 1, and with article 2 of annex VI of the Peace Treaty with Italy, assured the territorial integrity and independence of the Free Territory of Trieste.

The note stated that an agreement dated 9 March 1948 put the Free Territory of Trieste, with regard to monetary problems, under the sovereignty of Italy. It gave the Italian Government the power to control the circulation of notes in the Free Territory, obliged the Allied Military Command to apply directly the Italian regulations regarding the circulation of money in the Allied zone.

A financial agreement of the same date provided that Italy would finance the administration of that zone and that the Italian Government would be granted complete control of the zone's finances. Thus, the Allied Military Command had gone far beyond its mandate by imposing a contractual obligation on the future government of the Free Territory of Trieste.

An agreement on the provision of foreign exchange for the zone, also concluded on 9 March, completely subordinated the British-United States zone to Italy as regards foreign trade as well.

An agreement of 6 May 1948, concerning the fulfilment of the agreements of 9 March, demonstrated that in general the Allied Military Command had handed over to the Italian Government control of the most important foreign relations of the zone. In addition to these agreements, the Allied Military Command had concluded a postal agreement with Italy whereunder, through the establishment of uniform postal rates, the zone had been placed under Italian sovereignty.

The Yugoslav Government's note charged, in addition, that the incorporation of Trieste into Italy was being realized not only by such agreements but also by the day-to-day administrative decisions of the Allied Command of the Free Territory of Trieste. The Government of Yugoslavia could not help but associate these violations of the inde-

pendence of the Free Territory with the widely known proposal of the United Kingdom, the United States of America and France to incorporate that territory into Italy. The note requested the Security Council, as the appointed guardian of the territorial integrity and independence of the Free Territory of Trieste, to declare the above-mentioned agreements to be violations of the provisions of the Treaty of Peace with Italy pertaining to the Free Territory; to undertake measures the Council considered necessary and sufficient for nullifying the respective agreements concluded between the British-United States zone and the Republic of Italy, because those agreements had created a situation likely to endanger the maintenance of international peace and security; and to assure that the Governments of the United States of America and the United Kingdom respected their international obligations, thus guaranteeing the independence of the Free Territory.

B. General discussion

Consideration of the question by the Security Council opened at the 344th meeting (4 August), when the representative of Yugoslavia was invited to participate in the discussion.

The representative of YUGOSLAVIA stated that the Yugoslav Government had regarded the solution of the Trieste question provided in the Peace Treaty with Italy as a great sacrifice. But in agreeing to accept that solution, his Government had agreed to accept the consequences as well and desired to see the provisions for the Free Territory of Trieste executed as quickly and as completely as possible. Article 21 and annex VII⁴ of the Peace Treaty, and the decision of the Council of Foreign Ministers of 22 April 1947 made it clear that the duties of the military administration embodied the following points: (1) reliance on those forces which acknowledged the Free Territory of Trieste as an international unity and were ready to collaborate for its full establishment; (2) closest linking of the British-United States and Yugoslav zones; (3) maximum development of independent economic activity; (4) international affirmation of the independence of the Free Territory; and (5) equal treatment of the Federal People's Republic of Yugoslavia and Italy on all questions, especially those concerning foreign trade.

That was the minimum task, regardless of the duration of the military administration. The policy of the British-United States administration of the zone was completely at variance with those postulates. In respect to economy, to foreign trade, and to finance, the British-United States zone had become, in effect, a province of the Republic of Italy; after the conclusion of the above-mentioned agreements, the only distinction between the zone and the Republic of Italy was the open occupation of the former by Anglo-American troops.

Similar acts and measures signified the denial of the independence and integrity of the Free Ter-

¹ Annex VI contains the Permanent Statute of the Free Territory of Trieste.

⁴ Annex VII contains the Instrument for the Provisional Régime of the Free Territory of Trieste.

ritory of Trieste, which had been explicitly assured by the Security Council in article 21, paragraph 1, of the Peace Treaty with Italy and article 2 of annex VI of that Treaty. The Security Council resolution of 10 January 1947 had approved those documents and had accepted the responsibilities devolving from them. It was now up to the Security Council to fulfil its task.

The representative of the UNITED STATES OF AMERICA said that his delegation was surprised that any Government should present to the Security Council charges so utterly devoid of substance and that those charges should be made by a Government which, in the administration of its own zone, had paid no heed to its international obligations and had kept its own administration shrouded in secrecy. He called attention to the reports made to the Security Council by the Commander of the British-United States zone (S/679 and S/781), which covered the entire period of the history of the Territory from its creation on 15 September 1947 and contained a factual account of all substantive acts of the Allied Military Government. The Allied Military Commander had administered the zone according to the letter and spirit of the pertinent provisions of the Treaty of Peace with Italy and in compliance with international law concerning the conduct of military governments in occupied territory. In an isolated area faced with grave economic problems, the administration had been able to reduce unemployment and gradually improve the well-being of the people.

He considered that the specific charges of the Yugoslav Government were completely unjustified. Although his Government was convinced of the unworkability of the Trieste settlement envisaged in the Treaty of Peace with Italy, he could assure the Council that, pending a new solution, the Allied Military Command in Trieste was continuing to administer the zone under its charge in the strictest accord with the letter and spirit of the pertinent provisions of the Treaty.

He stated that he knew of no report or other data which the Yugoslav Government had transmitted for the information of the Security Council concerning the administration of the Yugoslav zone.

The representative of the UNITED KINGDOM stated that three stages had been contemplated at the time of the drafting of the Treaty of Peace: (1) Trieste was to be administered by the Allied Military Commands within their respective zones under an instrument for the Provisional Régime; (2) the Governor was to assume office in the Free Territory at the earliest possible moment after the coming into force of the Treaty; (3) the date of the coming into force of the Permanent Statute would be fixed by the Security Council itself.

They had not been able to proceed beyond the first step. He thought there might well be some doubt as to the immediate competence of the Security Council in this matter since article 36 of the Permanent Statute provided that disputes relating to its interpretation or execution should be referred to a commission. Moreover, since the Council's competence was limited to ensuring the integrity and independence of the Free Territory of Trieste, the Council could, strictly speaking, consider only whether the economic and financial measures taken by the Allied Military Government imperilled the integrity or independence of the Free Territory, or as part of its responsibilities under the Charter as

opposed to the Peace Treaty, whether those measures constituted a threat to the international peace and security. Although Yugoslavia had asked the Council to find that the measures did constitute such a threat, it had not put forward any serious argument to that effect. The currency and foreign exchange agreements flowed directly from article 11 of annex VII of the Treaty. In the view of his Government, that article had to be implemented if the economy of Trieste was to be maintained at all.

The representative of FRANCE, pointing out that no report on the administration of the Yugoslav zone had been provided by the Yugoslav military authorities, suggested that one might be submitted.

The representative of YUGOSLAVIA stated that the Yugoslav charges, which concerned only certain agreements concluded between the Allied Military Command and the Republic of Italy, were that those agreements were in contradiction to the independence and integrity of the Free Territory of Trieste. The Yugoslav Government had not submitted any report to the Security Council regarding the administration of its zone of the Free Territory only because the Peace Treaty with Italy had led his Government to expect the nomination of a Governor in the near future. The Yugoslav administration would also submit a report if the Security Council decided to request one.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC considered that the request for a report was irrelevant. The matter before the Council concerned the Treaty violations which the Yugoslav Government alleged had been made by the United States and United Kingdom military authorities at Trieste.

Some further discussion followed concerning the advisability of requesting a report from the Yugoslav Government on the administration of its zone of the Free Territory.

At the 345th meeting (10 August), the representative of the UNITED STATES OF AMERICA stated that his Government considered the charge of the Yugoslav Government to be without any foundation whatsoever. He considered that the motive of the Yugoslav Government in bringing those charges appeared to be the desire of separating the Free Territory of Trieste from its historic association with Italy, in violation of the desires of the people of the Free Territory and in order to incorporate the territory in Yugoslavia. The Yugoslav complaint appeared to be another case of the familiar tactic of charging others with the misdeeds which one had committed oneself, in the hope of distracting attention from one's own sins.

He drew attention to the report of the administration of the United Kingdom-United States zone for the period from 1 April to 30 June 1948 (S/953). He also drew attention to Mr. Austin's letter of 18 November 1947 (S/604) regarding reports by the United Kingdom-United States zone administration.

Referring to what he thought to be the Yugoslav position, namely that article 24, paragraph 4 of the Permanent Statute was "applicable" and had not been "superseded," he stated that his delegation did not deny that that paragraph established a principle which should guide the Governor during the period of the Provisional Régime. But he emphatically rejected the contention that the paragraph was applicable to the acts of the Allied

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Military Government which had been complained of. In that respect, the provisions had been totally superseded by provisions of articles 10 and 11 of the Instrument for the Provisional Régime.

The United States position was that the actions of the Military Government in the British-United States zone stemmed from authorizations contained in the Treaty and had been consistent with the responsibility of administering the zone during an interim period in such a way as best to serve what article 2 called "the needs of the population and its well-being". The United States delegation did not believe that a serious legal decision was involved but if, after hearing the whole case, the members of the Security Council still believed that there were legal issues unresolved which might affect their decision, the United States would be willing to have the Powers administering Trieste refer to the International Court of Justice for decisions on any questions outstanding among them on the legality of the Allied administration of the Free Territory of Trieste under the Treaty of Peace with Italy. He proceeded to discuss each of the agreements cited by the Yugoslav Government in order to demonstrate that they were in direct implementation of the obligations for the Provisional Régime, principally article 11.

He reviewed the reasons leading up to the joint statement made on 20 March 1948 by the United States Government with the Governments of the United Kingdom and France. As a first step in the direction of achieving the necessary revision of the Peace Treaty, those three Governments had invited the Government of the Union of Soviet Socialist Republics as the fourth member of the Council of Foreign Ministers, and the Italian Government as the one which would regain sovereignty over the Territory, to agree to negotiate a protocol to effect the necessary revisions. The United States believed that that was the appropriate procedure within the spirit and intent of the Charter to bring about a change in an unsatisfactory treaty. The United States, while urging a change in the Peace Treaty, meanwhile regarded it as binding.

At the 346th meeting (10 August), the representative of the UNITED KINGDOM, after reviewing the provisions of the Peace Treaty with Italy, concluded that only article 1, part of article 2, article 5 (a), the first sentence of article 10 and article 11 of annex VII of the Peace Treaty could have any application in the present situation and that only annex VII was then in force. The four financial agreements to which the Yugoslav representative had objected had done nothing more than carry to the logical conclusion the stipulations in the Peace Treaty that lira currency should continue to be used until a separate currency had been instituted and that Italy should provide the Free Territory's foreign exchange requirements. There was nothing of a permanent nature in the agreements and nothing that could not be abrogated when the Allied Military Government was replaced by the succeeding government.

He charged that the Yugoslav Government had been responsible for permanent changes in the structure of the social, legal and political life of its zone, including wholesale expropriation of property without compensation and re-organization without proper authority of the processes of law. He further called the Council's attention to

the serious curtailment of civil liberties in the Yugoslav zone.

The PRESIDENT, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that the positions taken by the delegations of the United States of America, the United Kingdom and France concerning the appointment of a Governor for the Free Territory of Trieste, as well as certain actions taken by their Governments in connexion with the Trieste question, showed that those three Governments had taken the path of violating the conditions of the Peace Treaty with Italy and the separate agreed decisions reached with regard to Trieste. Those Governments had delayed the execution of the decisions of the Council of Foreign Ministers, agreed upon at New York on 12 December 1946, to the effect that the appointment of a Governor should take place at the same time as the Peace Treaty entered into force. Article 11 of annex VI of the Peace Treaty also stipulated the appointment of a Governor. This Treaty had entered into force on 15 September 1947, but the question of the appointment had not yet been decided. Since January 1948, the representatives of the United States, the United Kingdom and France had, under various pretexts, avoided discussion of this question. This position led to the supposition that the Governments of those three countries sought to prolong as far as possible the occupation of Trieste by Anglo-American troops.

Under the allegation that it was impossible for the Security Council to agree on the choice of a candidate for the post of Governor, the three Governments had proposed in a declaration dated 31 March 1948 (S/707) a revision of the Peace Treaty with Italy and the transfer of the Free Territory of Trieste to Italian sovereignty. This was a violation of the obligations undertaken by the three Powers in accordance with the agreement reached in the Council of Foreign Ministers, and of the obligations which derived from the Peace Treaty with Italy. The joint declaration had been widely publicized just at the moment of the electoral campaign in Italy. This fitted in with the general picture of open interference in the internal affairs of Italy which took place at that time with the aim of exercising political pressure on the election. The Soviet Government, in its answer to that declaration, had taken a position of respect for international treaties and agreements.

The Anglo-American Military Command in its zone had also taken the path of open violation of both the Peace Treaty with Italy and the separate agreed decisions reached concerning Trieste. The agreements entered into by that Command with the Government of Italy, mentioned in the note of the Government of the Federal People's Republic of Yugoslavia (S/927), had resulted in the department of the Italian Bank in Trieste becoming, in fact, master of the monetary circulation and of the currencies in the zone. This created direct harm to the principle of the integrity and independence of the Territory, provided for in article 21 of the Peace Treaty with Italy, and violated the conditions of the Peace Treaty with Italy, the decisions of the Council of Foreign Ministers of 22 April 1947 and the report of the Commission of Investigation on Trieste, dated 9 October 1947 (S/577).

Furthermore, in violation of the Peace Treaty with Italy, and of the decision of the Council of Foreign Ministers stipulating that financial assistance from external sources to cover the Free Territory's urgent needs should be made available from the resources of the United Nations, upon the recommendation of the Security Council, the Government of the United States had arbitrarily included the Anglo-American zone of the Free Territory of Trieste in the action of the Marshall Plan. By tying the zone economically and financially with Italy, the Anglo-American Military Command hindered that zone from concluding trade agreements, in particular, with Yugoslavia, and from exchanging goods with the Yugoslav zone.

From 15 September 1947, when the Peace Treaty with Italy entered into force, the Anglo-American Military Command had no longer had the right to administer the Territory as an occupied enemy territory. According to the Peace Treaty with Italy the Military Command was from that date obliged to administer the zone on the basis of the Instrument for the Provisional Régime of the Free Territory of Trieste, drawn up by the Council of Foreign Ministers and approved by the Security Council, as from that date the Free Territory had not been an occupied enemy territory but a special international territory with a recognized Statute.

The Government of the Union of Soviet Socialist Republics insisted that the Governments of the United States of America, the United Kingdom and France carry out the decisions of the Council of Foreign Ministers of 12 December 1946 concerning the appointment of a Governor for Trieste.

With regard to the note of the Government of the Federal People's Republic of Yugoslavia, his delegation supported the demands for the termination of the activities of the Anglo-American Military Command in Trieste, which violated the Peace Treaty with Italy and the decision taken by the Council of Foreign Ministers on 22 April 1948 to guarantee the economic independence of the Free Territory of Trieste.

At the 348th meeting (13 August); the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stressed that the Soviet Union, although confronted with clauses which were unsatisfactory to the Slav people, had signed the Peace Treaty with Italy in the spirit of concession and co-operation. Now, however, two years after the end of the peace conference, the decisions of that Treaty with respect to the Free Territory of Trieste were not yet implemented, due to the negative attitude adopted by the United Kingdom and the United States of America. By delaying the appointment of a Governor, the United Kingdom and the United States of America had found a way to remain in control of the Free Territory of Trieste and to transform it into a naval and military base, thus ignoring the agreements which they had entered into.

As for the argument that creation of a customs and postal union between Italy and the Free Territory was only a provisional measure, he pointed out that annex VII of the Peace Treaty contained no clause that could justify either such a measure or the extension of Italian sovereignty over the Free Territory of Trieste. Thus, the United States and the United Kingdom had violated the Instrument for the Provisional Ré-

gime of Trieste. Referring to the declaration of 20 March 1948, he stated that the action taken by the Governments of the United Kingdom and the United States, with the support of France, was a triple violation as it violated: (1) the decision of the Council of Foreign Ministers of 12 December 1946; (2) the Peace Treaty with Italy; (3) the Charter of the United Nations. The delegation of the Ukrainian Soviet Socialist Republic felt obliged to voice a strong protest against such an attitude with respect to international treaties. It therefore gave its full support to the proposal of the Yugoslav Government that the agreements concluded by the United Kingdom and the United States, on the one hand, and Italy, on the other hand, be declared invalid. His delegation also insisted on prompt consideration by the Security Council of candidates for the post of Governor of Trieste and the selection of such a Governor, as well as implementation by the United States and the United Kingdom of their obligations under the Treaty of Peace with Italy with respect to the establishment of the Free Territory of Trieste.

C. Draft resolutions submitted by Yugoslavia and the Ukrainian Soviet Socialist Republic

The representative of YUGOSLAVIA stated that the crux of the problem did not lie in a legal interpretation of the Treaty of Peace with Italy. No difficulty would exist if the terms of the Peace Treaty were approached with a real desire to implement them in the spirit intended. He contended that the representatives of the United States and the United Kingdom interpreted the provisions of article 11 of annex VII arbitrarily, as was evidenced by the decision of the Council of Foreign Ministers and the report of the Trieste Commission of Inquiry. He quoted from the report of the Trieste Commission of Inquiry to show that it was an obligation for all administering the Free Territory of Trieste during the period of the Provisional Régime to combine the provisions of article 11 of annex VII with article 24, paragraph 4 of the Permanent Statute.

The representative of Yugoslavia submitted the following draft resolution (S/968):

"Whereas article 21, paragraph 1, of the Treaty of Peace with Italy states: 'The Free Territory of Trieste is recognized by the Allied and Associated Powers and by Italy, which agree that its integrity and independence shall be assured by the Security Council of the United Nations';

"Whereas article 21, paragraph 3, of the Treaty of Peace with Italy states: 'On the termination of Italian sovereignty, the Free Territory of Trieste shall be governed in accordance with an instrument for a provisional régime drafted by the Council of Foreign Ministers and approved by the Security Council';

"The Security Council

"Having considered the accusations of the Government of the Federated Peoples' Republic of Yugoslavia brought to the Security Council regarding a series of agreements of 9 March 1948 and 16 April 1948 concluded between the Allied Military Command and the Republic of Italy,

"Determines that the above-mentioned agreements are in complete contradiction with the obliga-

tions undertaken by the Allied and Associated Powers and Italy in respect of article 21 of the Treaty of Peace with Italy and in respect of regulations in the annexes which are part of the peace treaty, and consequently;

"Declares the agreements of 9 March 1948 concluded between the Allied Military Command and the Republic of Italy, and of 16 April 1948 relative to the fulfilment of the agreements made on 9 March 1948, and the postal agreement incompatible with the status of the Free Territory of Trieste and, therefore, renders them null and void;

"Calls upon the Governments of the United Kingdom and the United States of America to take note of this resolution and to avoid any action in the future which is contrary to the provisions of the Peace Treaty."

At the 350th meeting (16 August), the representative of the UNITED KINGDOM outlined the course of the discussion on the appointment of a Governor of the Free Territory of Trieste. He contended that the lack of action on such an appointment had been due to USSR obstruction. With regard to the comment of the representative of the Union of Soviet Socialist Republics on the proposed participation of the British-United States zone in the European Recovery Programme, he stated that, in any bilateral agreement which might be concluded, there would be provisions to ensure that a successor government could renounce that agreement if it so wished. He quoted from the report of the Trieste Commission of Inquiry to show that the passages quoted by the representative of Yugoslavia dealt with the period which would follow the appointment of a Governor. He stated that the debate on this question had brought out clearly how the Allied Military Government had followed the Peace Treaty and had at the same time taken steps toward economic recovery.

The debate had also brought out the fact that the Yugoslav administration in its zone had totally disregarded article 11 of annex VII of the Peace Treaty. The Yugoslav administration had also issued decrees in contradiction to article 10 of annex VII of the Treaty. He had evidence that the application of Yugoslav laws had been extended to the Yugoslav zone. This evidence showed that the Yugoslav Government intended to complete the *de facto* incorporation of the zone in Yugoslavia before the entry into force of the Treaty, in order to confront the Governor with a *fait accompli*.

The representative of the UNITED STATES OF AMERICA concurred with those views of the representative of the United Kingdom. He considered that the representative of Yugoslavia had shifted his ground in stating that the matter was no longer one of legal interpretation of the Treaty of Peace. The fundamental fallacy in the arguments of the Yugoslav representative lay in the failure to distinguish between the first two phases contemplated in article 1 of annex VII of the Peace Treaty. The statement of the representative of the Union of Soviet Socialist Republics regarding the inclusion of the British-United States zone in the European Recovery Programme also referred to the second step contemplated in article 1 of annex VII of the Peace Treaty. He thought that the Security Council, which was now fully informed regarding the British-United States zone, was in a position to form its own judgment of the administration of

that zone and should be put in a position to form an equally clear judgment of the Yugoslav zone.

At the 353rd meeting (19 August), the representative of YUGOSLAVIA stated that the representatives of the United States and the United Kingdom had simply continued to apply the method of incorrect interpretation. The thesis of the Yugoslav delegation was that every measure undertaken by the military administration to carry out the Provisional Régime must be directed towards the reconstruction and consolidation of the independence and integrity of the Free Territory of Trieste. Therefore, every measure must be in accord with the provisions of article 24, paragraph 4 of the Permanent Statute, which prohibited economic union and associations of an exclusive character as incompatible with the Free Territory. He held that the position taken by the representatives of the United States and the United Kingdom was a contradictory one, in that it was asserted that the agreements were provisional and might be cancelled by the Governor while, on the other hand, it was claimed that it was impossible to solve the problem of Trieste in the manner provided in the Peace Treaty. The United States of America, the United Kingdom and France openly delayed the nomination of the Governor in order to prolong the provisional character of the Free Territory in anticipation of its complete and legal incorporation in Italy. Therefore, the crux of the problem lay not in a legal interpretation but in the political will sincerely to implement the provisions of the Peace Treaty.

He rejected all the statements alleging non-fulfilment of the Peace Treaty by the Yugoslav Government, and adduced evidence supporting that position.

