Repertoire of the Practice of the Security Council, Supplement 1952-1955

UNITED NATIONS
DEPARTMENT OF POLITICAL AND SECURITY COUNCIL AFFAIRS

New York, 1957

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ST/PSCA/1/Add.1

12 December 1956

UNITED NATIONS PUBLICATION
Sales No.: 57. VII. 1

Price: $U.S. 3.00
(or equivalent in other currencies)

TABLE OF CONTENTS

Chapter IV. Voting

GENERAL INTRODUCTION

The present volume constitutes the first supplement to the *Repertoire of the Practice of the Security Council 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 570th meeting on 17 January 1952 to the 709th meeting on 22 December 1955. Further supplements covering the proceedings of later meetings will be issued at suitable intervals.

In order to make it easier to trace the Security Council's practice in respect of any given topic over the entire period covered by the two volumes, the headings under which the practices and procedures of the Security Council were presented in the original volume have been maintained unchanged in this supplement. New headings have been inserted where required. Topics which the Council has not discussed anew during this time are identified by double asterisks.

The methods employed and the principles observed in the preparation of this supplement have been the same as for the original volume of the *Repertoire*. They are explained in the General Introduction to that volume. The *Repertoire* is an expository work, which presents the results of an empirical survey of the procedures of the Council in a way calculated to make reference easy, and constitutes essentially a guide to the proceedings of the Council.

As was observed in the original volume, the *Repertoire* is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations. The categories employed to arrange the material are not intended to suggest the existence of procedures or practices which have not been clearly or demonstrably established by the Council itself. The Security Council is at all times, within the framework of the Charter, "master of its own procedure". The object of the *Repertoire* will have been achieved if the reader, by using the descriptive titles of the headings under which the material is presented, is enabled to find relevant proceedings in order to draw conclusions for himself concerning the practice of the Council.

Details of the decisions of the Council have been included where appropriate in the accounts of its proceedings which make up this volume. The term "decision" has again been used to mean not only those "decisions" to which specific reference is made in the text of Articles of the Charter, but all significant steps decided upon by the Council, whether by vote or otherwise, in the course of consideration of a question.

The reader should refer for full explanations of the organization and presentation of material to the explanatory matter in the original volume. An effort has been made to avoid unnecessary repetition of such explanations in this supplement.

Editorial note

1. References to the Official Records of the meetings of the Security Council are given in the following form:

177th meeting: p. 1667.

The page number refers to the page number in the relevant volume of the Official Records.

2. S/ documents are identified by their serial number in the S/ series. Where the S/ document has been printed in the supplements to the Official Records, an additional reference has been given accordingly. For S/ documents printed only in the Official Records of meetings, reference is given to the meeting and page. S/ references without addition indicate that the text is available only in the S/ series.

3. References from one chapter of the *Repertoire* to other chapters are in the following form:

See chapter X, Case 11.

References to other cases in the same chapter are in the following form:

See Case 11.

4. In citing statements in case histories it has been considered necessary at certain points to distinguish between statements made by representatives on the Council and statements by representatives or other persons invited to participate. In such instances, an asterisk has been inserted to distinguish the latter.

5. The original volume of the *Repertoire* should be cited as *Repertoire of the Practice of the Security Council 1946-1951.* The present volume should be cited as *Repertoire of the Practice of the Security Council, Supplement 1952-1955.*

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

TABLE OF CONTENTS

INTRODUCTORY NOTE

The material included in this chapter of the *Supplement*, covering the period 1952-1955, pertains to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the Proceedings of the Council (rules 37-39); chapter VII: Admission of New Members (rules 58-60); and chapter VI: Relations with Other Organs (rule 61). Certain procedures of voting are dealt with in the present chapter, while material relating to the application of Article 27 (rule 40) is presented in chapter IV.

For reasons explained in the General Introduction, the major headings under which material was presented in the earlier volume have been maintained in the *Supplement* even in the absence of new material requiring treatment.