Dealing with the negotiations between his Government and Italy with regard to selection of a Governor, he stated that the behaviour of the Italian Government had been in complete accord with the policy of the United States and the United Kingdom.

The PRESIDENT, speaking as representative of the UNION OF SOVIET SOCIALIST REPUBLICS, stated that the United Kingdom representative's exposition of the question of the appointment of a Governor for Trieste was not the history of the case but its pre-history, since the delaying of the appointment on the part of the United Kingdom and the United States began in January 1948.

The inclusion of the British-United States zone within the scope of the Marshall Plan was a union of an exclusive character forbidden by article 24, paragraph 4 of annex VI of the Peace Treaty.

The study of the question by the Security Council had adequately established the fact that the Commander of the United States-British zone of Trieste had violated the Peace Treaty and the decision taken by the Council of Foreign Ministers on the principle of the territorial, political and economic independence of the Free Territory.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC supported the draft resolution submitted by the representative of Yugoslavia. He submitted another draft resolution which read as follows (S/980):

"Having considered the note of the Government of the Federal People's Republic of Yugoslavia, and

"Considering that the question of the appointment of a governor of the Free Territory of Trieste has not yet been settled, and that the delay is making it difficult to implement other provisions of the Peace Treaty with Italy and decisions of the Council of Ministers of Foreign Affairs of 22 April 1947,

"The Security Council

"Considers that it is urgently necessary to settle the question of the appointment of a governor of the Free Territory of Trieste."

The representative of FRANCE stated that the original Yugoslav charge (S/927) had had a legal aspect and had questioned a certain number of actions taken by the Allied Command. The latest statements made by the representatives of Yugoslavia and the Union of Soviet Socialist Republics had transferred the question to different grounds. His delegation was of the opinion that the original complaint had been refuted by the replies made by the representatives of the United Kingdom and the United States.

The representative of SYRIA said that his delegation could not support the Yugoslav draft resolution. He considered that the case should have been referred to the International Court of Justice.

At the 354th meeting (19 August), the representative of CHINA stated that his delegation considered that the way in which the representative of Yugoslavia had raised the question made it eminently suitable that it should be referred to the International Court of Justice for a decision, and that his delegation was also in agreement with the substance of the Ukrainian draft resolution.

D. Decisions of 19 August 1948

In the course of discussion as to the relevance of the Ukrainian draft resolution, the representative of the UNITED KINGDOM stated that he would not take part in the voting because that draft had not been properly presented.

Decisions: *At the 354th meeting on 19 August 1948, the Yugoslav draft resolution (S/968) was rejected, having received 2 votes in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 9 abstentions.*

The Ukrainian SSR draft resolution (S/980) was rejected, having received 4 votes in favour (China, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 6 abstentions.

The Security Council remains seized of the question of the Free Territory of Trieste.

Chapter 6

APPOINTMENT OF A GOVERNOR FOR THE FREE TERRITORY OF TRIESTE

Introductory note. The question of the appointment of a Governor for the Free Territory of Trieste was placed on the agenda of the Security Council, at the request of the representative of the United Kingdom (S/374), at the 143rd meeting on 20 June 1947. The matter was discussed in private at five meetings (155th, 203rd, 223rd, 233rd and 265th) between 10 July 1947 and 9 March 1948. Chapter 2 of the last report of the Security Council to the General Assembly (A/620) outlines the development of the matter during that period.

By a letter dated 8 February 1949 (S/1251), to the President of the Security Council, the representative of the Union of Soviet Socialist Republics requested that the question of the appointment of a Governor for the Free Territory of Trieste be considered by the Council in the near future.

At the 411th meeting (17 February 1949), the Security Council resumed its consideration of the question.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, after reviewing the relevant provisions of the Treaty of Peace with Italy, the decision of the Council of Foreign Ministers pertaining to the Free Territory of Trieste, and the Security Council's previous discussion of the subject, stated that the representatives of the United States of America and the United Kingdom were endeavouring to delay a solution of the question and prevent a decision on the appointment. That constituted a direct violation of the obligations assumed by the United States and the United Kingdom under the Peace Treaty with Italy. The three-Power declaration of 20 March 1948 (S/707) calling for the return of the Free Territory of Trieste to Italy had been made not because of the alleged impossibility of reaching agreement on the appointment of a Governor for Trieste but in order to intervene in the Italian elections of the spring of 1948. That manoeuvre in no way concerned a defence of Italy's interests but was designed to leave the Free Territory of Trieste under the control of the armed forces of the United States and the United Kingdom and to prolong the use of their zone as an American naval base.

As had been indicated in the discussion of the question of the Free Territory of Trieste in August 1948, the Military Command of the British-United States zone of the Free Territory had concluded a number of economic and financial agreements with the Government of Italy which had made it possible for Italy to establish absolute control over the zone's finances. Moreover, by arbitrarily including the British-United States zone in the system generally known as the "Marshall Plan" and by imposing burdensome financial and economic obligations on that zone and thereby on the Territory as a whole, the Governments of the United States and the United Kingdom were not only violating the terms of the Peace Treaty

with Italy and the Statute of the Free Territory of Trieste, but were also violating the decision of the Council of Foreign Ministers regarding the question. That decision had laid down that external financial aid for the Free Territory for the purpose of covering essential requirements during the initial period should come solely from the reserves of the United Nations, to the extent of five million dollars, as had been recommended by the Security Council.

The obligations assumed under the Peace Treaty with Italy and the decision of the Council of Foreign Ministers made it inadmissible to delay further the appointment of a Governor for the Free Territory of Trieste. He recalled that, in 1947, the representative of the United Kingdom had submitted the name of Colonel Fluckiger to the Sub-Committee created by the Security Council for the purpose of gathering information on candidates for that post. No objection had been raised to that candidate in the Sub-Committee. The representative of the Union of Soviet Socialist Republics therefore submitted the following draft resolution (S/1260):

"The Security Council,

"Taking into consideration article 21 of the Treaty of Peace with Italy, providing for the establishment of a Free Territory of Trieste;

"Taking into consideration the decision of the Council of Foreign Ministers, dated 12 December 1946, on the appointment of a Governor for the Free Territory of Trieste;

"Taking into consideration the provisions of article 11 of annex VI to the said Treaty,

"Resolves to appoint Colonel Fluckiger as Governor of the Free Territory of Trieste."

The representative of the UNITED KINGDOM, in reply to the representative of the Union of Soviet Socialist Republics, quoted a passage from the statement made by the United Kingdom representative at the 350th meeting, during the consideration of the question of the Free Territory of Trieste. The statement reviewed the discussion on the appointment of a Governor for the Territory, and concluded that the USSR had been responsible for the delay in arriving at a decision. The statement also emphasized that, as the declaration of 20 March (S/707) had stated, the difficulty in agreeing on a Governor was only one of the reasons for the declaration that the Free Territory should return to Italy. The unsatisfactory conditions in the Yugoslav zone and the virtual incorporation of that zone into Yugoslavia had caused the three Governments to realize that the settlement described in the Peace Treaty had been rendered unworkable.

The Government of the Union of Soviet Socialist Republics had not seen fit to give any direct or serious reply to the communication of 20 March 1948 from the three Powers or to their subsequent communication of 16 April, giving further infor-

* See chapter 5.

mation concerning the procedure which they had in mind for giving effect to their proposal. In the circumstances, the United Kingdom Government was not prepared to consider the appointment of a Governor for Trieste.

The representative of the UNITED STATES OF AMERICA pointed out that annex VII of the Peace Treaty with Italy had emphasized the importance of the time element in reaching agreement on the selection of a Governor for the Free Territory. The long period of time that had passed without unanimity having been reached in the Council had permitted a fundamental change to take place in the Yugoslav zone of the Territory. Police State forms of government were extended to that zone which made impossible its unification with the British and United States zone into an independent democratic territory along the lines prescribed by the Treaty of Peace with Italy. In the view of the three Western Powers, a return to Italy was the only solution to meet the democratic aspirations of the population of the Free Territory and to re-establish stability in the area. Accordingly, the joint note had been addressed to the Government of the Union of Soviet Socialist Republics on 20 March 1948. He noted that the three Western Powers had stated that they would submit to the Security Council for approval the arrangements to be jointly agreed upon.

The Italian Government had accepted the proposal. The Government of the Union of Soviet Socialist Republics, however, had failed to reply to the note; and after the United States had delivered another note proposing a preliminary meeting, the Government of the Union of Soviet Socialist Republics had replied that it considered that the proposal had unacceptably violated the elementary principle and purpose of democracy. No reply had been received to a later United States note, dated 16 April, stressing the fact that the meeting envisaged was to be of a preliminary character as a first stage of procedure. Nor had a reply been received yet to still another note, dated 1 June. In view of all those considerations, he believed that a discussion of the appointment of a Governor would serve no constructive purpose pending settlement of the question posed in the joint note of 20 March 1948.

The representative of FRANCE considered that the statement of the representative of the Union of Soviet Socialist Republics had contributed nothing new regarding the situation in the Yugoslav zone. He doubted whether it was in the power

of the Government of the Union of Soviet Socialist Republics to bring about any change in the situation. The question therefore was not whether or not a Governor of Trieste should or could be appointed but the point made in the declaration of 20 March. The French Government was not of the opinion that the statement of the Union of Soviet Socialist Republics representative could in any way justify any modification in the policy which his Government had adopted in that matter.

At the 412th meeting (21 February), the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC recalled that his delegation had submitted, as early as August of 1948, a draft resolution (S/980) proposing the immediate consideration of the question of the appointment of a Governor for Trieste. Despite the fact that such a step was called for in order to implement one of the most important clauses of the Peace Treaty with Italy, which had been signed and ratified by a large number of Governments, including those of the United States and the United Kingdom, the delegations of those countries in the Security Council had exerted all possible efforts to prevent the adoption of his proposal. He considered that the only logical explanation of the behaviour of those two delegations in connexion with the question was that their Governments, in signing international treaties and agreements, considered that only those sections which were advantageous to them were binding upon them. In accordance with that point of view, all other sections of those agreements could be ignored and their implementation sabotaged.

At the 422nd meeting (28 March), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the attitude of the representatives of the United States, the United Kingdom and France represented an endeavour to avoid the fulfilment of obligations assumed by those States pursuant to the Treaty of Peace with Italy and an attempt to thwart the Security Council in the discharge of its duty under the Treaty, the duty of appointing a Governor for the Free Territory of Trieste. The Government of the Union of Soviet Socialist Republics insisted upon a strict implementation of all the provisions of the Peace Treaty with Italy, including the provisions relating to Trieste.

Decision: *At the 424th meeting (10 May), after a brief discussion, the USSR draft resolution (S/1260), was rejected, having received 2 votes in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 9 abstentions.*

Chapter 7

IDENTIC NOTIFICATIONS DATED 29 SEPTEMBER 1948 FROM THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

A. Requests for consideration by the Security Council of the situation in Berlin

In identic notifications (S/1020), dated 29 September 1948 and addressed to the Secretary-General, the representatives of France, the United Kingdom and the United States of America, on behalf of their Governments, drew attention to the serious situation which they considered had arisen as a result of the unilateral imposition by the Government of the Union of Soviet Socialist Republics of restrictions on transport and communications between the Western Zones of Occupation in Germany and Berlin. The notifications stated that this action was not only in conflict with the rights of the British, French and the United States Governments, but was also contrary to the obligations of the Soviet Government under Article 2 of the Charter of the United Nations, and created a threat to the peace within the meaning of Chapter VII of the Charter. The three Governments considered that the exchange of notes and the conversations which had taken place between them and the Government of the USSR made it clear that they had made every effort to resolve their differences directly with the latter Government.

Copies of documents relating to the question were annexed (S/1020/Add.1) to the identic notifications. Attention was particularly drawn to a statement contained in the identic notes (annex XI) which the three Governments delivered on 26 and 27 September 1948 to the Government of the Union of Soviet Socialist Republics. That statement was to the effect that that Government, by its illegal actions, had been attempting to secure political objectives to which it was not entitled and which it could not achieve by peaceful means.

The Government of the Union of Soviet Socialist Republics was considered responsible for creating a situation in which further recourse to the means of settlement prescribed in Article 33 of the Charter was not possible in the existing circumstances, and which constituted a threat to international peace and security.

In conclusion, the three Governments requested that the question be considered by the Security Council at the earliest opportunity.

B. Discussion on inclusion of the notifications in the agenda

The identic notifications were placed on the provisional agenda of the Security Council for the 361st meeting (4 October 1948). In accordance with rule 20 of the Council's provisional rules of procedure, the representative of the United States disqualified himself as President for the consideration of the notifications, and the Presidency was assumed by the representative of Argentina.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the question did

not fall within the competence of the Security Council. The steps undertaken by the authorities of the Soviet Union in Berlin had simply been counter-measures forced upon them by the introduction of a separate currency in the Western Zones of Germany, which had placed Berlin and the rest of the Soviet Zone of Occupation in the position of being threatened by an influx of the new currency from the Western Zones. The three Western Governments were therefore wholly responsible for the situation created in Berlin. Had it not been for the aggressive actions of France, the United Kingdom and the United States, there would have been no Berlin problem because, in that case, the counter-measures would not have been necessary.

There was no doubt that the situation in Berlin was closely bound up with the question of Germany as a whole and that any separation of the Berlin situation from the entire problem of Germany would be artificial and would lead to erroneous decisions. To refer the question to the Security Council would be a direct violation of Article 107 of the United Nations Charter, which provided for the solution of questions relating to Germany by the Governments responsible for the occupation of that country.

Furthermore, several agreements dealing with the zones of occupation in Germany and the administration of Greater Berlin, had been signed by the Union of Soviet Socialist Republics, the United States of America, the United Kingdom and France. Among the most important of these agreements, which laid down the political and economic principles which were to govern relations with Germany, were the Yalta and the Potsdam Agreements. A provision of the latter had established the Council of Foreign Ministers, which was entrusted, *inter alia*, with the task of preparing a peace settlement for Germany. Thus, in view of those international agreements, the problem of Germany, including the Berlin question, was a matter which should be settled by the Governments concerned and therefore could not be subject to discussion in any other way than that provided by the agreements. Consequently, all questions relating to Germany had to be decided by direct negotiation between the Governments responsible for the state of affairs in Germany as a whole, as well as in any of its parts or zones including, of course, its capital — Berlin.

In its note of 3 October, the Government of the Union of Soviet Socialist Republics had accordingly proposed the convening of the Council of Foreign Ministers. That body, however, was now being ignored by three of the very Powers which had co-operated in the establishment of the Council, had assumed definite obligations towards it, and had entrusted it with certain obligations with regard to the settlement of the German question.

As for the assertions that the situation in Berlin constituted a threat to international peace and

security, the statements to that effect submitted by France, the United Kingdom and the United States were unfounded and were designed to use the United Nations to further the aggressive ends of those Powers. Despite the allegations of the Western Powers, no blockade of Berlin did in fact exist.

In view of the above-mentioned facts, the representative of the USSR objected to the inclusion of the question of Berlin in the agenda of the Security Council.

There followed some discussion as to whether consideration of the Council's competence in the matter should precede or follow the adoption of the agenda.

The representative of the UNITED STATES OF AMERICA considered that the note of 3 October from the Government of the Union of Soviet Socialist Republics had not changed the situation since that Government still refused to lift the blockade and thus to remove the threat to the peace which was the issue before the Council. The provisions of Article 107 of the Charter could not apply in the present case since the question before the Council was not the entire problem of Germany, but that of a threat to international peace and security caused by the imposition and maintenance of the Soviet blockade of Berlin and other measures of duress taken against the three other occupying Powers. Article 107 was not designed to prevent disputes among the victorious Powers from coming to the Security Council, but to prevent interference by the former enemy States in any action taken by the victorious Powers within the agreed realm of their responsibility. That Article did not prevent one of the Allied Powers from bringing its differences with other Allied Powers to the attention of the United Nations, nor did it refer to action by a victorious Power in the territory of former enemy States against or in relation to another Member of the United Nations.

There was nothing in the Charter that prevented the Security Council or the General Assembly from assuming jurisdiction over matters that involved the enemy States when such action was necessary to remove a threat to the peace created by the action of one of the Members of the United Nations against other Members. It could make no difference, so far as the jurisdiction of the Security Council was concerned, that the blockade was maintained in the territory of a former enemy State.

The representative of the UNITED KINGDOM shared the views of the representative of the United States. The only case coming under Article 107, he emphasized, was one of action taken "in relation to" an enemy State, whereas the action taken by the Government of the Union of Soviet Socialist Republics had been taken in relation to the Western Powers. Their status and their rights, not Germany's, were directly affected or prejudiced by the action of the Union of Soviet Socialist Republics.

At the 362nd meeting (5 October), the representative of FRANCE associated himself with the arguments of the representatives of the United Kingdom and the United States to the effect that the provisions of Article 107 of the Charter did not apply to the present case. He drew attention to the legal practice of narrow interpretation of

exceptions in law and considered that it was only to the extent that measures were taken in relation to an ex-enemy State that the processes of the Charter could no longer be utilized.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS denied as totally unfounded the allegations to the effect that the Government of the USSR refused to make use of the machinery provided by the Charter for the peaceful settlement of disputes. He recalled that the Council of Foreign Ministers, to which the Soviet Government had proposed to refer the Berlin dispute, had been set up as an instrument to deal with the peaceful settlement of all questions relating to ex-enemy countries. The decisions of the Advisory Commission for Europe, the Yalta and Potsdam Agreements as well as a number of agreements concluded in Berlin by the four Powers concerning the occupation of the different zones of Germany, established irrefutably that the Council of Foreign Ministers itself was an instrument for the maintenance of peace and security. The line of demarcation which the representatives of the United States and the United Kingdom had drawn between the competence of the Council of Foreign Ministers and that of the Security Council, to the effect that the latter was an instrument for the maintenance of peace and security and that the other was not, was erroneous and at variance with the line of demarcation laid down in Article 107 of the Charter. In so far as Germany was concerned, special quadripartite organs — the Control Council for Germany and the Council of Foreign Ministers — had been created to ensure peace and security in the future. Questions concerning the post-war peace settlement for Germany, the administration of Germany and all other related questions fell within the competence of those organs and not within that of the Security Council.

In connexion with the statement of the representative of the United Kingdom to the effect that Article 107 was rather ambiguous, he recalled that the Canadian as well as the United States representative had stated at the San Francisco Conference that the language of paragraph 2 of Chapter XII of the draft Charter of the United Nations was such as to remove questions regarding surrender terms or peace settlements from the scope and the responsibility of the Organization.

As for the contention that Germany was not the object of the actions under discussion but merely the scene of those actions and that Article 107 therefore could not be brought to bear upon the case under discussion, the representative of the USSR stressed that the separate currency reform and other separate actions undertaken by the three Western Powers harmed the economy of the Soviet Zone of Occupation and thereby the interests of the population of that zone. It was therefore obvious that those actions, like the defensive counter-measures which USSR military authorities had been forced to take, bore relation to Germany and fell consequently under the provisions of Article 107 of the Charter.

With regard to the contention that the four Powers had been unable to reach an agreement in direct negotiations, he pointed out that, according to declarations made by the representatives of the Western Powers during the negotiations in Moscow, those negotiations had been nothing

more than informal and preliminary discussions to outline their views, to ascertain the position of the Government of the USSR and to discuss the question of an agreement in principle, for further negotiations. Thus, the Council of Foreign Ministers, although competent to do so under the agreements concluded between the great Powers concerning Berlin and Germany, had never discussed the Berlin question. To include that question in the Security Council agenda would be to circumvent the legal organ established by the four great Powers, namely the Council of Foreign Ministers. The Government of the USSR therefore opposed the proposal to that effect.

The representative of BELGIUM concurred with the view that the provisions of Article 107 could not be applied in the present case. He considered that, in principle, there were no exceptions to the competence of the Security Council other than those set forth in the Charter itself, and that it had not been proved that such an exception could be brought to bear in the present situation. He therefore supported the inclusion of the item in the agenda.

Decision: *At the 362nd meeting on 5 October 1948, the agenda, including the identic notifications (S/1020) from the Governments of France, the United Kingdom and the United States of America, was adopted by 9 votes to 2 (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).*

The representatives of the UNION OF SOVIET SOCIALIST REPUBLICS and UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that their delegations would not take part in the discussion of the Berlin situation in the Security Council since they considered that the inclusion of the question in the Council's agenda constituted a violation of Article 107 of the Charter.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his Government in its note of 3 October pointed out that the statement of the Governments of the United States of America, the United Kingdom and France that a situation constituting a threat to peace and security had been created in Berlin was entirely unfounded. In that note the Government of the USSR also pointed out that the Governments of the United States, the United Kingdom and France ignored their obligations to submit the disputed question of Germany and Berlin to the consideration of the Council of Foreign Ministers, which was the competent body for the settlement of matters of that kind. The consideration of the present question by the Security Council was an infringement of Article 107 of the Charter of the United Nations, under which that question was subject to settlement by the Governments having the responsibility for the occupation of Germany, and was not subject to transfer to the Security Council.

In conclusion, the USSR representative said that in view of the foregoing, his delegation, on the instructions of its Government, declared that it would not take part in the discussion of the Berlin question in the Security Council.

C. General discussion

At the 363rd meeting (6 October), the representative of the UNITED STATES OF AMERICA stated that his Government had sought by peace-

ful means to remove the threat to the peace which had been created by the Union of Soviet Socialist Republics. The resort to the Security Council was a further use of the same peaceful means of settlement and was directed to the same end. He emphasized the continued readiness of the United States to negotiate with the Government of the USSR in any appropriate form, including the Council of Foreign Ministers, regarding any issue outstanding between it and the Government of the United States.

What was then being discussed, however, was the barrier to negotiations created by the Soviet blockade of Berlin. The appropriate forum for discussion of such a threat to the peace was the Security Council.

As a joint occupying Power, the United States was in Berlin by virtue of rights derived from the total defeat and unconditional surrender of Germany, and under the provisions set forth in article 1 of the Protocol on the Zones of Occupation which had been agreed to by the USSR in the Advisory Commission for Europe on 14 November 1944. Another agreement, dated 7 July 1945, had established the Allied *Kommandatura* for the administration of Berlin. The right of the four Powers to free access to and egress from the Greater Berlin area had been implicit in those agreements; and that right, clearly recognized and confirmed by the USSR by practice and usage for nearly three years, had also been the subject of written agreements between the respective Governments as well as between their representatives in the Allied *Kommandatura*. The right of the United States in Berlin stemmed from the same sources as the right of the USSR. The rights of the occupying Powers were co-equal as to freedom of access, occupation and administration of the area.

However, if the Government of the USSR believed that the three Western Governments had lost their rights, it was obliged under the Charter to resort to negotiation or other peaceful procedures for the settlement of the question, such as recourse to the International Court of Justice in accordance with the principle enunciated in Article 36, paragraph 3, of the Charter. Instead, the USSR had resorted to actions of duress designed to force compliance with its unilateral interpretation of the legal situation. The Government of the United States emphatically denied that it had forfeited its rights in Berlin.

After describing the measures initiated by the USSR authorities in January 1948 which had culminated in the blockade of Berlin, he stated that the Government of the USSR on one pretext after another had sought to coerce France, the United Kingdom and the United States into abandoning Berlin and their rights and responsibilities in that city.

The United States Government, which had made direct and repeated efforts to adjust the dangerous situation in Berlin with the Government of the USSR, had made clear that removal of the coercive pressure of the blockade would open the door for negotiations on the outstanding issues regarding Berlin and Germany. That was still the policy of the United States Government.

In that connexion, the representative of the United States reviewed the conversations which had taken place in Moscow, during August 1948, between the representatives of the three Western

Powers and the Government of the USSR. He pointed out that the USSR had made no proposal to convene the Council of Foreign Ministers prior to the imposition of blockade measures against Berlin, but instead had prevented the effective operation of existing four-Power machinery.

The interference with, and ultimately the complete blockade of, transportation and communications which had been ordered by the Soviet Military Administration, backed up by the presence of armed forces of the USSR in its occupation zone of Germany, had clearly been a threat of force employed against the Western occupying Powers in a manner inconsistent with the purpose of the United Nations. The salient feature of the case before the Security Council was that the Soviet blockade was still being maintained, and that the threat to the peace which the blockade had created still existed.

The fact that the matter had been brought before the Council under Chapter VII of the Charter did not mean that the Council was prevented from using any of the machinery of pacific settlement suggested in any part of the Charter.

At the 364th meeting (6 October), the representative of the UNITED KINGDOM endorsed the statement of the representative of the United States and declared that the action of the Government of the Union of Soviet Socialist Republics was in conflict with the rights of the United Kingdom with regard to the occupation and administration of Berlin. The main reason for bringing the Berlin situation before the Security Council, however, was that the unilateral action of the Government of the USSR created a threat to the peace within the meaning of Chapter VII of the Charter.

The position of the United Kingdom Government as an occupying Power in Berlin was exactly the same as that of any of the other three occupying Powers. Reviewing the imposition of restrictions on transport and communications between Berlin and Western Germany, the United Kingdom representative pointed out that the Government of the USSR had put forward varying and inconsistent reasons for those restrictions. He noted that they had been imposed by the USSR authorities before any action had been taken by the three Western Powers to introduce currency reforms either in Western Germany or in the western sectors of Berlin. After the introduction of the currency reform in Western Germany, the Government of the USSR had continued to use the pretext that technical difficulties were causing new restrictions, although further events had shown that those arguments were groundless.

Whatever the attitude of the Government of the USSR to the agreements relating to Berlin, which had been entered into between the four occupying Powers, the fact remained that the United Kingdom Government, as an ally of the Government of the USSR, had for three years been maintaining its forces in Berlin. If the Government of the USSR had been dissatisfied with the attitude of the British Government on any matter relating to the four-Power administration of Berlin, it should have taken the matter up through any of the normal channels which had been open to it and should not have resorted to arbitrary and forcible methods. The efforts made by the United Kingdom Government to settle the questions at issue under the provisions of Article 33 had not persuaded the Government of the

USSR to abandon the illegal means of duress and pressure which it had employed. The document submitted (S/1020/Add.1) showed conclusively that even during the Moscow negotiations, USSR authorities in Berlin had pursued the same policy of pressure. They had carried out a systematic programme arranged to disrupt the legal German administration and to cause unrest in the city. In view of those circumstances, the only step possible had been to bring the matter to the attention of the Security Council as a clear threat to the peace within the meaning of Chapter VII of the Charter.

The United Kingdom representative agreed with the argument of the delegation of the USSR to the effect that machinery for the settlement of those questions had already been established in the Council of Foreign Ministers and the Allied Control Authority. He added that, if at any time after the last session of the Council of Foreign Ministers, the authorities of the USSR had expressed a desire that the Council should hold another meeting, his Government would not have stood in the way. Instead of making such a suggestion, however, the Government of the USSR had proceeded by the use of duress.

After fulfilling to the limit Article 33 of the Charter, the United Kingdom, United States and French Governments had complied with the provisions of Article 37, which laid down that should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they should refer it to the Security Council.

The United Kingdom Government had learned with great regret that the delegation of the USSR would take no part in the discussion of the substance of the question.

The United Kingdom representative stated that he was authorized to declare that his Government was prepared to carry out any resolution which the Council might see fit to adopt.

The representative of FRANCE recalled the agreements establishing the quadripartite occupation of Berlin and of Germany. The right to make free use of the communication facilities necessary for the occupying Powers to have access to the former capital of Germany had been inherent in the very fact of occupation and, moreover, was not contested by any of the occupying Powers until the beginning of 1948. He pointed out that the responsibility for supplying food to the western sectors of Berlin had been placed entirely upon the shoulders of the three Western Powers, in accordance with a request made by the Soviet authorities themselves on 7 July 1945. The French Government which based its legitimate right to participate in the occupation of both Berlin and Germany as a whole upon the agreements mentioned, could not tolerate the reopening of the whole question by unilateral and forcible action. After having reviewed the actions of the USSR authorities against the communications of the Western Powers with Berlin, he stated that it was quite clear that the Government of the Union of Soviet Socialist Republics, by exerting pressure against its Allies, had failed to recognize its obligations under the Charter. He pointed out that it was in order to put an end to such practices that the Charter of the United Nations laid upon all Members of the Organization the obligation to resort to peaceful means for the settlement of their disputes.

Negotiations did not consist merely in sitting around the same table but required each partner to contribute an equal understanding and readiness to discuss and settle the problems. That was the spirit of the United Nations but it had not been the spirit of the Moscow and Berlin negotiations.

He emphasized that the question before the Council was simply that of the Berlin blockade. The legal problem raised by the latest USSR note, which had tended to place a certain responsibility for the situation on the Western Powers, should be considered separately and elsewhere. That note did not prejudice in any way the only question which was before the Council, that of the use of force in order to impose certain claims.

The French Government, jointly with the Governments of the United Kingdom and the United States, had brought the matter before the Security Council as a dangerous situation to be placed under observation so that the Council, after having been seized of the matter and after having studied it, might be ready to intervene without delay in the event of a worsening of the situation. His Government hoped that the Security Council, by applying to the matter the methods of settlement at its command, would succeed where direct conversations had failed.

At the 366th meeting (15 October), the PRESIDENT stated that, in consultation with the representatives of Belgium, Canada, China, Colombia and Syria, he had decided to request the representatives of the United States, the United Kingdom, France and the USSR to explain circumstances connected with the initial imposition of the restrictions upon communications, transport and commerce between Berlin and the Western Zones of Germany and between the latter and the Soviet Zone, together with details of the enforcement of those restrictions and the present state of affairs. The above-mentioned representatives were also requested to explain in detail the agreement involved in the instructions given to the Military Governors of the four Powers in Berlin and to give the precise reasons for the failure to implement that agreement.

The representatives of the UNITED STATES OF AMERICA, the UNITED KINGDOM and FRANCE stated that they would reply to the questions at a later meeting of the Council.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS recalled that his delegation had already stated that it did not find it possible to take part in the discussion of the Berlin question in the Security Council. He had already told the Council that the whole question of the alleged threats to the peace was artificial and that there would have been no Berlin question at all had not the Western Powers violated or ignored the quadripartite agreements. He had also stated at that time that the issue should not be dealt with by the Security Council, but should be settled through the legal procedures which had been provided by the special agreements between the four Powers concerned. Accordingly, the delegation of the USSR did not find it possible to reply to the two questions which had been asked by the President.

At the 368th meeting (19 October), the representatives of the UNITED KINGDOM, the UNITED STATES OF AMERICA and FRANCE presented their replies to those questions.

At the 370th meeting (22 October), the representatives of ARGENTINA, BELGIUM, CANADA,

CHINA, COLOMBIA and SYRIA introduced the following joint draft resolution (S/1048):

"The Security Council,

"Having carefully considered the series of events which have led to the present grave situation in Berlin,

"Conscious of the Council's primary responsibility for the maintenance of international peace and security, and

"Acting in accordance with Article 40 of the Charter in order to prevent an aggravation of the situation in Berlin, in particular, by preparing the way to its settlement,

"Calls upon the four Governments who have responsibilities in Germany and in Berlin as occupying Powers, France, United Kingdom, the United States of America and the Union of Soviet Socialist Republics,

"(1) To prevent any incident which would be of a nature such as to aggravate the present situation in Berlin.

"(2) To put into effect, simultaneously, namely on the day of the notification of this resolution to the four Governments concerned, the steps required for the fulfilment of points (a) and (b), which are set forth hereunder:

"(a) Immediate removal by all parties of all restrictions on communications, transport and commerce between Berlin and the Western Zones of Germany and the restrictions on transport and commerce to and from the Soviet Zones of Germany, it being understood that said restrictions are the ones applied by the parties after March 1948.

"(b) An immediate meeting of the four Military Governors to arrange for the unification of currency in Berlin on the basis of the German mark of the Soviet Zone. The four Military Governors will fix the conditions for the introduction, circulation and continued use of the German mark of the Soviet Zone, as sole currency for the whole of Berlin, and to arrange for the withdrawal of Western mark B. All the foregoing to be in accordance with the terms and conditions defined in the joint directive delivered to the four Military Governors in Berlin, agreed upon by the four Governments in Moscow, and issued on 30 August 1948, and to be carried out under the control of the Quadripartite Financial Commission, whose organization, powers and responsibilities are therein described.

"This measure must be totally fulfilled by the date indicated in paragraph (c).

"(c) The date referred to in the last paragraph of paragraph (b) shall be 20 November 1948.

"(3) Within ten days following the fulfilment of the measures provided for in section (2), or on such date as is mutually agreed between the four Governments, to re-open the negotiations in the Council of Foreign Ministers on all outstanding problems concerning Germany as a whole."

At the 372nd meeting (25 October), the representative of FRANCE stated that his delegation accepted the joint draft resolution as offering an honourable way out of the difficult situation confronting it.

The representatives of the UNITED KINGDOM and the UNITED STATES OF AMERICA also stated

that their Governments accepted the draft resolution.

The representative of the UNION OF SOVIET REPUBLICS emphasized that the Security Council had accepted the question on its agenda despite the objection advanced by his delegation that the Berlin question was not within the purview of the Council.

Turning to the joint draft resolution (S/1048), he remarked that it did not provide for the simultaneous implementation of the two measures contemplated. The restrictions imposed by the USSR authorities to cope with the consequences of the currency reform instituted by the Western Powers in Berlin were to be removed immediately, but what was to be carried out simultaneously was not the actual introduction of the German mark of the Soviet Zone as the sole currency for Berlin but only the opening of negotiations regarding its introduction. The draft resolution was obviously inconsistent with the directive which had been agreed upon by the four Governments on 30 August and which provided for simultaneous removal of the restrictions and introduction of the mark of the Soviet Zone as the sole currency in Berlin. For those reasons, the USSR delegation would vote against the draft resolution.

The representative of the UNITED STATES OF AMERICA pointed out that the directive of 30 August was a decision to proceed to two simultaneous steps on the basis of an agreement to be reached by the Military Governors. That agreement had never actually been reached, for reasons which had already been explained to the Security Council by the representatives of the three Western Powers. The issue before the Council was not that directive but the threat to the peace created by the blockade measures imposed by the USSR; and the argument used by the representative of the USSR was an admission of the fact that those measures imposed by his Government were being used as a measure of duress.

His Government was prepared to have meetings of the Council of Foreign Ministers to discuss Berlin, or the unification of Germany, or questions relating to Germany as a whole. The mark of the Soviet Zone could be established as the sole currency in Berlin under four-Power control, as Premier Stalin had suggested. The United States Government was prepared to give assurance that it did not intend to use the four-Power control of the currency in Berlin to control the general economy of the Soviet Zone outside Berlin. The United States Government was also prepared to give guarantees that it would prevent the use of transport facilities for black market currency operations in Berlin. Those meetings could take place and these assurances could be given without the threat of force or the maintenance of a blockade. The United States Government had never intended to use currency as a means of adversely affecting the economy of the Soviet Zone. On the other hand, if the USSR wished to drive his Government out of Berlin, where it had an acknowledged right to be, that could not be done by main-

taining a threat to the peace. The technical details could not be discussed under the duress of the blockade.

Decision: *At the 372nd meeting on 25 October 1948, the draft resolution (S/1048) submitted by the representatives of Argentina, Belgium, Canada, China, Colombia and Syria received 9 votes in favour and 2 against (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics) and was not adopted, one of the votes against being that of a permanent member.*

D. Technical Committee on Berlin Currency and Trade

By virtue of a directive issued by the President of the Security Council on 30 November 1948, a Technical Committee on Berlin Currency and Trade, composed of financial experts nominated by neutral members of the Security Council, including a representative of the Secretary-General, was constituted to discuss ways and means of establishing a single currency in Berlin under four-Power control and to make recommendations in that respect within thirty days.

In a letter dated 3 January 1949 to the Secretary-General (S/1182), the President of the Security Council transmitted a communication in which he had stated that, at the request of the Chairman of the Technical Committee and in order to permit that Committee to complete its task, he had prolonged the period of time designated for its work in the directive of 30 November.

The report of the Committee, after having been presented to the four Governments concerned and to the President of the Security Council, was made public on 15 March 1949.

E. Letter dated 4 May 1949 from the representatives of France, the United Kingdom and the United States of America

By a letter dated 4 May 1949 (S/1316) to the Secretary-General, the representatives of France, the United Kingdom and the United States of America requested that the attention of the members of the Council be drawn to the fact that their Governments had concluded an agreement on the Berlin question with the Government of the Union of Soviet Socialist Republics. A *communiqué* attached to the letter stated (a) that all restrictions imposed since 1 March 1948 by both sides on communications, transport and trade between Berlin and their respective zones of occupation in Germany, and between those zones themselves, would be removed on 12 May 1949; and (b) that on 23 May 1949 a meeting of the Council of Foreign Ministers would be convened in Paris to consider questions relating to Germany and problems arising out of the situation in Berlin, including the question of Berlin currency.

The Security Council remains seized of the question.

Part II

QUESTIONS CONSIDERED BY THE SECURITY COUNCIL CONCERNING THE CONTROL OF ATOMIC ENERGY AND THE GENERAL REDUCTION AND REGULATION OF ARMAMENTS

Chapter 8

ATOMIC ENERGY COMMISSION

A. Introduction

In conformity with the Security Council's resolution of 22 June 1948, the Secretary-General transmitted to the third session of the General Assembly the first, second and third reports of the Atomic Energy Commission together with the record of the deliberations of the Security Council on the subject. The reports were considered by the First Committee and its Sub-Committee A.III at several meetings. Various draft resolutions were submitted and finally a Canadian draft resolution, incorporating some of the elements of other draft resolutions, was recommended by the First Committee to the General Assembly, which adopted it on 4 November 1948 by 40 votes to 6, with 4 abstentions. That resolution (191 (III)) approved the general findings (part II C) and recommendations (part III) of the first report and the specific proposals of part II of the second report of the Commission as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission. The resolution called upon the Atomic Energy Commission to resume its sessions, to survey its programme of work and to proceed to the further study of such subjects as it considered to be practicable and useful. It also requested the six sponsors of General Assembly resolution 1 (I) of 24 January 1946 to meet together and consult in order to determine if a basis for agreement existed and to report to the General Assembly the results of their consultation not later than its next regular session.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC in his speech on 25 May 1949, stressed that a majority in the Atomic Energy Commission did not mean that the viewpoint of the majority was shared by world public opinion; in this connexion he referred, as an example, to the statement made by British scientists in 1947.

B. Consideration of General Assembly resolution 191 (III)

In accordance with the recommendations of the General Assembly, the Commission reconvened on 18 February 1949 to consider resolution 191 (III) of the Assembly. During the course of the general debate, draft resolutions were submitted by the representatives of Canada, the Union of Soviet Socialist Republics and the United States of America.

As a preparatory step to its work and that of the consultations of the sponsoring Powers, the Commission adopted, at its 17th meeting (18 February), the Canadian draft resolution (AEC/34). The text of the adopted resolution (AEC/35) reads as follows:

"Pursuant to the General Assembly resolution of 4 November 1948, the Atomic Energy Commission as a preparatory step to its further work, Resolves to request the Secretariat:

"1. To prepare a working paper setting out the recommendations for the international control of atomic energy and the prohibition of atomic weapons as approved at the third session of the General Assembly of the United Nations. This material, consisting of the 'General findings' (part II C) and 'Recommendations' (part III) of the first report and the specific proposals in part II of the second report of the Commission, should be arranged under appropriate headings so as to make a clear and unified presentation. For convenience of reference, there should be included in this document an appendix, consisting of chapter I, 'General introduction', from the second report (part II), the general considerations from each of the succeeding chapters in part II of the second report and the 'Report and recommendations of the Atomic Energy Commission' (part I) of the third report.

"2. To prepare a comparative table based upon the reports and proceedings of the Atomic Energy Commission and its committees and of the General Assembly and its committees, showing the positions of the majority and the minority in the Commission upon the topics which have so far been discussed.

"3. To furnish an index to the contents of the three reports as well as the proceedings of the Commission and its committees and of the General Assembly and its committees, on the subject of the international control of atomic energy and the prohibition of atomic weapons."

Decision: *The preamble and paragraph 1 were adopted by 9 votes, with 2 abstentions; paragraphs 2 and 3 were adopted unanimously.*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that such a work would merely duplicate the material which already appeared in the report of the Atomic Energy Commission. Consequently such work would not contribute anything new to the work of the Atomic Energy Commission and would be not only useless but unnecessary and injurious, since it would divert the attention of the Atomic Energy Commission from its principal task.

The representative of ARGENTINA stated that the Commission had a legal and moral duty to present a report, in the form of one or more draft conventions on the use of atomic energy for peaceful purposes and the prohibition of atomic weapons, whether or not the Security Council approved the draft conventions proposed.

At the 18th and 19th meeting (25 February and 15 March 1949), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS reviewed the atomic energy discussions in the General Assembly and in the Commission. He said the Commission had been unable to implement its terms of reference for two reasons. First, the Governments of the United States and the United Kingdom, in particular, had not attempted to have a control plan adopted which would be acceptable to the other peace-loving nations of the world without prejudicing their sovereignty.

The representative of the USSR stressed that, in the light of three years' experience of the Atomic Energy Commission, there was every reason to assert that the so-called "Baruch plan" or "United States plan of control over Atomic Energy," was specially so formulated and submitted to the Atomic Energy Commission for the sole purpose of provoking disagreement with this plan by a number of States, above all by the Soviet Union, and thus to create a superficial pretext for hindering and undermining both the prohibition of atomic weapons and the establishment of strict international control of atomic energy.

Secondly, the Government of the United States of America refused to agree to the conclusion of a convention on the prohibition of atomic weapons. He introduced, during his statement on 25 February, a draft resolution (AEC/37) which he believed, if adopted, would solve the problem of the peaceful utilization of atomic energy. The draft directed the Commission to commence at once the preparation of two draft conventions, to be submitted to the Security Council not later than 1 June, one for the prohibition of atomic weapons and the other for the control of atomic energy, both to be concluded and put into effect simultaneously. The text of the draft resolution (AEC/37) follows:

"The Atomic Energy Commission,

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

"Resolves

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

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

At the 18th meeting the representative of the UNITED STATES OF AMERICA also submitted a draft resolution (AEC/36) which proposed that General Assembly resolution 191 (III) and the preliminary drafts of the Secretariat working papers be referred to the Working Committee for consideration. He later deleted the reference to the General Assembly resolution, and his draft resolution, as amended, was adopted at the twentieth meeting (22 March) by 9 votes to 2. The text of the adopted resolution (AEC/38) reads as follows:

"The Atomic Energy Commission

"Resolves that the preliminary drafts of the working papers prepared by the Secretariat according to the resolution adopted by the Atomic Energy Commission at its 17th meeting on 18 February 1949 be referred to the Working Committee for its consideration."

At the 20th meeting (22 March), the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, in supporting the USSR draft proposal, stated that the prohibition of the use of atomic energy for military purposes was the cornerstone of the General Assembly directives to the Atomic Energy Commission. Because of the opposition of the delegations of the United States and the United Kingdom, the preparation of a convention on prohibition had not been the basis for the Commission's work. The Commission's reports were clear evidence that it had limited its work to seeking means to strengthen the United States monopoly in the production and utilization of atomic energy.

At the 21st meeting (25 March), the representatives of CANADA, FRANCE, UNITED KINGDOM and the UNITED STATES OF AMERICA answered the statements made by the representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic at the two previous meetings, enumerating certain statements which they considered to be contradictory or inaccurate.

The representative of FRANCE did not believe that the USSR draft resolution (AEC/37) was in conformity with the mandate of the General Assembly since it had rejected a similar USSR draft resolution during the third session. However, he was of the opinion that the USSR proposal should be referred to the Working Committee for further study.

The representative of CANADA expressed his delegation's regret that the representative of the Union of Soviet Socialist Republics had not amplified his Government's proposals but had only repeated his arguments against the proposals which had been approved by a majority of the members of the Commission.

The representative of the UNITED STATES OF AMERICA observed that the USSR delegation persistently ignored the existence of the plan for the prohibition of atomic weapons and the control of atomic energy approved by a majority of the General Assembly. Yet it attributed to the plan certain provisions which it did not have and said the plan omitted provisions which were actually included.