As in the corresponding chapter of the original volume, the arrangement of each part in this chapter, following the classification of the *Repertoire*, is based upon the successive chapters of the provisional rules of procedure of the Security Council. Since, during the period under review, the Council has not considered the adoption or amendment of rules of procedure, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of the rule, especially where discussion has taken place regarding a momentary variation of practice. As in the previous volume, therefore, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems which have arisen in the working of the Council under its provisional rules.

Part I

MEETINGS (RULES 1-5)

NOTE

Part I comprises the proceedings of the Security Council relating to rules 1-5 of the provisional rules of procedure which reflect the provisions of Article 28 of the Charter. Rule 1 stipulates that "the interval between meetings shall not exceed fourteen days". However, as indicated in the previous volume of the *Repertoire*, when no particular item on the agenda requires immediate consideration, the President customarily consults with the representatives on the Council to ascertain whether there is any objection to his intention to waive rule 1. During the period under review, the rule was waived in this manner in respect of twenty-four meetings. Case 1 illustrates the procedures of consultation employed by the President to modify a decision of the Council setting the date for a meeting. Material bearing on the calling of a meeting in the urgent circumstances envisaged by rule 8 of the rules of procedure will be found in chapter II (Case 3A).

No periodic meetings, as provided for in rule 4, were held during the period under review.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 1-5

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 1-5

a. Rule 1

CASE 1

At the 655th meeting on 21 January 1954, the President (Lebanon) recalled that at its 654th meeting the Council had decided to meet again not earlier than 8 January and not later than 15 January 1954. He informed the Council that as a result of that decision, and after consultations between the President and the Secretary-General, it had been agreed that the meeting would be held on 14 January. However, on 13 January, the President had received a telegram from the representatives of France, the United Kingdom and the United States requesting him to seek the concurrence of the other members of the Council to postpone the meeting scheduled for 14 January until 21 January. The President had communicated with the Secretary-General who, in turn, had obtained the concurrence of the other members of the Council to postpone the meeting.[1]

b. Rule 2

CASE 2

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that, toward the close of the previous meeting, the President (Pakistan) had declared the meeting adjourned and, without waiting for the French interpretation of his remarks, had left the Chair. The representative of France observed that he had immediately raised his hand on a point of order and, after expressing surprise that the meeting could be adjourned before the French interpretation of the President's statement had been given, requested that the Council should not adjourn without fixing the date for the next meeting and proposed that the Council should vote to hold a meeting on Monday.

[1] 655th meeting: paras. 33-36.

The President replied that, at the previous meeting the Council, just before adjournment, had considered two proposals to fix the date of the next meeting and had rejected them. Only after the adjournment of the meeting had the Chair received a request from the representative of France that the next meeting should be held on Monday. He further stated:

"We know that the rules of procedure provide that a meeting shall be called by the President when a member of the Security Council asks for it. We also know that the rules say nothing as to the date on which that meeting should be called, which, as I understand, is a matter entirely within the jurisdiction of the Chair. Nevertheless, the Chair paid the delegation of France the courtesy that was due to the delegation of France and called the meeting for Monday, 14 April . . ."[2]

CASE 3

At the 654th meeting on 29 December 1953, in connexion with the Palestine question, the representative of Pakistan stated that since the Council had not been able to find an acceptable solution, it might consider a suggestion that the Council should adjourn *sine die* on this question. It would then be open to any member of the Council or to the President for next month to call another meeting on this question should occasion arise.

The representative of the United Kingdom stated that, if the Council adjourned *sine die*, it might place the next President, the representative of Lebanon, in a slightly invidious position. He thought it would be preferable for the Council to fix a definite date for its next meeting. He moved that the Council should adjourn until 7 January 1954.

The representative of Pakistan observed:

". . . By suggesting that the Security Council should adjourn *sine die*, we did not and could not take away from our United Kingdom colleague or any of the other sponsors the right to call the meeting on the date they have suggested, or earlier if necessary.

". . . The calling of a meeting is not entirely in the President's hands. The President is the custodian of the rules of procedure.

"He is in a certain sense the servant of the Council and I am perfectly sure that Sir Gladwyn Jebb knows that he or his colleagues could request the President to call the meeting, and that the President, under the circumstances, would have no alternative but to call the meeting. Therefore, to refer to the President's difficulties might perhaps be misunderstood to mean that somehow or other the Lebanese colleague could prevent a meeting from being held, which, as all of us around this table know, is simply not correct."