The representative of the UNITED KINGDOM said no progress had been made since the Commission had resumed its discussions that year. It was still confronted with two major facts: the majority plan for prohibition and control, which

was rejected by the Union of Soviet Socialist Republics and its associates; and the USSR plan, which was rejected by everyone else. He, therefore, believed the only reasonable method of procedure was to refer the USSR proposals to the Working Committee for technical comparison with the majority plan.

After the representatives of the UNION OF SOVIET SOCIALIST REPUBLICS, the UKRAINIAN SOVIET SOCIALIST REPUBLIC, CANADA, and FRANCE had again replied to various statements made at previous meetings, the Commission, at its 22nd meeting (25 May), agreed to refer the USSR draft resolution and General Assembly resolution 191 (III) to the Working Committee for further consideration.

At the 44th meeting (1 April 1949) of the Working Committee, a detailed outline of the Secretariat working paper on "Recommendations" (AEC/C.1/77 and AEC/C.1/77/Corr.1) was discussed. The Chairman instructed the Secretariat to incorporate the suggestions made by the members and to issue a revised document containing the complete quotations from the first and second reports.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his delegation considered the working papers had no value in furthering the work of the Commission in solving the basic problems before it — the prohibition of atomic weapons and the control of atomic energy.

The discussions on the USSR draft resolution, the General Assembly resolution and the Secretariat working papers were conducted concurrently at the Committee's 45th to 49th meetings (1, 3, 7, 9 and 15 June).

The Secretariat working paper on "Recommendations" (AEC/C.1/77/Rev.1) and the index to the three reports (AEC/C.1/80) were approved by the Working Committee, by 9 votes to 2 on 1 June, and transmitted to the Commission on 15 June (AEC/39). A typed copy of a preliminary draft of the comparative table was circulated to the members by the Secretariat but no action was taken on it by the Committee. An index to the proceedings of the Commission, the General Assembly and their committees was also prepared by the Secretariat.

In opening the discussion of his delegation's draft resolution in the Working Committee, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS asked the members to consider as a basis for the two conventions the USSR proposals of June 1946 relating to the prohibition of atomic weapons and of June 1947 regarding the principles of an international control system.

The representative of the UNITED STATES OF AMERICA observed that his delegation's position had been given in detail when the proposals had first been introduced. His Government's position was summarized in part IV of the second report.

In reply to questions asked by the representatives of Canada, China, France, the United Kingdom and United States of America, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated there was no question of introducing new proposals since the USSR draft resolution now before the Committee provided the solution to the two tasks before the Commission — the establishment of a convention prohibiting atomic weapons and, in that connexion, a convention for the con-

trol of atomic energy. The two conventions were to be concluded and put into effect simultaneously.

While the representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic stated that the General Assembly resolutions had not been implemented, various other representatives pointed out that General Assembly resolution 191 (III) did not bear out that view.

At the next meeting of the Committee (3 June), the representative of CHINA submitted a draft resolution (AEC/C.1/82), noting that the Working Committee had considered the USSR proposals (AEC/37) and that no material in addition to that previously submitted to the General Assembly, the Commission, or the Working Committee had been presented. That draft resolution stated that no useful purpose could be served by further discussions in the Working Committee of those proposals which had already been considered and rejected by the appropriate organs of the United Nations.

The representatives of the UNION OF SOVIET SOCIALIST REPUBLICS and the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that procedural difficulties were created to close the discussion on the USSR draft proposal, which if adopted could lead the Commission out of its impulse.

On 15 June, the Chinese draft resolution was adopted by 7 votes to 2, with 2 abstentions. It reads as follows (AEC/C.1/85):

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

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

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

"And recalls that the Union of Soviet Socialist Republics proposal for the preparation of a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy to be concluded and brought into effect simultaneously was rejected by the General Assembly at the 157th plenary meeting in its third session on 4 November 1948, by a vote of 40 votes to 6 with 5 abstentions;

"And recalls also that at the same time the General Assembly approved the General Findings (part II C), and Recommendations (part

III) of the First Report and the Specific Proposals of part II of the Second Report of the Commission, as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission;

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

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

After the representatives of the UNITED STATES OF AMERICA and the UNION OF SOVIET SOCIALIST REPUBLICS had directed questions to each other and received answers (AEC/C.1/SR.47 and AEC/C.1/SR.48), the representatives of CUBA and ARGENTINA submitted, on 13 June, a draft resolution (AEC/C.1/84) stating that further study in the Working Committee was not useful until such time as the six sponsors of General Assembly resolution 1 (I) had met and reported that a basis for agreement existed.

The representatives of NORWAY, CUBA and ARGENTINA thought that the discussions in the Commission and the Working Committee had shown that any possibility of useful work being accomplished in accordance with paragraph 4 of

resolution 191 (III) had been exhausted. Therefore special emphasis should be placed on paragraph 3 of the resolution requesting the sponsoring Powers to meet and to consult in order to determine whether a basis for agreement existed.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the Cuban-Argentine draft resolution because it contained no specific proposal to break the impasse in the Committee's work. It simply meant that a more restricted group would continue to mark time.

The representative of CUBA later deleted the specific reference to the work of the Committee. The Cuban-Argentine draft resolution, as amended (AEC/C.1/86), was adopted by the Working Committee on 15 June by 8 votes to 2, with 1 abstention. The text of that resolution reads as follows:

"Having observed the nature of the discussions that have taken place in the Working Committee and

"Considering paragraph 3 of the resolution adopted by the General Assembly on 4 November 1948 (AEC/33),

"The Working Committee resolves:

"That further study in the Working Committee is not useful until such time as the six sponsors of the resolution of the General Assembly have met and reported that there exists basis for agreement."

The Chairman of the Working Committee transmitted the two resolutions to the Commission on 21 June (AEC/40).

Chapter 9

COMMISSION FOR CONVENTIONAL ARMAMENTS

A. Activities of the Working Committee during 1948

During the first part of the period covered by this report the Commission for Conventional Armaments continued discussion of proposals relating to the general regulation and reduction of armaments and armed forces in accordance with the plan of work (S/387) approved by the Security Council on 8 July 1947.

At its 17th meeting (26 July 1948), the Working Committee had under consideration item 2 of the plan of work which dealt with the formulation of general principles. The Committee was seized of a United Kingdom draft resolution (S/C.3/SC.3/15) summarizing the majority view as expressed during the preceding debate. That draft resolution was a revised version of an earlier United Kingdom draft (S/C.3/SC.3/12/Rev. 1) and embodied amendments submitted by the United States and Canada. A further amendment submitted by Colombia (S/C.3/SC.3/16) was not brought to a vote.

At the same meeting, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted new proposals relating to general principles (S/C.3/SC.3/17) in elaboration of paragraph 1 of the USSR working paper (S/C.3/SC.3/9).

The Committee, however, in accordance with rule 25 of the rules of procedure, decided to proceed to a vote on the United Kingdom revised draft resolution. It was adopted by 9 votes to 2. The text of the resolution (S/C.3/SC.3/18) is as follows:

"The Working Committee recommends that the following principles should govern the formulation of practical proposals for the establishment of a system for the regulation and reduction of armaments and armed forces:

"1. A system for the regulation and reduction of armaments and armed forces should provide for the adherence of all States. Initially it must include at least all States having substantial military resources.

"2. A system of regulation and reduction of armaments and armed forces can only be put into effect in an atmosphere of international confidence and security. Measures for the regulation and reduction of armaments which would follow the establishment of the necessary degree of confidence might in turn be expected to increase confidence and so justify further measures of regulation and reduction.

"3. Examples of conditions essential to such confidence and security are:

"(a) The establishment of an adequate system of agreements under Article 43 of the Charter. Until the agreed forces are pledged to the Security Council, an essential step in establishing a system of collective security will not have been taken.

"(b) The establishment of international control of atomic energy. It is a basic assumption of the

work of the Commission for Conventional Armaments that the Atomic Energy Commission will make specific proposals for the elimination from national armaments of atomic weapons and other weapons of mass destruction.

"(c) The conclusion of the peace settlements with Germany and Japan. Conditions of international peace and security will not be fully established until measures have been agreed upon which will prevent these States from undertaking aggressive action in the future.

"4. A system for the regulation and reduction of armaments and armed forces, in order to make possible the least diversion for armaments of the world's human and economic resources pursuant to Article 26 of the Charter of the United Nations, must limit armaments and armed forces to those which are consistent with and indispensable to the maintenance of international peace and security. Such armaments and armed forces should not exceed those necessary for the implementation of Members' obligations and the protection of their rights under the Charter of the United Nations.

"5. A system for the regulation and reduction of armaments and armed forces must include an adequate system of safeguards, which by including an agreed system of international supervision will ensure the observance of the provisions of the treaty or convention by all parties thereto. A system of safeguards cannot be adequate unless it possesses the following characteristics:

"(a) It is technically feasible and practical;

"(b) It is capable of detecting promptly the occurrence of violations;

"(c) It causes the minimum interference with, and imposes the minimum burdens on, any aspect of the life of individual nations.

"6. Provision must be made for effective enforcement action in the event of violations."

The 18th (2 August), 19th and 20th meetings (9 August) of the Working Committee were devoted to discussion of a draft text of the first progress report prepared by the Secretariat. After delegations had introduced corrections, the report (S/C.3/27) was finally adopted as a whole at the 20th meeting (9 August).

At the close of the 20th meeting, the representative of FRANCE introduced a proposal concerning the study of an international system for the verification and inspection of conventional armaments (S/C.3/SC.3/20). This proposal was later replaced by a working paper (S/C.3/SC.3/21).

B. Activities of the Commission during 1948

The Commission for Conventional Armaments was convened on 2 August 1948 in its 11th meeting to consider the first progress report of the Working Committee and the two resolutions which

it had adopted (S/C.3/24 and S/C.3/25).¹ At the 11th to 13th meetings, the Commission considered the activities of the Working Committee to date and the position reached in respect of the question of the general regulation and reduction of armaments and armed forces. The central issues of the discussion were (1) the jurisdiction of the Commission in relation to atomic weapons and other weapons of mass destruction; and (2) the relation between the general regulation and reduction of armaments and armed forces and the factors affecting the existing state of international relations.

Discussion of the Committee's report in the Commission was initiated at the 11th meeting with a statement by the representative of the UNITED STATES. Stressing the belief of that delegation that the Commission must proceed with its work despite difficulties, he recalled that Secretary of State Marshall, in his address to the General Assembly on 17 September 1947, had stated the conviction of the Government of the United States that a workable system for the regulation of armaments could not be put into effect until conditions of international confidence prevailed, and that the regulation of armaments presupposed the settlement of peace terms with Germany and Japan, the implementation of agreements putting military forces and facilities at the disposal of the Security Council, and an international agreement for the control of atomic energy. Nevertheless, Mr. Marshall had added, the United States Government held it important that there should be no delay in the formulation of a system of arms regulation which could be implemented when conditions permitted. To that end, the Commission should proceed vigorously along the lines set out in its plan of work.

At the 12th meeting of the Commission (9 August), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS reiterated his delegation's inability to accept the resolutions adopted by the Working Committee under items 1 and 2 of the plan of work. The first resolution (S/C.3/24), which excluded atomic weapons and weapons of mass destruction from the purview of the Commission, created an artificial separation between the two interrelated questions of the regulation and reduction of armaments and the prohibition of atomic weapons and other means of mass destruction. By so doing, the Committee's resolution contravened General Assembly resolution 41 (I) of 14 December 1946, which had treated those two tasks as parts of a single and indivisible question, and aimed a powerful blow at implementation of the Assembly's decision. The second resolution, on general principles (S/C.3/25), in which the United Kingdom and the United States sought to make the implementation of practical measures dependent upon the prior fulfilment of certain conditions, was held also to contravene General Assembly resolution 41 (I) because the latter, in the view of the Union of Soviet Socialist Republics representative, contained no conditions or prerequisites for the formulation or implementation of practical measures

for the general regulation and reduction of armaments and armed forces.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, on 9 August, reintroduced his delegation's proposals (S/C.3/SC.3/17) which had been submitted at the 17th meeting of the Working Committee. The text of the proposals is as follows:

"1. The general regulation and reduction of armaments and armed forces should cover all countries and all kinds of armaments and armed forces.

"2. The general regulation and reduction of armaments and armed forces should provide for:

"(a) Reduction of armies, naval and air forces both in respect to strength and armaments;

"(b) Limitation of combat characteristics of certain kinds of armaments and the prohibition of separate kinds of armaments;

"(c) Reduction of war budgets and State expenditure on production of armaments;

"(d) Reduction of production of war materials.

"3. The general regulation and reduction of armaments and armed forces should provide, in the first place, for the entire prohibition of production and use of atomic and other kinds of weapons designed for mass destruction and the destruction of stocks of such weapons which have been made.

"4. In order to ensure the carrying out of measures for the regulation and reduction of armaments and armed forces, there should be established within the framework of the Security Council and as a component part of the plan for such regulation and reduction, an international system of control, which should protect the States which fulfil their obligations against the danger of violations and evasions in the carrying out of the agreement on the reduction of armaments."

The representative of the Union of Soviet Socialist Republics was of the firm belief that only by adopting proposals such as the foregoing would the Commission be acting strictly in accordance with the Assembly resolution of 14 December 1946.

The representative of the UNITED KINGDOM, on whose draft the resolution adopted by the Working Committee had been based, stated that the resolution did not signify that plans for disarmament should not be worked out even in the existing state of international relations, but that a beginning of implementation of those plans would require an easing of existing conditions and that, thereafter, a degree, even though small, of disarmament might encourage a feeling of security which in time might lead to further disarmament. In the opinion of the United Kingdom delegation, disarmament and security must go hand in hand.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, also at the 12th meeting, criticized the position taken by the United States and the United Kingdom delegations in subjecting implementation of General Assembly resolution 41 (I) to preliminary conditions which constituted obstacles to implementation. He believed that the work of the Commission for Conventional Armaments should have extended to cover the question of the prohibition of atomic weapons and the destruction of stocks of atomic bombs. The

¹ The text of S/C.3/24, adopted at the 4th meeting of the Working Committee on 9 September 1947, is reproduced in chapter 9 of the report submitted by the Security Council to the General Assembly in 1948 (A/620). The resolution identified herewith as S/C.3/25 is reproduced earlier in the present chapter under the symbol S/C.3/SC.3/18.

Ukrainian SSR supported the proposals (S/C.3/SC.3/17) which the Union of Soviet Socialist Republics representative had reintroduced in the Commission.

At the 13th meeting (12 August), the Commission decided, by 6 votes to 2 with 1 abstention, to proceed to a vote upon items 2 and 3 of the agenda (the two resolutions submitted by the Working Committee, S/C.3/24 and S/C.3/25 respectively) before continuing consideration of item 4 (the first progress report of the Working Committee, S/C.3/27). Thereafter, the Commission adopted the two resolutions concerned, the first by 8 votes to 2 with one representative absent, and the second by 9 votes to 2. A request by the representative of the Union of Soviet Socialist Republics, that in addition to the aforementioned resolutions the Commission also formally submit to the Security Council the Union of Soviet Socialist Republics' proposals (S/C.3/SC.3/17) which had not been adopted, was rejected by a ruling of the Chairman, who held that a proposal which the Commission had not adopted could not be submitted to the Council on a par with adopted resolutions, but should rather be included in the Commission's second progress report. That ruling was upheld by a vote of 8 to 2, with 1 abstention.

Continuing the discussion on the activities of the Working Committee, as recorded in its first progress report, the representative of FRANCE took the position that the regulation and reduction of armaments must be progressive and balanced. He held that substantial progress in the field could only be made in an atmosphere of confidence. Nevertheless, preparatory studies must be carried out and he believed that certain preliminary measures could be taken under existing circumstances which would contribute to the development of international confidence. He also stated that the question of general disarmament was closely linked to the establishment of collective security and that no important disarmament measure could possibly be carried out before machinery of collective security had been made ready. The French delegation held that the study of the reduction of conventional armaments should be conducted separately from study of the prohibition of the atomic weapon and that this principle had been clearly enunciated in General Assembly resolution 41 (I). The two questions were in no way interdependent.

The representative of CHINA stressed the importance of continuing the Commission's work. The Chinese delegation held that disarmament and international confidence must go hand in hand. Although no system of disarmament could be put into effect while international tension remained acute, it was equally true that international confidence could not be achieved while nations engaged in armament races. A beginning should be made either by easing the tension or by carrying out a small degree of disarmament. The representative of China stated further that Article 43 should be implemented and a system of collective security established as soon as possible. That would go a long way in helping to promote international confidence and to expedite the Commission's work.

At the close of the 13th meeting, the Commission, by 8 votes to 2, with 1 abstention, decided to submit to the Security Council a single progress report, based to a certain extent upon the report

of the Working Committee and also covering the work of the Commission. Statements by the various delegations would be annexed to the report. The Secretariat was requested to prepare a draft text for consideration at the following meeting.

The 14th and 15th meetings (17 August) were devoted to discussion of the draft of the Commission's second progress report to the Security Council (S/C.3/32/Rev.1 and S/C.3/32/Corr.1). After a paragraph-by-paragraph consideration during which several delegations introduced amendments to the Secretariat text, it was agreed that the final text of the draft report should be distributed among the delegations for examination and approval. If no request for further consideration of the draft was received prior to 15 September 1948, the report would be considered as adopted.

By a letter of 14 September 1948 (S/C.3/34), the representative of the Union of Soviet Socialist Republics notified the Chairman of the Commission that his delegation was unable to agree to the draft of the second progress report.

However, because of the imminence of the third session of the General Assembly in Paris, the Commission was unable to reconvene immediately to give further consideration to the draft report. At the 17th meeting (23 February 1949), the Commission agreed to postpone further discussion on the subject.

C. Implementation of General Assembly resolution 192 (III)

In September 1948, the delegation of the Union of Soviet Socialist Republics submitted to the General Assembly a draft resolution concerning the prohibition of the atomic weapon and the reduction by one-third of the armaments and armed forces of the permanent members of the Security Council.

It was noted in the preamble of the draft resolution that nothing had been done to implement the General Assembly resolution of 24 January 1946 on atomic energy control or the resolution of 14 December 1946 on the general regulation and reduction of armaments. The preamble went on to state that the prohibition of production and use of atomic energy for war aims was of first importance and that a general substantial reduction of armaments would satisfy the demands for a durable peace and stronger international security, and that it would also ease the economic burden resulting from excessive and ever increasing expenditure for armaments in various countries.

It was further pointed out in the preamble that the permanent members of the Security Council, possessing overwhelming armed strength, bore the main responsibility for the maintenance of peace and security, and that the resolution was presented in a desire to strengthen peace and eliminate the threat of a new war.

The operative part of the draft resolution reads as follows:

"The General Assembly

"Recommends to the permanent members of the Security Council: the United States of America, United Kingdom, Union of Soviet Socialist Republics, France and China — as a first step in the reduction of armaments and armed forces, the re-

duction by one-third during one year of all present land, naval and air forces;

"Recommends the prohibition of atomic weapons as weapons intended for aims of aggression and not for those of defence;

"Recommends the establishment within the framework of the Security Council of an international control body for the purpose of the supervision of and control over the implementation of the measures for the reduction of armaments and armed forces and for the prohibition of atomic weapons."

By a letter dated 14 January 1949 (S/1216), the Secretary-General transmitted to the Security Council the resolution (192 (III)) adopted by the General Assembly on 19 November 1948, under the title of "Prohibition of the Atomic Weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council."

Discussion in the Security Council of the above resolution was initiated at the 407th meeting (8 February).

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following draft resolution (S/1246/Rev.1):

"The Security Council,

"Having studied the General Assembly resolution of 19 November 1948 on the prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council, and the discussion of this question at the third session of the General Assembly,

"Notes, firstly, the increasing activity developing among the aggressive circles of certain Powers, and their policy of unleashing a new war, which is accompanied by an unjustified increase in armaments of all kinds, a gross inflation of military budgets and an ever-growing burden of taxation and other material hardships upon wide sections of the people in these States;

"Notes also the constant and ever-increasing propaganda of a new war, which is being encouraged by ruling sections in certain countries, despite the fact that such propaganda was justly censured in a General Assembly resolution as early as 1947 and is a direct weapon in the hands of the warmongers of all kinds who seek to promote fear, uncertainty and war hysteria among the people and in international public circles;

"Notes furthermore the recent establishment of a number of groups of States, led by the aggressive sections of certain great Powers, who seek to impose their aggressive policy upon other countries, are increasing the manufacture of arms and, for this purpose, are setting up in all parts of the world naval and air bases for which no justification can possibly be provided by the defence requirements of these countries;

"Notes, secondly, that up to the present time nothing has been done to implement the General Assembly's decision of 24 January 1946 on the establishment of a commission to deal with the problems raised by the discovery of atomic energy and the decision of 14 December 1946 on the principles governing the general regulation and reduction of armaments, thereby impairing the authority of the United Nations;

"Notes also that both the Atomic Energy Commission and the Commission for Conventional Armaments have failed to fulfil the tasks laid upon them, mainly because the Governments of certain great Powers have hitherto not striven for the adoption of decisions which would be acceptable to all peace-loving Powers and would not infringe the national sovereignty of any of those Powers;

"Notes, thirdly, that the General Assembly decision of 19 November 1948 on the prohibition of the atomic weapon and the reduction by one-third of the armaments and armed forces of the permanent members of the Security Council recommends the Security Council to pursue the study of the regulation and reduction of conventional armaments, but disregards the decision adopted by the General Assembly in 1946 on the necessity for prohibiting the atomic weapon, and the decision on the implementation of measures for a speedy reduction of armaments and armed forces adopted by the General Assembly at that time;

"Notes, moreover, that the General Assembly resolution of 19 November 1948 points out the need for formulating proposals for the receipt, checking and publication of information on the numbers of the armed forces and the volume of armaments of the Members of the United Nations, but passes over in silence the highly important question of furnishing information on atomic weapons to the Security Council; which is wholly inadmissible, particularly in view of the fact that the atomic weapon is an instrument, not of defence, but of aggression;

"Declares in addition that any continuance of the study of the regulation and reduction of armaments, and preparation of proposals for the collection of information on armed forces, must be subordinated to the task of elaborating and implementing concrete measures for the general regulation and reduction of armaments and the prohibition of atomic weapons and other major types of weapons for mass destruction;

"Recognizing also that complete data on armed forces and armaments of all types, including atomic armaments, are essential for the preparation of measures designed to reduce and regulate armaments and armed forces; and

"Acting in accordance with its responsibilities for the maintenance of international peace and security and with the powers conferred on it by Article 26 of the Charter, and guided by the General Assembly's resolution of 19 November 1948 and those of 24 January and 14 December 1946,

"Resolves:

"1. To instruct the Commission for Conventional Armaments, as a first step, to prepare a plan, to be submitted to the Security Council by 1 June 1949, for the reduction by one-third of the armaments and armed forces of the five permanent members of the Security Council no later than 1 March 1950;

"2. To instruct the Atomic Energy Commission to submit to the Security Council by 1 June 1949 both the draft of a convention on the prohibition of atomic weapons and the draft of a convention for the control of atomic energy, with the understanding that both conventions shall be concluded and come into force simultaneously;

"Both of these conventions shall be based on a due consideration for the lawful interests of all

States Members of the United Nations and of the States upholding the high principles of the United Nations, but shall not be based on the interests of any group of States pursuing their own narrow concerns;

"3. The Commission for Conventional Armaments and the Atomic Energy Commission shall be guided in their work by the principle that the prohibition of atomic weapons and the establishment of control over atomic energy must be an integral part of the general plan for the reduction by one-third of the armaments of the permanent members of the Security Council, and must be considered a first important step in that field;

"4. To consider as essential the establishment within the framework of the Security Council of an international control body to supervise and control the implementation of the measures for the reduction of armaments and armed forces and the prohibition of atomic weapons;

"5. To consider it as essential that the permanent members of the Security Council submit full data on their armed forces and armaments of all types, including atomic weapons, no later than 31 March 1949."

The representatives of the UNITED STATES OF AMERICA and the UNITED KINGDOM criticized the Union of Soviet Socialist Republics' proposal on the grounds (a) that much of its substance was a reiteration of an earlier proposal which had been rejected by a large majority of the General Assembly; and (b) that discussion of the proposal would delay approval of the General Assembly's resolution. The former representative added that progress had been made towards implementation of General Assembly resolution 41 (I) of 14 December 1946 and that the General Assembly had recognized that the collection of precise and verified data on national armed forces and conventional armaments was a necessary first step towards any effective reduction.

The representative of CUBA joined with the aforementioned representatives in urging prompt acceptance of the General Assembly resolution 192 (III).

At the 408th meeting of the Security Council (10 February), the representative of the UNITED STATES OF AMERICA proposed the following draft resolution (S/1248):

"The Security Council

"Resolves that the resolution of the General Assembly of 19 November 1948, as contained in document S/1216, be transmitted to the Commission for Conventional Armaments for action according to its terms."

The representatives of CANADA and FRANCE urged the prompt adoption of the United States draft resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, explaining the reasons that had prompted his delegation's proposal, referred to the existence of an armaments race in certain countries and to the failure to implement the earlier General Assembly resolutions I (I) and 41 (I). He reiterated that the questions of prohibition of atomic weapons and reduction of conventional armaments were inseparably linked and that provision for the former must form an integral part of any general plan for disarmament. While the Union of Soviet Socialist Republics was perfectly

ready to provide such information on its own armaments and armed forces as might be necessary for the elaboration of practical measures for the prohibition of the atomic weapon and the reduction and regulation of armaments and armed forces, it was clear that the collection of information must be subordinated to the main task, which was the elaboration of measures of reduction and prohibition. He added that information on conventional armaments would be of little use unless it was accompanied by information on atomic weapons.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC supported the USSR draft resolution as a valuable contribution towards the promotion of international peace and security.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following draft resolution (S/1249):

"The Security Council

"Resolves that the resolution proposed by the USSR delegation during the discussion on the Secretary-General's letter of 14 January 1949 communicating the resolution adopted by the General Assembly at its one hundred and sixty-third meeting on 19 November 1948 concerning prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the Permanent Members of the Security Council (S/1216) be transmitted, together with the above-mentioned resolution of the General Assembly, to the Commission for Conventional Armaments and, separately, to the United Nations Atomic Energy Commission."

After a procedural discussion, the Council adopted the United States draft resolution (S/1248) by 9 votes, with 2 abstentions. The second USSR draft resolution (S/1249) was rejected by a vote of 3 in favour, with 8 abstentions. The main USSR draft resolution (S/1246/Rev.1) was also rejected, the vote being 2 in favour with 9 abstentions.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS reserved his right to re-submit the proposals of his delegation for the consideration of the Commission for Conventional Armaments and the Atomic Energy Commission.

In accordance with the foregoing decision of the Security Council, resolution 192 (III) of the General Assembly was transmitted to the Commission for Conventional Armaments by letter dated 10 February 1949 from the President of the Council (S/C.3/35).

The Commission began consideration of the matter at its 16th meeting (15 February). After a lengthy discussion, the representative of the UNITED STATES OF AMERICA presented a draft resolution (S/C.3/37) instructing the Working Committee to formulate, as a first task, proposals for implementation of the sixth paragraph of the Assembly resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that as early as December 1946, when the USSR had submitted its original proposal to the General Assembly for the general reduction of armaments and armed forces and the prohibition of atomic weapons, the United States of America and the United Kingdom had been seeking a pretext to hinder and prevent the implementation of the Assembly reso-

lution and to undermine not only the reduction of armaments but also the prohibition of the atomic weapon.

The representative of the USSR recalled the draft resolution introduced by his delegation during the third session of the General Assembly in September 1948, calling for the prohibition of the atomic weapon and the reduction by one-third of the armaments and armed forces of the five permanent members of the Security Council. The Anglo-American bloc had applied all its efforts to preventing the adoption of the USSR's concrete proposal and to obtaining the acceptance of its own empty and fruitless draft resolution, which had finally been adopted by the Assembly.

That resolution was, in the opinion of the representative of the USSR, in accordance with the policy of diverting the Commission and the Working Committee from the preparation of the concrete measures called for in General Assembly resolution 41 (I) of December 1946. The United States and the United Kingdom were once more making an attempt to shelve the question of the reduction of armaments and armed forces and that of the prohibition of the atomic weapon, and to substitute for them the subsidiary issue of the collection of information regarding conventional armaments and armed forces while concealing data regarding the atomic weapon. Moreover, the United States draft resolution now before the Commission contained no reference to the prohibition of the atomic weapon and thus constituted a departure from the earlier resolution adopted by the General Assembly in 1946.

The representative of the USSR insisted that the Commission should begin immediately to prepare concrete measures aimed at the reduction of armaments and armed forces and the prohibition of the atomic weapon. As part of that task, the Commission should collect full data regarding armaments and armed forces of all types, including the atomic weapon.

He concluded by saying that the United States draft resolution was unacceptable to his delegation, a view shared by the delegation of the Ukrainian SSR.

The Commission then proceeded to a vote upon the United States draft resolution, which was adopted by 9 votes to 2. The text of the resolution (S/C.3/39) follows:

"The Commission for Conventional Armaments,

"Having taken note of the Security Council resolution of 10 February 1949,

"Bearing in mind the provisions of the General Assembly resolution of 19 November 1948, and noting in particular that in the sixth paragraph of that resolution the General Assembly expressed its confidence that the Commission, in carrying out its plan of work, would devote its first attention to formulating proposals for the receipt, checking and publication, by an international organ of control within the framework of the Security Council, of full information to be supplied by Member States with regard to their effectives and their conventional armaments,

"Instructs its Working Committee to undertake, as a first task, the formulation of the proposals envisaged in the sixth paragraph of the above-mentioned Assembly resolution."

The Working Committee became seized of its new terms of reference at the 21st meeting (26

May). A working paper (S/C.3/SC.3/21) was submitted by the representative of France dealing with the collection, publication and verification of data covering all effectives and conventional armaments but excluding scientific research and experimental material. After an exchange of views it was decided to postpone substantive discussion in order to enable delegations to study the working paper.

At the 22nd meeting of the Working Committee (21 June), the representative of EGYPT stated that he could not accept the French working paper for the following reasons: (a) it placed too great emphasis on the number of effectives comprising national armed forces at the expense of armaments and equipment; (b) the proposed census did not include atomic weapons and military scientific research; and (c) the paper did not give sufficient detail as to the type of control organ which was proposed.

The representative of the UNITED STATES OF AMERICA considered the working paper presented by the French delegation as especially valuable and regarded acceptance of that principle as essential, since only by providing for adequate verification would it be possible to ensure genuine confidence in and acceptance of the General Assembly's proposal by all the nations of the world.

The representative of FRANCE, replying to a question put by the representative of the Union of Soviet Socialist Republics, said that in preparing the working paper the French delegation had been guided by the General Assembly's instruction, contained in its resolution (192 III) of 19 November 1948, that the Commission devote its first attention to formulating proposals for the receipt, checking and publication of full information to be supplied by Member States regarding their effectives and conventional armaments. Once the Commission had completed that stage, it was the firm desire of the French delegation to proceed with the task of preparing proposals for the regulation and reduction of armaments and armed forces in accordance with the Commission's terms of reference. As far as the atomic weapon was concerned, the delegation of France adhered to the terms of reference for the Commission for Conventional Armaments, which excluded all questions of atomic energy and atomic weapons.

The representatives of CANADA, the UNITED KINGDOM, NORWAY, CUBA and CHINA expressed their support, in principle, for the French working paper.

The representatives of the UNION OF SOVIET SOCIALIST REPUBLICS and the UKRAINIAN SOVIET SOCIALIST REPUBLIC were unable to accept the French working paper because they held that the collection of information would serve no useful purpose unless connected with a prior decision of principle on the reduction of armaments and the prohibition of the atomic weapon. They further objected that the information to be provided did not extend to atomic weapons which were major weapons of aggression.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC emphasized that the Soviet delegations had never denied the necessity of submitting true information on armed forces under the conditions of the agreement of the five permanent members of the Security Council to prohibit the atomic weapon and to reduce armaments.

However, they could not agree that the USSR proposal concerning prohibition of the atomic weapons and reduction of armaments should be eliminated in favour of a mere demand for military information. It was enough to study the document submitted by the French delegation to see where its authors were leading and what aims they were following. The authors of that document were demanding submission of information on all kinds of armaments with the exception of one kind, namely, the atomic weapon, the most aggressive and deadly weapon for mass destruction of peaceful peoples. It was obvious that the French document had nothing to do with the reduction of armaments and the prohibition of atomic weapons. The authors of the French paper were disregarding the most important document of the United Nations, namely, General Assembly resolutions 1 (I) and 41 (I) of 1946 concerning the control of atomic energy and the reduction of armaments, and were taking as a basis the opportunistic resolution 192 (III) of 19 November 1948, which led the United Nations away from the tasks adopted in January and December 1946 in the field of reduction and regulation of armaments.

Such one-sided formulation of the problem reflected the position of aggressive circles in the United States of America.

The claim of the representative of France that the atomic weapon was not within the competence of the Commission for Conventional Armaments was nothing more than a juridical fiction for the purpose of justifying the armament race and the production of atomic weapons without control. The work of the Atomic Energy Commission and the Commission for Conventional Armaments could not be separated. They presented two sides of the same problem — the removal of the threats of war, and maintenance of peace and security.

The delegation of the Ukrainian SSR considered it nonsense to speak politically about the

reduction of conventional armaments while avoiding the prohibition of atomic weapons.

The delegation of the Ukrainian SSR could not vote for the French document because it held it incompatible with the principles and aims of the United Nations.

In the opinion of the representative of the Ukrainian SSR, the USSR draft resolution was the only honest proposal on the question of disarmament, because that draft resolution was inspired by the sincere aim to prohibit the production and utilization of atomic weapons and to reduce other kinds of armaments. Therefore, the delegation of the Ukrainian SSR had supported and would continue to support that draft resolution.

At the 23rd meeting (7 July), the representative of FRANCE submitted an additional section of his working paper (S/C.3/SC.3/21/Add. 1) dealing with the organization and functions of the proposed international control organ. An amendment to the first part of the working paper was submitted by the United Kingdom representative and was accepted by the representative of France at the 24th meeting (12 July). At the latter meeting, the representative of Argentina stated his acceptance of the working paper as a basis for discussion.

The representative of the UNITED KINGDOM stated that his delegation fully supported the statement of the United States representative to the effect that there was a clear line of demarcation between the jurisdiction of the Commission for Conventional Armaments and the Atomic Energy Commission. He further added that he could not support the thesis that agreement on measures of armament reduction must precede the collection and checking of information on armaments.

The representatives of the UKRAINIAN SOVIET SOCIALIST REPUBLIC and the UNION OF SOVIET SOCIALIST REPUBLICS restated their reasons for rejecting the French proposals.

Part III

OTHER MATTERS CONSIDERED BY THE SECURITY COUNCIL AND ITS SUBSIDIARY ORGANS

Chapter 10

ADMISSION OF NEW MEMBERS

A. Application of Ceylon

1. CONSIDERATION OF THE APPLICATION BY THE COUNCIL

By a letter dated 25 May 1948 (S/820) from the Prime Minister and Minister for External Affairs to the Secretary-General, the Government of Ceylon applied for membership in the United Nations. At the 318th meeting (11 June 1948), the Council agreed, in accordance with rule 59 of the provisional rules of procedure of the Security Council, to refer the application to the Committee on the Admission of New Members for examination and report.

The Committee on the Admission of New Members presented its report (S/859) to the Security Council at the 351st meeting (18 August).

The representative of the UNITED STATES OF AMERICA, welcoming Ceylon's application for membership in the United Nations, stated that Ceylon's recent progress toward full independence had been based upon sound preparation and careful study and that Ceylon, on 4 February 1948, had achieved sovereign independence as a wholly responsible member of the British Commonwealth of Nations. Ceylon had participated in the work of international agencies. It had thus demonstrated its sincere wish and intention to assume its full responsibilities as a free and independent member of the community of nations. It was the conviction of his Government that Ceylon qualified for membership within the meaning of Article 4 of the Charter.

The representative of CHINA associated himself with the remarks made by the representative of the United States. He stated that the political position of Ceylon was identical with that of Canada and Australia, whose representatives in the Security Council had contributed and were contributing so much to the work of the United Nations. There could be no question that Ceylon was a peace-loving State, willing and able to fulfil all obligations of membership in the United Nations. As a representative of a country which had long cultural and religious ties with Ceylon, he expressed the hope that its application would be approved unanimously.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC recalled that the invitation which the Ukrainian Government had received in January 1948 to be represented at the celebration of the proclamation of Ceylon's independence had come from the British Governor of Ceylon. The fact that the newly proclaimed independent State could not itself even have invited representatives of other countries to attend the celebration of

the proclamation of its independence but had to ask permission of, or to act through, the British Governor, could not fail to have given rise to doubts as to the genuineness of Ceylon's independence. It was strange that most of the members of the Committee on the Admission of New Members opposed the USSR proposal for obtaining additional information on Ceylon. The information which the Ukrainian SSR delegation possessed about Ceylon convinced that delegation that the Security Council should insist on obtaining extensive data before recommending Ceylon's admission to the United Nations. He warmly sympathized with the efforts of the freedom-loving people of Ceylon to win independence and national sovereignty for their country but suspected that Ceylon's independence and national sovereignty were as fictitious as Transjordan's.

The representative of the UNITED KINGDOM endorsed what had been said by the representative of the United States concerning the nature and extent of Ceylon's independence, and expressed the hope that the Council would decide to recommend Ceylon for membership in the United Nations. He added that the Government of Ceylon had submitted a paper giving considerable information in regard to the status of Ceylon. Should that information not be considered sufficient, however, he understood that a representative of Ceylon was present and would place himself at the Council's disposal to answer any questions.

The representative of CANADA recalled that the position of his delegation had already been expressed in the Committee on the Admission of New Members. There could be no doubt whatsoever that Ceylon fully met the five conditions laid down in Article 4 of the Charter; he believed that the application should be approved by the Council.

The representative of SYRIA considered that Ceylon was a peace-loving State willing and able to fulfil the membership requirements. If the representative of the Ukrainian Soviet Socialist Republic had doubts about Ceylon's independence, its admission to the United Nations would be helpful in removing those doubts because, under the Charter, Members of the United Nations enjoyed sovereign equality.

The representatives of BELGIUM and FRANCE stated that their delegations would vote in favour of the admission of Ceylon. They endorsed the remarks made previously by other members of the Council.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Security Council and the Committee on the Admission of

New Members did not possess sufficient information on the national status or constitution of Ceylon. The representative of the USSR on the Committee had proposed that additional information be obtained, but the other representatives had failed to agree to that proposal. In the absence of adequate information, the USSR delegation found it difficult to consider the matter. The documents submitted to the Security Council by the representative of Ceylon were inaccurate and one-sided. The admission of Ceylon to the United Nations at a stage when that country was not a sovereign and independent State would, in effect, mean that the United Nations was putting the stamp of legality on Ceylon's present position of dependence. He therefore submitted the following draft resolution (S/974) :

"Having considered the application of the Government of Ceylon for admission to the United Nations,

"The Security Council

"Resolves to postpone the consideration of the question of Ceylon's admission to the United Nations until such time as full information on the status of the Government of Ceylon and on its constitution as well as sufficient proof that Ceylon is a sovereign and independent State has been received from the Government of Ceylon."

The representatives of CANADA, UNITED KINGDOM, CHINA and COLOMBIA opposed postponement of the consideration of the application, and expressed belief that the information available to the Council had been sufficient to relieve any doubts as to the eligibility of Ceylon for membership in the United Nations.

Decision: *At the 351st meeting on 18 August 1948 the Council rejected the USSR draft resolution (S/974), 2 votes being cast in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 9 abstentions.*

The representative of CHINA then proposed that the Security Council recommend to the General Assembly the admission of Ceylon to membership in the United Nations.

Decision: *The Chinese proposal received 9 votes in favour and 2 against (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). The proposal was not adopted, one of the votes against being that of a permanent member of the Council.*

2. REQUEST OF THE GENERAL ASSEMBLY

A special report on the admission of Ceylon was submitted by the Security Council to the General Assembly on 23 August 1948 (A/618) and was considered during its third session (part I). The General Assembly, at its 177th plenary meeting on 8 December 1948, adopted resolution 197 (III), I, requesting the Security Council to reconsider at the earliest possible moment the application of Ceylon in the light of that resolution and of the discussions in the *Ad Hoc* Political Committee. The resolution on Ceylon was transmitted (S/1113) by the President of the General Assembly to the President of the Security Council on 9 December 1948.

At the 384th meeting (15 December) the Council reconsidered the application of Ceylon.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to inclusion of the

item in the agenda, on the ground that, in accordance with General Assembly resolution 197 (III), B, the Security Council must proceed to reconsider all of the membership applications at one and the same time.

Decision: *The USSR proposal to delete that item from the agenda was rejected, 2 votes being cast in favour (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics) and 8 against, with 1 abstention (Colombia).*

After the adoption of the agenda, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS reiterated that, in accordance with the General Assembly recommendation, the Security Council should reconsider all of the applications. The request for special consideration of Ceylon as an exceptional case was a continuation of the old policy of the United States and the United Kingdom, which was one of discrimination against certain States and of favoritism toward others. Such a policy was incompatible with the principles of the Charter. He proposed that the reconsideration of Ceylon's application should be postponed until all twelve membership applications before the Council could be reconsidered simultaneously, in accordance with General Assembly resolution 197 (III), B.

The representative of CHINA, objecting to the requested postponement, stated that the application of Ceylon should be considered on the ground of individual merit, and that each application had to be considered separately. It would be unfair and unjustified to say that if one State was admitted, all the others must be admitted.

The representative of the UNITED KINGDOM expressed the opinion that Ceylon had all the attributes and qualifications for membership. He repudiated the theory that all applicants should be admitted *en bloc*. It was the Council's duty to examine each individual application on its merits and to judge it by the yardstick of the Charter. He pointed out that the General Assembly had requested the Security Council to reconsider Ceylon's application at the earliest possible moment. Therefore, he hoped that the Council would try to make a decision on the application that very day.

The representative of the UNITED STATES OF AMERICA supported the views expressed by the representative of the United Kingdom. He pointed out the unanimous opinion expressed during the discussion in the *Ad Hoc* Political Committee that Ceylon was a peace-loving State and that it was able and willing to carry out the obligations of the Charter.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC pointed out that General Assembly resolution 197 (III), I, did not state that the Security Council should reconsider the application of Ceylon two or three days after the end of the Assembly's session. The phrase "at the earliest possible moment" might mean after a much longer period of time than that which had so far elapsed. He repeated that the membership applications submitted by twelve States should all be examined simultaneously. Otherwise, the special consideration of Ceylon's application would be an act of discrimination against the other eleven States.

The representative of FRANCE observed that it had been the desire of the General Assembly to

treat the Ceylon case somewhat differently from the other applications, not only for any theoretical reasons but because the Assembly had hoped that the representative of the Union of Soviet Socialist Republics might adopt a less rigid attitude in regard to Ceylon's application than he had adopted in regard to other applications.

The representative of CANADA said that he had no doubt whatsoever as to the qualifications of Ceylon for membership in the United Nations. Those qualifications had never been seriously contested in the course of discussion. As regards the question of adequate information concerning Ceylon, he added that he felt that the amount of time which had intervened since a working paper on the subject had been furnished to Council members in June should have been adequate for giving full consideration to the case.

The representative of SYRIA stated that he would not have objected to the discussion of all the applications by the Security Council if they had all appeared on that day's agenda. Each application required separate consideration. The Council then had Ceylon's application on its agenda and there was no reason to postpone its discussion.

The PRESIDENT, speaking as the representative of BELGIUM, regarded Ceylon as a peace-loving State, able and willing to carry out obligations contained in the Charter. It should therefore be admitted to membership in the United Nations.