After further discussion, it was agreed to reconvene on this question sometime between 7 and 15 January 1954.[3]

c. Rule 3

CASE 4

At the 701st meeting on 10 December 1955, in connexion with the question of admission of new Members, the President (New Zealand) explained that the meeting had been summoned in accordance with the expressed desire of the General Assembly that the Security Council should "consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications for membership of all those eighteen countries about which no problem of unification arises".[4] He further stated that the meeting had been called at short notice in response to the obvious anxiety of most Members that action by the Council should be completed as soon as possible.[5]

[1] For texts of relevant statements see:
576th meeting: President (Pakistan), paras. 20-21; France, paras. 8, 14, 17.

[2] For texts of relevant statements see :
654th meeting: President (Greece), para. 70; Chile, paras. 68-69; China, paras. 45-46, 65; France, para. 63; Pakistan, paras. 4, 31-36; USSR, paras. 56-59; United Kingdom, paras. 9-10, 49-51.

[3] S/3467, p. 2.

[4] 701st meeting: provisional record, p. 2.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

As indicated in the previous volume of the *Repertoire*, the reports of the Secretary-General on the credentials of representatives on the Council have been, since 1948, circulated to the delegations of all the Council members, and, in the absence of any request that they be considered by the Council, have been considered approved without objection.

During the period under review, the question of the representation of China in the Security Council has again been raised in the Council. As previously, the relationship of the question to chapter III of the provisional rules of procedure has not been expressly determined in the course of the proceedings of the Council. Accordingly, the proceedings have again been presented as a whole (Case 5). For a case involving the impingement of the question of the representation of China on the rights of the Presidency, see in part III, Case 6.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

Rules 13-17 in general

CASE 5

At the 689th meeting on 31 January 1955, before the adoption of the agenda, the representative of the USSR submitted[6] a motion to the Council "not to admit the

[5] 689th meeting: paras. 2, 23.

representative of the Kuomintang group to participate in the consideration of the questions on the agenda of the Security Council [*S/Agenda/689/Rev.1*]". He stated that only the Central People's Government of the People's Republic of China had the right to represent the interests of the Chinese people in the United Nations and the Security Council.

The representative of France maintained that the representative of the Republic of China occupied his seat on the Council as a permanent Member of the Organization by virtue of the powers conferred on him to that end by his Government. The validity of these powers had been recognized by the Secretary-General and subsequently by all the competent organs of the United Nations. He therefore requested the Council to reject the motion submitted by the representative of the USSR.

The representative of China declared that he occupied the seat of the Republic of China in the Security Council by virtue of the Charter and in accordance with the rules of procedure, and denied that the régime in Peiping represented the Chinese people.

The representative of the United States submitted a motion[7] not to consider any proposals to exclude the representative of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China. He further proposed that his motion should be given priority over that of the USSR in the voting.

The representative of the United Kingdom maintained that the question of Chinese representation in the United Nations was a matter which had to be settled before peaceful and friendly relations could be re-established between the various governments with interests in the Far East. But at the moment the necessary conditions did not exist. Therefore, he could not consider it wise or timely to debate the question of Chinese representation.

The representative of the USSR replied that, because the items on the provisional agenda had the most direct and vital significance for the Chinese people, the Security Council should settle this problem.[8]

After the Council had adopted the proposal to give the United States motion priority in the voting, the President (New Zealand) put to the vote the proposal submitted by the representative of the United States which was adopted by 10 votes to 1.[9] Accordingly, the motion of the representative of the USSR was not put to the vote.[10]

[7] 689th meeting: para. 24.

[8] For texts of relevant statements see:
689th meeting: President (New Zealand), para. 25; China, para. 7; France, paras. 5, 13; USSR, paras. 2-3, 14-17; United Kingdom, paras. 9-11, United States, para. 8.

[9] 689th meeting: para. 26.