In reply to the comments of various representatives, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Security Council should be guided by General Assembly resolution 197 (III), B, in which the principle of universality was maintained. In view of the fact that there would be a second part of the third session of the General Assembly, the Council had ample time to proceed to the reconsideration of the twelve membership applications in the order in which they had been submitted. The Council would thus be acting in the spirit of the Assembly's resolution.

Decisions: *At the 384th meeting on 15 December 1948, the Union of Soviet Socialist Republics proposal that reconsideration of Ceylon's application should be postponed until the twelve pending membership applications could be reconsidered at the same time, was rejected by 7 votes to 2, with 2 abstentions (Argentina, Syria).*

The application of Ceylon was then put to the vote. The result of the vote was 9 in favour and 2 against (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). Ceylon's application did not receive the recommendation of the Security Council, one of the votes against being that of a permanent member of the Council.

B. Reconsideration of applications

1. REQUESTS OF THE GENERAL ASSEMBLY

In addition to resolution 197 (III), I, concerning Ceylon, the General Assembly, on 8 December 1948, during its third session (part I), adopted eight other resolutions on the admission of new Members.

In resolution 197 (III), A, the General Assembly recommended that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the advisory opinion of the International Court of Justice of 28 May 1948.

In resolution 197 (III), B, the General Assembly asked the Security Council to reconsider, taking into account the circumstances in each particular case, the applications for membership in the United Nations which had not been recommended by the Security Council, and which had been mentioned in its special reports to the General Assembly (A/617 and A/618).

In resolutions 197 (III), C, D, E, F, G and H, the General Assembly requested the Security Council to reconsider the applications of Portugal, Transjordan, Italy, Finland, Ireland, and Austria. In those resolutions, the General Assembly determined that Portugal, Transjordan, Italy, Finland and Ireland were peace-loving within the meaning of Article 4 of the Charter, were able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership. In the case of Austria, the Assembly reiterated its opinion that Austria was a peace-loving State within the meaning of Article 4.

2. RENEWAL OF MEMBERSHIP APPLICATIONS

The following countries renewed their applications for admission to membership in the United Nations:

(i) The People's Republic of Bulgaria, by communications dated 22 September and 9 October 1948 from the Minister for Foreign Affairs (S/1012 and S/1012/Add.1);

(ii) Hungary, by communications dated 27 September and 8 October 1948 from the Hungarian Minister in Paris (S/1017 and S/1017/Add.1);

(iii) The People's Republic of Albania, by communications dated 12 October and 2 December 1948 from the Minister for Foreign Affairs (S/1033 and S/1105);

(iv) The Mongolian People's Republic, by communications dated 12 October and 25 October 1948 from the Prime Minister and Minister for Foreign Affairs (S/1035 and S/1035/Add.1);

(v) The People's Republic of Romania, by communications dated 12 October and 9 November 1948 from the Minister for Foreign Affairs (S/1051 and S/1051/Add.1).

3. RECONSIDERATION OF TWELVE APPLICATIONS

At the 427th meeting (16 June 1949), the Security Council considered the requests of the General Assembly and the communications from Bulgaria, Hungary, Albania, the Mongolian People's Republic and Romania.

The PRESIDENT, after tracing the background of the case, stated that the situation with which the Security Council was confronted was that all of the applications in question had been considered by the Security Council without obtaining its recommendation. Under the circumstances, he did not think that any practical purpose would be served by referring them again to the Committee on the Admission of New Members or even by discussing them in the Council. If there were no objections to such a procedure, he would like merely to ask if any representative wished to change his position as it then stood in the record or desired to bring up any new point. In particular, he said, it would be of interest to learn whether the permanent members still wished to use their privileged vote to block the admission of a State, or were prepared not to apply the veto with regard to the admission of new Members. Likewise, it would be a good thing to hear the three new members of the Council.

Before the general discussion had begun, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the order in which the applications appeared on the agenda. He thought that they should be considered in chronological order.

The PRESIDENT explained that the adoption of the agenda did not in any way prejudge the order of voting. He assured the representative of the USSR that, should the occasion arise, he would consult the Council on that order.

Decision: *The Council adopted the agenda by 9 votes to 2 (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).*

The representative of ARGENTINA, after referring to the General Assembly resolutions of 8 December 1948, recalled that the applications of Portugal, Jordan, Italy, Finland, Ireland and Ceylon had obtained nine affirmative votes in the Security Council while Austria's application had received eight votes. He asserted that the Council's failure to act upon a similar recommendation made by the General Assembly in 1947 should not be repeated, since it would be tantamount to ignoring a recommendation of the General Assembly.

The matter before the Council, he said, was of great importance to the United Nations, whose composition it fundamentally influenced, and also was of great moral importance for the whole world. Numerous peaceful nations, fully meeting the requirements of the Charter, were being held up at the gate of the United Nations because of the erroneous attitude of some and the indifference of others. The rivalries of the great Powers should not be the dominant factor in the decisions of the United Nations. Apathy, inaction and indifference were always synonymous with disintegration and death. The present *impasse* was untenable. It was not enough for China, France, the United Kingdom and the United States to declare, as they had, that they would not use the veto with regard to the admission of new Members.

The representative of Argentina recalled that the Assembly had reiterated, in 1948, by an overwhelming majority, that those peace-loving States which had obtained a majority vote in the Security Council should be admitted to the United Nations. It was necessary therefore to follow up that declaration with a corresponding attitude in the Security Council and later in the Assembly. For this reason, he was submitting seven draft resolutions calling upon the Council to recommend to the General Assembly the admission of Portugal (S/1331), Jordan (S/1332), Italy (S/1333), Finland (S/1334), Ireland (S/1335), Austria (S/1336) and Ceylon (S/1337). The text of the first of these similarly worded draft resolutions follows:

"The Security Council,

"Noting General Assembly resolution 197 (III), C, of 8 December 1948, regarding the application of Portugal for membership in the United Nations,

"Decides that in its judgment Portugal is a peace-loving State and is able and willing to carry out the obligations contained in the Charter; and accordingly,

"Recommends to the General Assembly that it admit Portugal to membership in the United Nations."

Analysing the legal situation on the basis of the Charter provisions, the representative of Argentina

said that it was significant that the Charter required the implementation of two distinctly separate actions. In one case, the Charter asked for a decision, and in the other for a recommendation. The decision was to be made by the Assembly, the recommendation by the Security Council.

The Council's recommendation could be either favourable or unfavourable, or a recommendation for postponement; in each case, the final decision remained with the Assembly.

He supported his view by a detailed analysis of the relevant provisions of the Charter, with particular reference to the arguments on this matter adduced by the representative of the USSR at the Paris session of the General Assembly. That analysis led him to the conclusion that the power to decide on the admission of new Members to the United Nations had been conferred by the Charter exclusively upon the General Assembly. He maintained that Article 27 of the Charter was not applicable to Security Council deliberations on the admission of new Members.

At the 428th meeting (21 June), the representative of CHINA expressed agreement with the President concerning the procedure for dealing with the matter. He believed that, as a matter of policy, the veto should be exercised very sparingly, if at all, in connexion with the admission of new Members. He favoured the principle of universality but not through some mechanical process. He was ready to consider all the applications in a fair and generous way so that membership in the United Nations would be as universal as possible.

The representative of CUBA stated that his delegation, in conformity with the advisory opinion of the International Court of Justice of 28 May 1948, would support any application which met the membership requisites set forth in Article 4 of the Charter.

The representative of EGYPT stated that his delegation had consistently supported the principle of universality. Membership in the United Nations should be open to all applicants meeting the requirements of the Charter, as stipulated in Article 4. He observed that with efforts being made with a view to bettering international relations, it seemed legitimate to hope that a change of attitude and the subsequent admission of all worthy applicants to membership would serve as a substantial contribution towards the accomplishment of a more helpful and constructive international atmosphere.

The representative of the UNITED STATES OF AMERICA shared the dissatisfaction of the representative of Argentina over the fact that the Union of Soviet Socialist Republics was obstructing the admission of applicants qualified for membership. The United States had repeatedly stated that it would not exercise its right of veto in the Security Council to exclude from the United Nations any applicant then under consideration which the Assembly deemed to be qualified for membership. The purpose of the United States in that respect was identical with that of Argentina. He, however, had not been able to accept the method of procedure which the representative of Argentina had long advocated. The willingness of his delegation to refrain from blocking, by its veto, the decision of any seven members of the Security Council that an applicant was qualified for membership did not mean that the Council or its members should ignore the requirements of Article 4. States should, by their conduct prior to mem-

bership, give proof of their readiness and willingness not to use force as an instrument of national policy and to respect the law of nations.

The applications of Austria, Ceylon, Finland, Ireland, Italy, Portugal and Jordan had consistently received the support of his Government. It continued to support fully the admission of those States. With regard to the applications of Albania, Bulgaria, Hungary, the Mongolian People's Republic and Romania the position remained the same. His Government was unable to support those applications. He agreed with the President that no useful purpose could be served by bringing the matter to a vote.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS held that the representative of the United States was pressing a policy of discrimination with regard to some States and favouritism towards others. If the United States persisted in its present rude, blatant and flagrant policy of discrimination against Albania, the Mongolian People's Republic, Bulgaria, Romania and Hungary, then the Council would not get very far.

He considered the statement of the Argentine representative as merely a rehash of what he had said in Paris. He reminded the Council that the question on its agenda was the reconsideration of membership applications, not the revision of the Charter provisions dealing with the voting procedure of the Security Council. He recalled that, during part I of the third session of the General Assembly, the head of the Soviet delegation had made a complete shambles of all the arguments advanced by the representative of Argentina. Commenting on the submission of seven draft resolutions by that representative, he interpreted the action as signifying merely adherence to the position of the Anglo-American bloc. He maintained that the purpose of the General Assembly in adopting resolution 197 (III), B, was to prevail upon the Security Council to reconsider all the applications and to recommend the admission of all the applicants. The Security Council should draw the appropriate conclusion and adopt an affirmative decision. Such an affirmative decision was possible only if the majority of the Council gave up its policy of discriminating against some States.

The question of the admission of new Members had a long history. The delegation of the USSR deemed it essential that the question should be resolved without delay. In order to permit such a solution, the delegation of the USSR wished to submit the following draft resolution (S/1340):

"The Security Council,

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

"Recommends to the General Assembly that the above-mentioned countries be admitted to membership in the United Nations."

The representative of FRANCE agreed to the procedure outlined by the President at the 427th meeting for dealing with the question. With regard to the advisory opinion of the International Court of Justice, his delegation had formulated a rather special position. He regarded the question as being of a political rather than a legal character. While that advisory opinion should be regarded

as one of the elements which should help the Council to form a considered judgment, he deemed it would be improper to transform it into a full recommendation. He favoured the principle of universality and would support all the applications which met the requirements for admission to membership in the United Nations.

The representative of CANADA stated that as on previous occasions, he based his position upon two principles. One was Article 4 of the Charter, and the other the subsequent recommendations of the General Assembly. Were the various proposals to be put to the vote, the Canadian delegation would vote in accordance with those two principles.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC regarded the statements of some of the representatives, that they were not prepared to use the veto in connexion with the admission of new Members, as false and insincere, because the representatives of the United States, the United Kingdom, France and China could apply a concealed veto merely by abstaining. As regards the advisory opinion of the International Court of Justice, he asserted that there was no opinion as such from the International Court of Justice, but merely the views of individual members of that Court. The proposals of Argentina were fully covered by the draft resolution submitted by the representative of the USSR and he would vote for that draft.

The representative of the UNITED STATES OF AMERICA, after recalling the Security Council's practice of discussing and taking a decision on each application, felt that, as a matter of procedure, the Council should continue to consider and vote on each application separately. That would enable each member of the Council to reflect the attitude of his country on each application.

At the 429th meeting (24 June), the representative of the UNITED KINGDOM stated that his Government's position on the applications for membership had been frequently stated and was unchanged. The United Kingdom would not use its privileged voting position to block the admission of any applicant. He favoured admission of all properly qualified applicants but did not consider that all applicants should automatically receive membership. He supported the United States representative's view that a separate vote should be taken on each application, and rejected the Soviet accusations of discrimination against certain applications. He would support all the proposals submitted by the representative of Argentina but could not support all his arguments.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC said that the raising of the whole issue before the Security Council had a definite political purpose. That was not the admission or non-admission of certain States, but was an attack on the principle of unanimity of the permanent members of the Security Council. The Anglo-American bloc had applied its policy of discrimination against the admission of certain States as far back as 1946, when Albania had made its application. To increase the voting strength of the United States and the United Kingdom was the primary aim of that bloc. The attitude of the representative of the United States toward the USSR representative's proposal for simultaneous admission of all twelve applicants was in reality tantamount to exercising the right of veto. The United States and the United King-

dom did not need to use their veto; they had a majority in the Security Council and could always block admission of an applicant by abstentions.

The peace treaties with Bulgaria and Hungary provided a definite procedure for dealing with alleged treaty violations, and that procedure did not include voting in the Security Council against the admission of those two countries to the United Nations. Referring to the statement of the representative of the United States that Albania and Bulgaria had been interfering in the internal affairs of Greece, he asked whether the noise made in the United States about an Anglo-Argentine trade agreement did not constitute interference in internal affairs. In the preamble to the peace treaties with Bulgaria, Hungary and Romania, the United States and the United Kingdom undertook the obligation to support admission of those three States to the United Nations. The United States and the United Kingdom had violated that undertaking and, by so doing, had undermined confidence in international treaties. He considered the purpose and political consequences of the USSR representative's proposal to be the bolstering of the authority of the Security Council and the satisfying of the legitimate desire of those applicants to become Members of the United Nations.

The representative of FRANCE considered the Soviet draft resolution incompatible with Article 4 of the Charter, with the advisory opinion of the International Court of Justice and with the practices of the Security Council. He saw no need for the Council to vote again on the issue, but were it to do so, each application should be taken up separately and voted on in chronological order.

The representative of ARGENTINA stated that his delegation was opposed not to the rule of unanimity of the permanent members of the Security Council but to the lack of unanimity. He suggested informally that, if no progress appeared possible at that time, the Council might postpone taking a vote in order to allow time for possible agreement. In the matter of precedence in voting on the draft resolutions, he would not insist on a strict interpretation of rule 32 of the Security Council's rules of procedure. He was rather surprised that the representative of the USSR should find it strange that someone repeated again and again arguments already presented and made lengthy speeches. In that connexion the representative of Argentina would have thought the Security Council had become accustomed to the use of that practice by some delegations and he did not think the delegation of Argentina should incur that reproach. He added that it was a very convenient practice to ignore a speech when one did not know what to answer and when one had no argument against it and also that it was easy to ignore that part of the speech in which he proved that nothing whatever had been destroyed by the head of the USSR delegation; that was a matter concerning the representative of the USSR who was free to choose to ignore the argument of the Argentine delegation.

After a number of representatives had expressed the opinion that the Council should not vote on the matter at that time, the PRESIDENT suggested that the Council conclude the debate without voting and merely report to the General Assembly that the Council had reconsidered the applications but that the discussion had not revealed any change

of attitude on the part of Council members which would make it possible to make a recommendation for admission to membership of any of the twelve States whose applications the Council had been asked to reconsider.

At the 430th meeting (11 July), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the discussion had shown that most members of the Security Council considered that the Council should be guided by the provisions of Article 4 of the Charter and that no obstacle should be placed in the way of the admission of a peace-loving state. Only the representatives of the United States and the United Kingdom had shown clear intolerance and had hurriedly declared that they still opposed the admission of such countries as Albania, Mongolian People's Republic, Bulgaria, Romania and Hungary. The arguments adduced by the representative of the United States were, however, only a transparent veil which did not hide very well the real motive of the United States, which was to slander these countries, all of which had given ample proof of their love for peace. No one could deny the splendid contribution of Albania and the Mongolian People's Republic to the war effort. The peoples of Hungary, Romania and Bulgaria had shaken off the yoke of the fascist regimes and they were now actually part of those who fought fascist aggression for peace and democracy. For the United Nations to follow the policy propounded by the representative of the United States and not the requirements laid down in the Charter would mean that the door of the United Nations would be closed to all peace-loving States and open only to those countries whose regime was to the liking of the United States.

The representative of the United States of America had constituted new requirements for admission which had nothing to do with the conditions stipulated in the Charter. The opposition of the United States to the admission of these States to membership was not because they did not fulfil the requirements of Article 4 of the Charter, but because the United States did not like the policies followed by these States. The representative of the United States had frankly declared that the United States would support the admission of these countries should they change their policy. This was an open political extortion. The United States was forgetting that the United Nations was not its personal organ, admission to which could be regulated by its own will and could be guided by its own personal political considerations. The United States tried to impose on everyone the thought that its own interest and ambitions were the same as the principal tasks and the aims of the United Nations.

The representative of the United States had not been able to produce any convincing arguments against the Soviet proposal for the simultaneous admission of all twelve applicant States. The irrelevance of procedural objections was evident. The question now was not to study these applications separately, for the fourth time. The core of the problem at present was to know whether the twelve States were going to be admitted to the United Nations or whether the policy of discrimination against some States and favouritism toward other States was going to continue. To say that the United States and the United Kingdom would

not exercise the veto in this matter was false and undignified since they could always block admission to a State by signalling their followers in the Council to act accordingly. In reality, it was not the Soviet Union that was blocking the admission of new members. The Soviet Union was offering to accept for membership all twelve States. The Council could achieve a positive solution to this question only on the basis presented in the USSR draft resolution.

The representative of the UNITED STATES OF AMERICA replied to certain questions directly addressed to him by the representative of the Union of Soviet Socialist Republics. With regard to the question concerning which Articles of the Charter had been violated by countries such as Hungary, Bulgaria and Romania, he pointed to certain parts of the Preamble and of Articles 1 and 2 of the Charter. He noted the findings of a United Nations organ to the effect that Greece's northern neighbours had aided the Greek guerrillas and by their acts were helping to continue a breach of the peace which might, if the United Nations were not vigilant and right on the spot, spread out into a great conflagration. In answer to a question as to what Articles of the Charter were involved in this question of deciding whether these countries were able and willing to carry out the obligations contained in the Charter, he cited Articles 55 and 56 of the Charter regarding human rights and fundamental freedoms. With regard to the exact meaning of convincing evidence he said that he did not need any special evidence other than evidence to satisfy conformity by these countries to Article 4 of the Charter. Charges had been made that certain of these countries had violated human rights and they had denied these charges. That constituted a dispute for which these countries were obliged to seek a solution through the machinery of the peace treaties. However, it had not yet been agreed to do so.

The PRESIDENT, speaking as the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, stated that the statement of the representative of the United States was not a happy example of oratory. No one had denied him the right to investigate whether or not any given applicant was peace-loving, but he could not produce any valid evidence to justify his attitude and assertion that Romania, Bulgaria, Albania, Hungary and the Mongolian People's Republic were not actually peace-loving States. His opposition to the admission was entirely arbitrary. The conditions which he suggested were entirely new. They were not the conditions which required to be examined in connexion with the admission of new members. He had not produced a single convincing argument against the peace-loving character of the five States concerned. For instance, had the tiny Bulgaria, or Albania, or Hungary or Romania been establishing military bases in foreign lands or had the small Mongolian People's Republic been manufacturing atomic bombs or had the Press in the Mongolian People's Republic freely discussed atomic warfare? The United Nations included States which were still doing all these things and, besides, were refusing to accept conventions on atomic energy and atomic weapons. Yet no one had asked for the expulsion of these States. Why did the representative of the United States want to interfere in internal affairs of these small countries? During the three years of the discussions, the Council had had the time to learn all the argu-

ments, answers and discussions. Why then not accept such a reasonable proposal as had been introduced by the representative of the USSR? As for violation of treaties by the applicants, he could quote a number of treaty violations by other States. But the Security Council was not competent to deal with these international treaties. That was a matter which was within the scope of the activities of the Council of Foreign Ministers.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, in reply to the representative of the United States, reminded him that Article 2 (7) of the Charter expressly prohibited the United Nations from any interference in the domestic jurisdiction of States. Thus, contrary to his assertion, Article 55 of the Charter could not be used to interfere in the internal affairs of an applicant State. He read excerpts from the statement of the representative of the United States at the San Francisco Conference to the effect that there was nothing contained in Chapter IX of the Charter, of which Article 55 was the first Article, which could be construed as permitting interference in the internal affairs of a State. Thus, the argumentation of the representative of the United States had fallen to pieces.

At the closing date of this report, the Council has not yet concluded its discussion on the matter.

C. Application of the Republic of Korea

By a letter dated 19 January 1949 (S/1238) to the Secretary-General, the Acting Foreign Minister of the Republic of Korea, recalling that the Government of that Republic had been established as a result of actions of organs of the United Nations, requested, on behalf of his Government, the admission of the Republic of Korea as a Member of the United Nations. A declaration of acceptance of the obligations contained in the Charter was submitted with the application.

At the 409th meeting (15 February), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the inclusion of the item in the agenda.

Decision: *The USSR objection was rejected by 8 votes to 2, with 1 abstention.*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his delegation objected to the inclusion of the application in the agenda and also to its transmission to the Committee on the Admission of New Members for any further consideration. That so-called Government was a puppet administration, established by forced and falsified elections and under the control of the United States military administration.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC expressed similar views.

Decision: *The application of the Republic of Korea was referred to the Committee on the Admission of New Members by a vote of 9 to 2.*

On 9 March 1949, the Committee on the Admission of New Members submitted its report (S/1281) to the Security Council.

At the 423rd meeting (8 April), the representative of CHINA submitted the following draft resolution (S/1305):

"The Security Council,

"Having received the application of the Republic of Korea for membership in the United Nations;

"*Having received and considered* the report of the Committee on the Admission of New Members, concerning the application of the Republic of Korea,

"*Decides* in its judgment that the Republic of Korea is a peace-loving State and is able and willing to carry out obligations contained in the Charter; and

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

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the puppet regime in South Korea had been created as a result of falsified elections imposed by force by the United States under conditions of occupation and harsh police terror. That government did not express the will of the Korean people. In that connexion, he pointed out that, with the exception of a small *clique*, all the political parties of South and North Korea had opposed the separate elections which had been imposed by force upon South Korea. The aim of leading circles of the United States was to solidify the position of American monopolies in South Korea and to make that area into a strategic base for the United States. Thus, while the USSR had fully withdrawn troops from North Korea, the United States still refused to evacuate its troops from South Korea despite two General Assembly decisions to the contrary.

The United Nations had no right to interfere in the internal affairs of peoples or States, and, in any case, the General Assembly had given no mandate whatsoever for the establishment of a puppet government in South Korea. The illegal instructions for holding separate elections in South Korea had been given to the United Nations Temporary Commission on Korea by the so-called Interim Committee, which had been created illegally under pressure from leading circles of the United States. The true representative of the Korean people was the Government of the Democratic People's Republic of Korea, which had been set up on the basis of all-Korean elections to the Supreme People's Assembly in August 1948. The elections, which had taken part in both North and South Korea, had constituted a free expression of the will of the Korean people, the overwhelming majority of whom had participated in them. His delegation would vote against the application submitted by the so-called Republic of Korea.

The representative of the UNITED STATES OF AMERICA, in reply to the USSR representative, said that identical claims, made in both the First Committee and plenary meetings of the General Assembly in Paris in 1948, had been rejected by significant majorities in both bodies. The United States representative quoted paragraph 2 of the General Assembly resolution 195 (III) of 12 December 1948, and concluded that it completely answered the USSR representative's allegations. The United States forces remaining in Korea, which had been substantially reduced in recent months, were there at the request of the Republic of Korea in order to provide a temporary security safeguard for the Republic while its own security forces were in training. The United States Government expected to consult the Commission and the Republic with a view to the early withdrawal of the remaining forces. The United States delegation supported the Chinese draft resolution.

The representatives of CANADA and CUBA, recalling General Assembly resolution 195 (III) of 12 December 1948, also expressed their full support of the Chinese draft resolution.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that the puppet Government of South Korea was an agent of United States occupation authorities, and that the only true representative of the Korean people was the Government of the Korean Democratic People's Republic. He considered that the application had been submitted in order to provoke a veto, to be used for propaganda purposes. The Ukrainian SSR representative considered that attempts to balance so-called majorities in the General Assembly and in the First Committee against the Charter were unacceptable. The Charter did not contemplate that decisions of the Security Council should be governed by votes in other organs of the United Nations.

Decision: *At the 423rd meeting on 8 April 1948, the Chinese draft resolution (S/1305) received 9 votes in favour and 2 against (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). Because of the negative vote of a permanent member, the draft resolution was not adopted.*

D. Application of the Democratic People's Republic of Korea

By a telegram dated 9 February 1949 (S/1247) to the Secretary-General, the Minister of Foreign Affairs of the Democratic People's Republic of Korea applied for membership in the United Nations.

In view of paragraph 2 of General Assembly resolution 195 (III) of 12 December 1948, the communication was circulated by the Secretary-General for the convenience of the members of the Security Council who might desire to be informed of it and not in application of rule 6 of the provisional rules of procedure of the Security Council.

By a letter dated 11 February 1949 (S/1256) to the President of the Security Council, the representative of the USSR requested that the application be placed on the provisional agenda of the Security Council. The matter was included in the agenda of the 409th meeting (15 February).

The representative of the UNITED STATES OF AMERICA considered that the item was not an application for membership within the meaning of the Charter. In the first place, there was no proof of the authenticity of the telegram. Moreover, a decision had already been taken with regard to Korea and was to be found in General Assembly resolution 195 (III). That resolution was the decision of the United Nations made by the proper organ having jurisdiction over the subject-matter. He pointed out that the General Assembly resolution stated that the Government of the Republic of Korea was based on elections which had been a valid expression of the free will of the electorate of that part of Korea and which had been observed by the Temporary Commission, and that this was the only such Government in Korea. He considered his country bound by that resolution, and did not see how the Security Council could oppose the decision of the General Assembly.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the only Government which truly represented the Korean people

was the Government of the Democratic People's Republic of Korea, which had been formed as a result of free elections held all over Korea. After describing the manner in which these elections had been carried out and the progress made towards recovery in North Korea, he recalled that his delegation had repeatedly made clear that the General Assembly's resolution on Korea had been illegally adopted under the pressure of the Anglo-American bloc. The real Government of Korea was that of the Democratic People's Republic, which had jurisdiction and control over the whole country.

At the 410th meeting (16 February), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following draft resolution (S/1259):

"The Security Council,

"Having considered the application of the Government of the Democratic People's Republic of Korea for membership of the United Nations,

"Resolves to refer this application to the Committee for the Admission of New Members."

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC supported the views of the representative of the USSR and insisted that the application of the Democratic People's Republic of Korea be referred to the Committee on the Admission of New Members, in accordance with the rules governing such applications.

The representatives of CHINA, CUBA and CANADA opposed the USSR draft resolution.

The representatives of NORWAY and EGYPT also opposed the USSR draft resolution, but considered that making a decision of substance in the form of a decision on procedure should not be taken as a precedent as far as their delegations were concerned.

Decision: *At the 410th meeting on 16 February 1949 the draft resolution submitted by the representative of the USSR was rejected by 8 votes to 2 (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), with 1 abstention (Argentina).*

E. Application of Israel

By a letter dated 29 November 1948 (S/1093) to the Secretary-General, the Foreign Minister of the Provisional Government of Israel applied, on behalf of his Government, for admission to membership in the United Nations. A declaration of acceptance of the obligations contained in the Charter was submitted with the letter.

The Security Council considered the application at the 383rd meeting (2 December 1948).

The representative of the UNITED STATES OF AMERICA supported the application and urged early approval so as to permit favourable action by the General Assembly before the end of the third session. Pointing out that the United States had extended full recognition to the State of Israel and had recognized the Provisional Government of Israel as the effective authority of the new State, the United States representative declared that, in the opinion of his Government, the State of Israel fulfilled the requirements set out in Article 4 of the Charter. Israel was clearly an independent State having a people and a territory. Both

reason and history demonstrated that the concept of territory did not necessarily include precise delimitations of the boundaries of that territory. The record of Israel's relations with the United Nations, and the repeatedly expressed willingness of the Provisional Government of Israel to negotiate on all outstanding problems between Israel and other Governments and authorities, demonstrated that the new State was peace-loving. It was clear that the State of Israel was able to carry out the obligations of the Charter.

The representative of the UNITED KINGDOM considered that the application was premature and rather doubtful. The First Committee was at that time still discussing the future of Palestine, and the State of Israel still had to prove compliance with the recent resolutions of the Security Council regarding the truce and armistice.

The representative of SYRIA expressed similar views.

The representative of FRANCE considered that no decision should be taken on the application of Israel before the First Committee of the General Assembly had been given an opportunity to complete its study of the Palestine question.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS recalled that his delegation had supported General Assembly resolution 181 (II) of 29 November 1947 as the only decision which met the fundamental national interests of the Jewish and Arab peoples of Palestine. The USSR delegation had adhered to a single position and still felt that the only correct solution of the Palestine question was the implementation of that decision. The Government of the USSR supported the application of Israel and would give the same attention to the consideration of a membership application submitted by an Arab State which might be created on the territory of Palestine pursuant to resolution 181 (II). Unfortunately, by virtue of certain circumstances, such an Arab State had not yet been created.

The representative of CANADA stated that the qualifications of Israel could be judged only in relation to whatever decision the General Assembly adopted at its third session with regard to Palestine.

Decision: *At the end of the meeting, the application of Israel was referred to the Committee on the Admission of New Members.*

On 7 December 1948, the Committee reported (S/1110) that it did not then possess the information necessary to enable it to come to a decision.

At the 384th meeting (15 December), the representative of FRANCE proposed that the Committee on the Admission of New Members reconsider the matter in view of resolution 194 (III) concerning Palestine adopted on 11 December by the General Assembly.

That view was opposed by the representative of SYRIA, who considered that there was nothing new in the resolution which could help the Committee come to a final decision. Pointing out that the Security Council had followed the principle that no military or political advantage should be gained by either party during the period of truce or armistice, the Syrian representative considered that a resolution recommending the admission of the Jews would represent a great political advantage gained

by them during the truce. He contended that the debate in the General Assembly had indicated that the proclamation of the Jewish State in Palestine had not been accepted. Approval of the application under discussion at that stage would destroy and frustrate the activities and chances of success of the Conciliation Commission which had been established. He urged that consideration of the application be delayed.

The representative of CHINA said that his delegation had always stood for two principles in the Palestine question: (1) that the United Nations should enforce peace in Palestine; (2) that the United Nations should try to mediate or conciliate or, in other words, that it would be unwise for the United Nations to impose a particular kind of settlement. Since the admission of Israel to the United Nations at that moment was looked upon with great disfavour by the Arab States, approval of the application would be interpreted to mean that the Security Council was partial to one side and would diminish the chances of successfully conciliating the dispute.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, stating that the Conciliation Commission had been set up not to dissolve the State of Israel but to promote a peaceful settlement of the differences between it and its neighbours, considered that a decision of the Security Council to admit the State of Israel to membership in the United Nations would expedite a peaceful settlement in Palestine. There was no reason to defer a decision on the matter.

The representative of the UNITED KINGDOM said that as soon as the major questions at issue, notably the question of the frontiers in Palestine, had been resolved under the auspices of the Conciliation Commission appointed by the General Assembly, his Government would give sympathetic consideration both to its own recognition of the Jewish State and to that State's application for membership in the United Nations. The attitude of his Government was not due to any doubts concerning the obvious fact that the Jewish State was now in process of formation and that it would continue to exist.

The Council could not, however, make a favourable recommendation on the application under discussion without first assuring itself that serious obligations which it had imposed under a number of resolutions had been satisfactorily fulfilled. The Jewish authorities had never submitted the requested account of their investigation into the assassination of Count Bernadotte and Colonel Sérot. There were also questions outstanding under the resolutions of 4 November and 16 November 1948. He therefore submitted the following draft resolution (S/1121):

"The Security Council,

"Having received an application for the admission of the State of Israel to the United Nations;

"Noting that the General Assembly has appointed a Conciliation Commission for Palestine; and

"Bearing in mind that action has not yet been completed in pursuance of the Security Council's resolutions of 4 November and 16 November,

"Decides to postpone consideration of the above-mentioned application."

The representative of the UNITED STATES OF AMERICA considered that it would help the Conciliation Commission in its work if the Security Council were to recommend admission of Israel to the United Nations. If the majority of the members of the Council believed that such a recommendation should be made, that fact should be made known, and should be part of the background against which the Conciliation Commission would seek to discharge its responsibilities. He did not agree that the various changes made in the text of the resolution establishing the Conciliation Commission during the General Assembly's discussion constituted an indication of the views of the General Assembly upon the question under consideration.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that the territory of the State of Israel had been defined by General Assembly resolution 181 (II) of 29 November 1947, which was still in force. The State of Israel had given convincing proof of its compliance with the Security Council's decisions, and official information had been received from the representative of Israel on the murder of Count Bernadotte. It was apparent that the Government of Israel was taking steps to carry out the resolutions of 4 and 16 November 1948. Criticism which had been voiced in that respect was baseless.

At the 385th meeting (15 December), the representative of SYRIA pointed out that the vote in the First Committee of the General Assembly indicated that there were many delegations who favoured an advisory opinion of the International Court of Justice regarding the Palestine question. He submitted the following draft resolution (S/1125):

"The Security Council,

"Noting the contentions raised by one of the members to the effect that the application of the 'State of Israel' for admission to membership of the United Nations is not worthy of being recommended, owing to the fact that the international status of Palestine at the termination of the Mandate on 15 May 1948 is not yet established so as to permit a legitimate creation of a Jewish sovereign state in any part of that country against the wishes of the majority of its population, and the recognition of that state by certain member nations as de facto authority does not entitle this de facto authority to enjoy sovereign equality with the de jure authority and sovereignty of the other member States under the provisions of the Charter of the United Nations,

"Decides to request an advisory legal opinion of the International Court of Justice under Article 96 of the Charter and Chapter IV of the Statute of the Court on the following questions:

"1. Do the recommendations of the General Assembly in the resolution of 29 November 1947 for a partition plan with economic union, which was rejected by the Arabs of Palestine, create right to the Jewish minority to proclaim their separate state at the termination of the Mandate on the area assigned to them by that resolution?

"2. What is the international status of Palestine at the termination of the Mandate on 15 May 1948?

"3. Under the present circumstances would the Security Council be acting in conformity with the

United Nations Charter and the international law if it recommended the admission of the State of Israel to membership in the United Nations?

"4. Is the General Assembly empowered to partition Palestine between Arabs and Jews without consulting the lawful inhabitants of the country in securing their consent?"

"The Secretary-General is requested to supply the Court with all information and documents which the Court may require to clarify the question."

The representative of the UNITED STATES OF AMERICA opposed the draft resolutions submitted by the representatives of Syria and the United Kingdom (S/1125, and S/1121).

The representative of ARGENTINA considered that Israel fulfilled the requirements of Article 4 of the Charter and stated that his delegation would support the application. He opposed the United Kingdom and Syrian draft resolutions.

The representative of FRANCE said that, in view of the difficulty of determining whether the admission of Israel at that stage would help provide a basis for reopening negotiations to re-establish peace in Palestine, it would be better to delay a decision for a month. He submitted the following draft resolution (S/1127):

"The Security Council,

"Having received from the Provisional Government of Israel, an application for the admission of the State of Israel to membership in the United Nations,

"Considering the situation in Palestine as a whole;

"Decides to postpone for one month the consideration of the above-mentioned application."

At the 386th meeting (17 December), the representative of COLOMBIA supported the application of the Provisional Government of Israel and opposed the United Kingdom and French draft resolutions.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United Kingdom draft resolution was intended to prevent the admission of Israel to membership in the United Nations. He also opposed the Syrian draft resolution, pointing out that the General Assembly had clearly decided against such a step. He opposed postponement of a decision on the Israeli application.

Decisions: *At the 386th meeting on 17 December 1948, the Security Council put to the vote the three draft resolutions and the application of Israel.*

The United Kingdom draft resolution (S/1121) was not adopted. There were 4 votes in favour (Belgium, China, Syria, United Kingdom), with 7 abstentions.

The French draft resolution (S/1127) was not adopted. There were 6 votes in favour, with 5 abstentions.

The Syrian draft resolution (S/1125) was not adopted. There were 2 votes in favour (Belgium, Syria), with 9 abstentions.

The Israeli application for admission to membership in the United Nations did not receive the recommendation of the Security Council. There were 5 votes in favour, 1 against (Syria), with

5 abstentions (Belgium, Canada, China, France, United Kingdom).

By a letter dated 24 February 1949 (S/1267) to the Secretary-General, the representative of ISRAEL requested that renewed consideration be given to his Government's application (S/1093) for membership in the United Nations.

The Security Council resumed consideration of the application of Israel at the 413th meeting (3 March).

At the 414th meeting (4 March) the representative of the UNITED KINGDOM said that, in the absence of clarification of the Israeli Government's intentions regarding the General Assembly's recommendations concerning Jerusalem and the Arab refugees, he would not be able to support the Israeli application. As had previously been made clear, however, his delegation did not intend to use its privileged vote to block the admission of any State which obtained the requisite majority. He would therefore have to abstain when this question was put to the vote.

The representative of NORWAY said that, in principle, his Government favoured the admission of Israel and would support the application despite doubts as to the timing of the decision.

The representative of EGYPT considered that taking action on the application under discussion would not only be untimely but would be an affront to humanity. The Jews were driving three-quarters of the people of Palestine from their homes, and there were many other considerations tending against accepting the Jewish application. The people of the Middle East could hardly have great confidence in, and reverence for, the United Nations if that application was accepted and, indeed, given preferred treatment.

The representatives of CANADA and CUBA supported the application of Israel.

The representative of the UNITED STATES OF AMERICA submitted a draft resolution (S/1276) which recommended to the General Assembly that it admit Israel to membership in the United Nations.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS reiterated support of the Israeli application. Certain outside forces had bent numerous efforts to thwart any peaceful solution of the Palestine problem and to foil the immediate creation of independent Jewish and Arab States in accordance with General Assembly resolution 181 (II) of 29 November 1947; consequently, the Palestine problem was still before the Council. The USSR representative considered that the problems of the Arab refugees and of the admission of Israel were linked only in the sense that a more rapid achievement of peace in Palestine would more rapidly solve the problem of Arab refugees.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC said that the position of his Government and that of the USSR Government had been one of consistency and of high principle from the beginning of the Palestine question. He supported the Israeli application for admission.

Decision: *At the 414th meeting on 4 March 1949, the United States draft resolution (S/1276) was adopted by 9 votes to 1 (Egypt), with 1 abstention (United Kingdom).*

F. Application of Nepal

By a letter dated 13 February 1949 addressed to the Secretary-General, the Director-General of the Ministry for Foreign Affairs of the Government of Nepal applied, on behalf of his Government, for the admission of Nepal to membership in the United Nations (S/1266). On 10 March, the Government of Nepal submitted its declara-

tion of acceptance of the obligations contained in the Charter (S/1266/Add.1).

The Security Council, on 8 April, referred this application to its Committee on the Admission of New Members for consideration and report. On 24 May, during the examination of the application, the Committee adopted a resolution requesting the Government of Nepal to supply additional information concerning Nepal and particularly concerning its sovereignty and independence.

Chapter 11

RESPECTIVE FUNCTIONS OF THE SECURITY COUNCIL AND THE TRUSTEESHIP COUNCIL WITH REGARD TO STRATEGIC TRUST AREAS

Introductory note. As indicated in chapter 12 of the last annual report (A/620), the question of the respective functions of the Security Council and the Trusteeship Council with regard to strategic trust areas had arisen after the coming into force of the Trusteeship Agreement for the Pacific Islands. The Security Council referred the question to its Committee of Experts. The report of the Committee (S/642) contained a draft resolution recommended by the majority of the Committee, and a Polish draft resolution. A committee of three members of the Security Council and a similar committee of the Trusteeship Council were appointed to study the question.

A. Report of the Committee designated by the Security Council

The report, dated 23 July 1948 (S/916), on the joint meetings of both Committees comprised a statement of the President of the Trusteeship Council embodying the various observations of the majority of his Council in relation to the draft resolution recommended by the Committee of Experts. The members of the Trusteeship Council, while expressing their approval of the proposed resolution as a whole, wished to state clearly their interpretation concerning in particular the second and third paragraphs of the draft. The views of the representative of the Ukrainian SSR appeared in an addendum (S/916/Add.1) to the report.

B. Discussion by the Security Council

At the 415th meeting (7 March 1949), the above documents were brought to the attention of the Council.

The representative of the UNITED STATES OF AMERICA pointed out that, in his opinion, article 13 of the Trusteeship Agreement had already provided a solution of the problem. Nevertheless, he expressed the support of his Government for the draft resolution recommended by the Committee of Experts.

He contended that the Security Council, under Article 83, paragraph 3, of the Charter, was under the obligation to avail itself of the assistance of the Trusteeship Council, which moreover was the qualified organ of the United Nations to deal with these questions. The general responsibility of the Security Council was maintained, nevertheless, by the establishment of a delay for the forwarding of the questionnaire and by the necessary communication of all reports and documents of the Trusteeship Council concerning the strategic areas.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, after having stressed the basic role of the Security Council in this matter, declared that he did not object to the definition

of the tasks of the Trusteeship Council as proposed by the Committee of Experts. He especially wished to draw the Council's attention to the fact that the draft resolution recommended by the Committee of Experts did not apply only to the Trusteeship Agreement for the Pacific Islands but also to all future trusteeship agreements concerning any territory. Because of that general character of the draft, he did not consider it possible to vote for it.

The representative of EGYPT emphasized the essential competence of the Trusteeship Council in relation to the welfare of the inhabitants of the strategic areas. He considered that the draft resolution had not attained the desirable balance which the Charter had tried to create between the two Councils in this matter.

C. Resolution of 7 March 1949

Decision: *At the 415th meeting on 7 March 1949, the Security Council adopted the draft resolution recommended by the Committee of Experts (S/642), by 8 votes, with 3 abstentions (Egypt, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics). The text of the resolution follows:*

"Whereas Article 83, paragraph 3, of the Charter provides that the Security Council shall, subject to the provisions of the Trusteeship Agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the Trusteeship System relating to political, economic, social and educational matters in the strategic areas,

"*The Security Council*

"*Resolves:*

"1. That the Trusteeship Council be requested, subject to the provisions of the Trusteeship Agreements or parts thereof in respect of strategic areas, and subject to the decisions of the Security Council made having regard to security considerations from time to time, to perform in accordance with its own procedures, on behalf of the Security Council the functions specified in Articles 87 and 88 of the Charter relating to the political, economic, social and educational advancement of the inhabitants of such strategic areas.

"2. That the Trusteeship Council be requested to send to the Security Council, one month before forwarding to the Administering Authority, a copy of the questionnaire formulated in accordance with Article 88 of the Charter and any amendments to such questionnaire which may be made from time to time by the Trusteeship Council.

"3. That the Secretary-General be requested to advise the Security Council of all reports and

petitions received from or relating to strategic areas under trusteeship, and to send copies thereof, as soon as possible after receipt, to the Trusteeship Council for examination and report to the Security Council.

"4. That the Trusteeship Council be requested to submit to the Security Council its reports and recommendations on political, economic and edu-

cational matters affecting strategic areas under trusteeship."

The PRESIDENT then stated that the Council accepted the interpretation of the resolution which had been agreed upon by the majority of the Trusteeship Council and expressed in document S/916. That statement was accepted by the Council without objection.

Chapter 12

CONDITIONS UNDER WHICH A STATE WHICH IS A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE BUT IS NOT A MEMBER OF THE UNITED NATIONS MAY PARTICIPATE IN ELECTING THE MEMBERS OF THE COURT

As indicated in a previous report (A/366), the Security Council, at its 78th meeting (30 October 1946), considered a communication (S/185) from the Chief of the Swiss Federal Political Department, expressing the desire of the Swiss Federal Council to ascertain the conditions on which Switzerland could, in pursuance of Article 93, paragraph 2, of the Charter, become a party to the Statute of the International Court of Justice. The communication was referred by the Security Council to its Committee of Experts for consideration and report.