[10] 689th meeting: para. 27.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter is confined to those proceedings of the Council which are directly related to the office of the President: the rights of a representative in relation to the right of the Presidency under rule 18 (Case 6); and, the temporary cession of the Chair in accordance with rule 20 (Case 7).

Other material relevant to the exercise by the President of his functions, under rules 27, 31, 32, 33 and 36, is included in part V of the present chapter, while proceedings concerning rulings by the President, under rule 30, are dealt with in chapter IV (Cases 11 and 12). The four occasions on which the President has formulated the conclusions reached in the debate are dealt with in chapter VIII (part II, decisions of 31 January 1952, 11 November 1954, 13 January 1955 and 19 April 1955).

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 18-20

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 18-20

a. Rule 18

CASE 6

At the 700th meeting on 8 September 1955, before the adoption of the agenda, the representative of the USSR stated that only an appointee of the Central People's Government of the People's Republic of China could be the legitimate representative of the Chinese people in the United Nations and in the Security Council. The time had come to afford the People's Republic of China the opportunity to take its rightful place in the Security Council and the other organs of the United Nations.

The President (China) ruled that the statement made by the representative of the USSR was out of order. He stated:[11]

> ". . . I occupy the seat of China and the chair of President of the Council by virtue of the Charter of the United Nations and in accordance with the rules of procedure of this Council. My acts as member and as President are valid in the same way and to the same extent as are the acts of other members and other Presidents of this Council."

b. Rule 20

CASE 7

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, the President (Lebanon), following the adoption of the agenda, proposed to invoke rule 20 of the provisional rules of pro-

[11] 700th meeting: para. 4.

cedure and asked the representative of New Zealand to assume the Chair temporarily during the discussion of the Palestine question. He reminded the Council that "this convenience is intended only for purposes of the debate under consideration, and does not affect the functions or the responsibilities of the President otherwise".[12]

The representative of New Zealand took the Chair.[13]

[12] 655th meeting: para. 37.
[13] 655th meeting: para. 37.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

Part IV comprises the proceedings of the Security Council relating to rules 21-26 which delineate the specific functions and powers of the Secretary-General, under Article 98, in connexion with the meetings of the Council.

As in the previous volume of the *Repertoire*, proceedings classified under rule 22 are included by virtue of their possible relation to Article 99.

The Security Council, during the period under review, has not had recourse to rule 23.

Under rule 24 the Secretary-General has provided the required staff to service the meetings of the Council as well as the commissions and subsidiary organs, both at Headquarters and in the field.

Certain decisions of the Security Council have conferred specific duties upon the Secretary-General. At the 690th meeting on 31 January 1955, in connexion with the letter dated 28 January 1955 from the representative of New Zealand concerning the question of hostilities in the area of certain islands off the coast of the mainland of China (S/3354), the Council, in deciding to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion, requested the Secretary-General to convey the invitation to the Central People's Government of the People's Republic of China. After the decision, the President (New Zealand) observed that in conveying the invitation the Secretary-General would no doubt take into account the views expressed by the representatives as to the desirability of the Central People's Government of the People's Republic of China accepting this invitation.[14]

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 21-26

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 21-26

a. Rule 22

CASE 8

At the 630th meeting on 27 October 1953, in connexion with the Palestine question with special reference to the item of Compliance with and enforcement of the General Armistice Agreements, the President of the Security Council called on the Secretary-General who desired to make a statement.

The Secretary-General made the following statement:[15]

". . . Before presenting General Bennike, may I take this opportunity to express my special concern, as Secretary-General, regarding the outbreaks of violence and the recent incidents which have taken place in Palestine, creating new tensions in the Middle East. These incidents constitute serious violations of the General Armistice Agreements concluded by the parties in 1949.

"I consider it my duty to recall to the parties concerned that, as has been stated in different Security Council resolutions, the General Armistice Agreements signed, pending the final peace settlement, pursuant to Article 40 of the Charter, include firm pledges against any acts of hostility between the parties. They also provide for supervision of the armistice by the parties themselves and by the Mixed Armistice Commissions under the chairmanship of the Chief of Staff of the Truce Supervision Organization.