At the 80th meeting (15 November 1946), the Council adopted the recommendation on this matter from its Committee of Experts (S/191) and decided to forward it to the General Assembly.

On 11 December 1946, the General Assembly adopted the recommendation of the Security Council (resolution 91 (I)).

In a letter dated 2 August 1948 (S/947), the Acting Secretary-General transmitted to the President of the Security Council the instrument by which Switzerland had become a party to the Statute of the International Court of Justice on 28 July 1948, when the instrument was deposited with the Secretary-General. In that letter, the Acting Secretary-General called attention to Article 4, paragraph 3, of the Statute of the International Court of Justice relating to the conditions under which parties to the Statute which are not Members of the United Nations may participate in electing the members of the Court, and also to Article 69 of the Statute, concerning the participation of such States in the procedure for making amendments to the Statute. The Acting Secretary-General suggested that the Security Council might wish to consider whether to make recommendations under Article 4, paragraph 3 and Article 69 of the Statute at that time, in view of the fact that an election of five members of the International Court of Justice would be held at the third session of the General Assembly.

It is recalled that the Committee of Experts, in its report to the Security Council (S/191), had observed that Articles 4 and 69 of the Statute permitted the General Assembly, on the recommendation of the Security Council, to set generally applicable conditions on which non-member States which were parties to the Statute might participate in electing members of the Court and in the making of amendments to the Statute. The Committee had also observed that the time to determine those conditions would come after Switzerland or some other non-member State had actually acceded to the Statute.

On 12 August 1948, the representative of Belgium submitted to the Security Council a draft resolution (S/969) in conformity with the opinion expressed by the Committee of Experts.

At the 360th meeting (28 September) the Security Council examined and unanimously adopted the Belgian draft resolution, which reads as follows:

"Whereas, having complied with the conditions set out on 11 December 1946, by the General Assembly pursuant to Article 93, paragraph 2 of the Charter, the Swiss Confederation has become a party to the Statute of the International Court of Justice; and whereas it has even, under Article 36 of the Statute, accepted the compulsory jurisdiction of the Court;

"Whereas the Assembly will have to hold at its next session elections of members of the Court;

"Whereas it consequently behooves the Security Council to make the Assembly the recommendations provided by Article 4, paragraph 3, of the Statute of the Court, which concern any State, a party to the Statute, but not a Member of the United Nations;

"The Security Council

"Recommends to the General Assembly to determine as follows the conditions under which a State, a party to the Statute of the Court but not a Member of the United Nations, may participate in electing the members of the International Court of Justice:

"1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly;

"2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations;

"3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly, if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections, if it is satisfied that the failure to pay is due to conditions beyond the control of that State (Cf. Charter, Article 19)".

The recommendation of the Security Council was adopted by the General Assembly without change at its 150th plenary meeting (resolution 264 (III)).

Chapter 13

ELECTION OF FIVE MEMBERS TO THE INTERNATIONAL COURT OF JUSTICE

Article 13, paragraph 1, of the Statute of the International Court of Justice stipulates that members of the Court are elected for nine years and may be re-elected but provided, however, that the terms of office of five of the fifteen judges elected at the first election, held on 6 February 1946, were to expire at the end of three years. Consequently, with the terms of five of those judges coming to an end on 5 February 1949, the General Assembly and the Security Council, voting independently on 22 October 1948, elected five members to the International Court of Justice to fill those vacancies.

Four out of the five retiring members were re-elected by the Security Council on its first ballot, at the 369th meeting (22 October). After five other ballots, held in the course of the same meeting, the Security Council elected, as fifth member

to the Court, Sir Benegal Narsinga Rau (India). The four retiring members re-elected by the Security Council were also re-elected by the General Assembly, at its 152nd plenary meeting (22 October), so that only one vacancy remained to be filled. The Security Council, at its 371st meeting (22 October), re-elected on the second ballot Mr. Milovan Zoricic, who was re-elected by the General Assembly at its 153rd plenary meeting on the same date.

The following judges have thus been re-elected for another period of nine years:

Abdel Hamid Badawi Pasha (Egypt);
Mr. Hsu Mo (China);
Mr. J. E. Read (Canada);
Mr. Bohdan Winiarski (Poland);
Mr. Milovan Zoricic (Yugoslavia).

Chapter 14

APPLICATION OF LIECHTENSTEIN TO BECOME A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

By letter dated 24 March 1949 (S/1298 and S/1298/Corr.1), the Swiss Office for Liaison with the United Nations transmitted a letter dated 8 March 1949 from the Government of the Principality of Liechtenstein expressing its desire to learn the conditions under which Liechtenstein

could become a party to the Statute of the International Court of Justice.

On 8 April, the Council decided to refer the application to the Committee of Experts for consideration and report. The Committee met on 16 June to consider the matter and has submitted its report (S/1342) to the Security Council.

Part IV

THE MILITARY STAFF COMMITTEE

Chapter 15

WORK OF THE MILITARY STAFF COMMITTEE

A. Committee meetings

The Military Staff Committee held twenty-eight regular meetings during the period under review.

B. Examination of Article 43 of the Charter

In accordance with the directives issued by the Security Council on 16 February 1946, the Military Staff Committee continued its examination of the provisions of Article 43 of the United Nations Charter from the military point of view.

As stated in chapter 14 of the last annual report (A/620), pending the completion of the examination by the Security Council of the Military Staff Committee's report (S/336) dated 30 April 1947 on the general principles governing the organization of the armed forces to be made available to the Security Council by the Member nations of the United Nations, the Military Staff Committee has undertaken a provisional consideration of the over-all strength and composition of those forces, as outlined in the programme of work adopted by the Committee on 16 May 1947.

On 23 June 1948, the Military Staff Committee completed its consideration of the report submitted by its Sub-Committee on 23 December 1947. However, unanimity on the question of the over-all strength and composition of the armed forces was not achieved.

By letter dated 2 July 1948 (S/879), the Chairman of the Military Staff Committee informed the President of the Security Council that the Military Staff Committee was not in a position to undertake the final review of the over-all strength and composition of the armed forces and so make further progress in that matter until agreement had been reached in the Security Council on the divergencies of view on the general principles which had been reported to the Security Council on 30 April 1947 (S/336).

C. Future work of the Military Staff Committee

Inasmuch as unanimity could not be achieved on the question of the over-all strength and composition of the armed forces, the Military Staff Committee proceeded to discuss its future work. However, on this subject also the five delegations were unable to agree unanimously. Two letters were accordingly sent to the Security Council giving the divergent views. Document MS/417, dated 6 August 1948, expressed the views of the Chinese, French, United Kingdom and United States delegations, and document MS/420, dated 16 August 1948, expressed the views of the delegation of the Union of Soviet Socialist Republics.

Since the dispatch of these letters, the Military Staff Committee has continued, as a matter of routine, to hold regular fortnightly meetings; but no further discussion has taken place on the subject of the forces to be provided under Article 43 of the Charter.

Part V

MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT PLACED ON THE AGENDA

Chapter 16

THE INCIDENT ON THE COSTA-RICAN BORDER

On 12 December 1948, the representative of Costa Rica sent a telegram (S/1116) to the President of the Security Council informing him that the territory of Costa Rica had been invaded on 10 December by armed forces coming from Nicaragua.

Shortly thereafter the President of the Security Council received a letter dated 15 December 1948 (S/1171) from the Chairman of the Council of the Organization of American States, informing him that his Organization had been seized of the question on 11 December, and that it had established, in accordance with the Inter-American Treaty of

Reciprocal Assistance, a Commission of Inquiry to investigate the alleged incident on the scene.

During the following weeks, the Security Council, in conformity with Article 54 of the Charter of the United Nations, was kept informed of the various activities undertaken by the Organization of American States in connexion with the Costa Rican incident (S/1172, S/1239).

Finally, on 23 February 1949, the Chairman of the Council of the Organization of American States announced (S/1268) that Costa Rica and Nicaragua had signed a Pact of Friendship on 22 February, thus ending the incident peacefully.

Chapter 17

THE HAITIAN-DOMINICAN REPUBLIC INCIDENT

On 21 March 1949, the Government of Haiti requested the good services of the Inter-American Commission on Methods for the Peaceful Solution of Conflicts to aid in reaching a peaceful settlement of an alleged conflict with the Government of the Dominican Republic. The Dominican Government, although denying the existence of such a conflict, accepted the good services.

In accordance with the terms of Article 54 of the Charter, the President of the Inter-American

Commission, on 7 April 1949 (S/1307), requested the Secretary-General to inform the Security Council of those facts.

Finally, on 20 June 1949, the President of the Inter-American Commission reported (S/1346) to the Secretary-General that, following a joint Declaration of the Governments of the Dominican Republic and of the Republic of Haiti, the situation submitted by the Government of Haiti on 21 March 1949 had been satisfactorily settled.

APPENDICES

Appendix I

REPRESENTATIVES AND ALTERNATE REPRESENTATIVES ACCREDITED TO THE SECURITY COUNCIL

The following representatives and alternate representatives were accredited to the Security Council during the period covered by this report:

Argentina

Dr. José Arce
Dr. Rodolfo Muñoz

Belgium

M. Fernand van Langenhove
M. Joseph Nisot

Canada

The Hon. L. B. Pearson
General the Hon. A. G. L. McNaughton
Mr. R. G. Riddell
Mr. George Ignatieff
Mr. C. S. A. Ritchie

China

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

Colombia

Dr. Roberto Urdaneta Arbelaez
Dr. Alberto Gonzalez Fernández

Cuba¹

Dr. Alberto I. Alvarez
Dr. Gustavo Gutiérrez y Sanchez
Mr. José Miguel Ribas

Egypt¹

Mahmoud Bey Fawzi

France

M. Alexandre Parodi
M. Jean Chauvel
M. Guy de la Tournelle

Norway¹

Mr. Finn Moe
Mr. Arne Sunde
Mr. Ivar Lunde
Mr. Bredo Stabell

Syria

Mr. Faris El-Khoury
Mr. Fayez El-Khoury
Mr. Rafik Asha

Ukrainian Soviet Socialist Republic

Dr. Dmitri Z. Manuilsky
Mr. Vasili A. Tarasenko

Union of Soviet Socialist Republics

Mr. Andrei Y. Vyshinsky
Mr. Yakov A. Malik
Mr. S. K. Tsarapkin

United Kingdom

Sir Alexander Cadogan
Sir Terence Shone
Mr. V. G. Lawford
Mr. Paul Falla
Mr. E. Dening
Mr. Harold Beeley

United States of America

The Hon. Warren R. Austin
Dr. Philip C. Jessup

¹ Replaced Belgium, Colombia and Syria on the Security Council on 1 January 1949.

Appendix II

PRESIDENTS OF THE SECURITY COUNCIL

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

Ukrainian Soviet Socialist Republic

Dr. Dmitri Z. Manuilsky (1 to 31 July 1948)

Union of Soviet Socialist Republics

Mr. Yakov A. Malik (1 to 31 August 1948)

United Kingdom

Sir Alexander Cadogan (1 to 30 September 1948)

United States of America

Mr. Warren R. Austin (1 to 31 October 1948)

Argentina

Dr. José Arce (1 to 30 November 1948)

Belgium

M. Fernand van Langenhove (1 to 31 December 1948)

Canada

General A. G. L. McNaughton (1 to 31 January 1949)

China

Dr. Tingfu F. Tsiang (1 to 28 February 1949)

Cuba

Mr. Alberto I. Alvarez (1 to 31 March 1949)

Egypt

Mahmoud Bey Fawzi (1 to 30 April 1949)

France

M. Jean Chauvel (1 to 31 May 1949)

Norway

Mr. Arne Sunde (1 to 30 June 1949)

Ukrainian Soviet Socialist Republic

Dr. Dmitri Z. Manuilsky (1 to 31 July 1949)

Appendix III

MEETINGS OF THE SECURITY COUNCIL DURING THE PERIOD FROM
16 JULY 1948 TO 15 JULY 1949

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
JULY 1948			364th	Identic notifications concerning Berlin ²	6
339th	The Palestine question. The Indonesian question	27	365th	The Palestine question	14
340th	The Palestine question	27	366th	Identic notifications concerning Berlin ²	15
341st	The Indonesian question	29	367th	The Palestine question	19
342nd	The Indonesian question	29	368th	Identic notifications concerning Berlin ²	19
AUGUST 1948			369th	Election of five members to the International Court of Justice	22
343rd	The Palestine question	2	370th	Identic notifications concerning Berlin ²	22
344th	The question of the Free Territory of Trieste	4	371st	Election of five members to the International Court of Justice	22
345th	The question of the Free Territory of Trieste. The Palestine question	10	372nd	Identic notifications concerning Berlin ²	25
346th	The question of the Free Territory of Trieste	10	373rd	The Palestine question	26
347th	Report of the Security Council to (closed) the General Assembly	12	374th	The Palestine question	28
348th	The question of the Free Territory of Trieste	13	375th	The Palestine question	29
349th	The Palestine question	13	NOVEMBER 1948		
350th	The question of the Free Territory of Trieste	16	376th	The Palestine question	4
351st	Admission of Ceylon to the United Nations	18	377th	The Palestine question	4
352nd	The Palestine question	18	378th	The Palestine question (closed)	9
353rd	Scheduling of meeting on the Palestine question. The question of the Free Territory of Trieste	19	379th	The Palestine question	10
354th	The question of the Free Territory of Trieste. The Palestine question	19	380th	The Palestine question	15
355th	Report of the Security Council to (closed) the General Assembly	19	381st	The Palestine question	16
356th	The India-Pakistan question	30	382nd	The India-Pakistan question. The Hyderabad question	25
SEPTEMBER 1948			DECEMBER 1948		
357th	Communications from the Government of Hyderabad	16	383rd	Application of Israel for membership in the United Nations	2
358th	Tributes to Count Bernadotte and Colonel Sérot	18	384th	Application of Israel for membership in the United Nations. Application of Ceylon for membership in the United Nations. The Hyderabad question	15
359th	Communications from the Government of Hyderabad	20	385th	Application of Israel for membership in the United Nations	17
360th	Communications from the Government of Hyderabad. Participation of Switzerland in the International Court of Justice	28	386th	Application of Israel for membership in the United Nations	17
OCTOBER 1948			387th	Procedure in the Security Council. Postponement of meeting	20
361st	Application of rule 20 of the rules of procedure, methods of interpretation to be employed. Inclusion in the agenda of the identic notifications concerning Berlin ²	4	388th	The Indonesian question	22
362nd	Inclusion in the agenda of identic notifications concerning Berlin ²	4	389th	The Indonesian question	22
363rd	Identic notifications concerning Berlin ²	6	390th	The Indonesian question	23
			391st	The Indonesian question	23
			392nd	The Indonesian question	24
			393rd	The Indonesian question. The Palestine question	27
			394th	The Palestine question	28
			395th	The Palestine question. The Indonesian question	28
			396th	The Palestine question. The Indonesian question	29

² The item inscribed on the agenda follows: Identic Notifications dated 29 September 1948 from the Governments of the French Republic, the United Kingdom and the United States of America to the Secretary-General.

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		JANUARY 1949			MARCH 1949
397th	The Indonesian question	7	413th	Egyptian-Israeli Armistice. Application for membership in the United Nations	3
398th	The Indonesian question	11	414th	Application of Israel for membership in the United Nations	4
399th	The India-Pakistan question	13	415th	Application of Articles 87 and 88 of the Charter with regard to the Pacific Islands under strategic trusteeship of the United States of America	7
400th	The Indonesian question	14	416th	The Indonesian question	10
401st	The Indonesian question	17	417th	The Indonesian question	11
402nd	The Indonesian question	21	418th	The Indonesian question	14
403rd	The Indonesian question	25	419th	The Indonesian question	16
404th	The Indonesian question	27	420th	The Indonesian question	21
405th	The Indonesian question	27	421st	The Indonesian question	23
406th	The Indonesian question	28	422nd	Appointment of a Governor for the Free Territory of Trieste	28
		FEBRUARY 1949			APRIL 1949
407th	Prohibition of the atomic weapon and regulation and reduction of armaments	8	423rd	Report of the Committee on the Admission of New Members to the Security Council concerning the application of the Republic of Korea for membership in the United Nations. Application of Nepal for membership in the United Nations. Application of the Principality of Liechtenstein to become a party to the Statute of the International Court of Justice	8
408th	Prohibition of the atomic weapon and regulation and reduction of armaments	10			MAY 1949
409th	Application of the Republic of Korea for membership in the United Nations. Letter from the representative of the Union of Soviet Socialist Republics concerning the application of the Democratic People's Republic of Korea for membership in the United Nations	15	424th	Appointment of a Governor for the Free Territory of Trieste. The Hyderabad question	10
410th	The Indonesian question. Letter from the representative of the Union of Soviet Socialist Republics concerning the application of the Democratic People's Republic of Korea for membership in the United Nations	16	425th	The Hyderabad question	19
411th	Appointment of a Governor for the Free Territory of Trieste	17	426th	The Hyderabad question	24
412th	Appointment of a Governor for the Free Territory of Trieste	21	427th	Admission of new Members	16
			428th	Admission of new members	21
			429th	Admission of new Members	24
			430th	Admission of new Members	11

Appendix IV

REPRESENTATIVES, CHAIRMEN AND PRINCIPAL SECRETARIES OF THE MILITARY STAFF COMMITTEE

REPRESENTATIVES OF EACH SERVICE

(18 June 1948 to 23 June 1949)

<i>Chinese Delegation</i>	<i>Period of Service</i>	<i>French Delegation</i>	<i>Period of Service</i>
General of the Army Ho Ying-chin, Chinese Army	18 June 1948 to 21 February 1949	Général de Division P. Billotte, French Army	18 June 1948 to present time
Lt-General Mow Pong-tsu, Chinese Air Force	18 June 1948 to present time	Contre-Amiral R. Wietzel, French Navy	18 June 1948 to 30 April 1949
Major-General Tai Chien, Chinese Army	22 February 1949 to present time	Général de Brigade P. Fay, French Air Force	18 June 1948 to 6 January 1949
Captain Tang Chin-siao, Chinese Navy	18 June 1948 to 15 October 1948	<i>Union of Soviet Socialist Republics Delegation</i>	
Commodore Kao Ju-fon, Chinese Navy	16 October 1948 to present time	Lt-General A. Ph. Vasiliev, Soviet Army	18 June 1948 to present time

Vice-Admiral V. L. Bogdenko, USSR Navy 18 June 1948 to 21 October 1948

Lt.-General A. R. Sharapov, USSR Air Force 18 June 1948 to present time

United Kingdom Delegation

General Sir Edwin L. Morris 18 June 1948 to 1 July 1948

General Sir Richard L. McCreery 2 July 1948 to present time

Air Vice-Marshal G. E. Gibbs 18 June 1948 to present time

Rear-Admiral W. R. Slayter 18 June 1948 to 12 August 1948

Rear-Admiral Lord Ashbourne 13 August 1948 to present time

United States Delegation

Admiral H. K. Hewitt, United States Navy 18 June 1948 to 27 February 1949

Vice-Admiral B. H. Pieri, United States Navy 28 February 1949 to present time

Lt.-General M. B. Ridgeway, United States Army 18 June 1948 to 1 July 1948

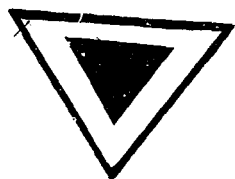
Lt.-General Willis D. Crittendenberger, United States Army 2 July 1948 to present time

Lt.-General H. R. Harmon, United States Air Force 18 June 1948 to present time

CHAIRMEN AND PRINCIPAL SECRETARIES

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
	<i>1948</i>			
	<i>July</i>			
78th	1	Lt.-General A. Ph. Vasiliev, Soviet Army	Colonel V. M. Studenov, Soviet Army	Union of Soviet Socialist Republics
79th	15	Lt.-General A. R. Sharapov, USSR Air Force		
80th	29			
	<i>August</i>			
81st	3	General Sir Richard L. McCreery	Colonel T. E. Williams, British Army	United Kingdom
82nd	6			
83rd	19			
	<i>September</i>			
84th	2	Admiral H. K. Hewitt, United States Navy	Colonel Arno H. Luehman, United States Air Force	United States of America
85th	16	Rear-Admiral W. K. Harrill, United States Navy	Lt.-Colonel L. R. Moore, United States Air Force	
86th	30		Lt.-Colonel F. W. Norris, United States Army	
	<i>October</i>			
87th	14	Lt.-General Mow Pong-tsu, Chinese Air Force	Lt.-Colonel Chang Shung-Sang, Chinese Air Force	China
88th	28			
	<i>November</i>			
89th	10	Général de Division P. Billotte, French Army	Commander V. Marchal, French Navy	France
90th	24		Commander (S. C.) J. Delaborde, French Navy	
	<i>December</i>			
91st	9	Lt.-General A. R. Sharapov, USSR Air Force	Colonel V. M. Studenov, Soviet Army	Union of Soviet Socialist Republics
92nd	23			
	<i>1949</i>			
	<i>January</i>			
93rd	6	General Sir Richard L. McCreery	Colonel T. E. Williams, British Army	United Kingdom
94th	20	Rear-Admiral Lord Ashbourne		

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
<i>February</i>				
95th	3	Admiral H. K. Hewitt, United States Navy	Colonel Arno H. Luehman, United States Air Force	United States of America
96th	17			
<i>March</i>				
97th	3	Major-General Tai Chien, Chinese Army	Lt.-Colonel Chang Shung-Sang, Chinese Air Force	China
98th	17			
99th	31	Lt.-General Mow Pong-tsu, Chinese Air Force		
<i>April</i>				
100th	14	Général de Division P. Billotte, French Army	Major F. Fournier, French Air Force	France
101st	28			
<i>May</i>				
102nd	12	Lt.-General A. Ph. Vasiliev, Soviet Army	Colonel V. M. Studenov, Soviet Army	Union of Soviet Socialist Republics
103rd	26			
<i>June</i>				
104th	9	General Sir Richard L. McCreery	Major H. Baker-Baker, British Army	United Kingdom
105th	23		Colonel T. E. Williams, British Army	



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