"I wish also to express a firm hope that the parties will give full consideration to their obligations under the terms of the Armistice Agreements and that they will refrain from any action, contrary to those Agreements, which would prejudice the attainment of permanent peace in Palestine, which is the ultimate aim of the United Nations in the Middle East.

"In conclusion, may I make a strong appeal to the parties concerned to refrain from spreading rumours and from provocative acts which would contribute to a widening of tensions in the area, and especially to avoid any premature actions which could jeopardize the Council's present endeavours."

CASE 9

At the 656th meeting on 22 January 1954, in connexion with the Palestine question with particular reference to the Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone, the Acting President (New Zealand) called upon the Secretary-General, who had expressed the wish to make a statement to the Council.

The Secretary-General stated:[16]

"Again I must, in the present troubling situation, stress the importance of the time factor, which is the main reason for this intervention after months of discussion in the Security Council. With this as a background, I must ask the Council to consider most seriously the possibility of a speedy, positive decision giving the Chief of Staff, General Bennike, the necessary support and authority."

[14] 690th meeting: paras. 143, 147.
[15] 630th meeting: paras. 3-7.
[16] 656th meeting: paras. 174-178.

b. Rule 26

CASE 10

At the 635th meeting on 9 November 1953, in connexion with the Palestine question, with particular reference to the Compliance with and enforcement of the General Armistice Agreement, the representative of Lebanon stated that the text of the written replies which had been prepared by the United Nations Chief of Staff to the questions put to him at the 632nd meeting had not been made available readily. Certain delegations had asked for copies of that text but had been refused. There was something secretive about this whole affair. He therefore would ask the President to make sure, through the Secretary-General, that this situation should not take place in the United Nations.

The President (France) called on the Secretary-General who made the following statement:

"The text circulated last Saturday in accordance with the decision of the Security Council was circulated as a Press release. If Mr. Malik will look at the text, he will see that there is printed on the first page the fact that it may not be used before three o'clock, Monday, 9 November. It is obviously a matter of courtesy that it should not be published and should not be circulated before this very discussion. I think the discussion shows very clearly that it is not only courteous but it is also wise not to give this text wider publicity than the one strictly necessary for Security Council purposes before the meeting of the Council.

"Having asked to speak in order to reply to Mr. Malik's question, I should like to add that a rather irregular procedure was chosen this time by the Security Council—having an advance circulation of replies—and I think it is but proper that this arrangement should also have its reflection in further measures in order to expedite the work of the Security Council. It is, from the point of view of the Secretariat, a slightly awkward position to have to hold an advance Press release before distribution. But I can assure the representative of Lebanon that there is nothing secretive about it."

The President stated that the Security Council was not responsible for the irregular procedure mentioned by the Secretary-General, and the fact that the document had been distributed in the form of a Press release. The President had held the view that it ought to be published as a Security Council document and distributed to members, and only then released for the public. But he had been informed that, for reasons of convenience, it was better to publish the document in the form of a press release.

The Secretary-General replied:

"Of course, I shall go into the matter to see what has happened, because it is quite obvious that a communication, the very moment it is published, should be available not only to the Press but to delegations as well and with priority; that goes without saying.

"I may add, concerning the heading 'Press release' that that special technical detail was for reasons of convenience which were, as the President pointed out, entirely the responsibility of the Secretariat. My argument referred to the fact that we had the replies of General Bennike circulated in document form before the replies were given here."[17]

[17] For texts of relevant statements see:
635th meeting: President (France), paras. 29, 32; Lebanon, paras, 25, 28, 33-34; Secretary-General, paras. 30-31, 35-36.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

The observations made in the introduction to this chapter that the cases included are indicative of special problems which have arisen in the practice of the Council, are applicable particularly to this part. As in the previous volume of the *Repertoire*, the cases comprise proceedings of the following nature: decisions by the Council to depart from a rule; decisions on the conduct of business in situations not covered or clearly covered by the rules; instances where the meaning or applicability of the rules was in doubt; and cases in which decisions were made between competing rules. The cases, arranged in chronological order under respective rules, bear on the following points:

1. *Rule 27*

(*a*) The order of intervention in the debate (Case 11);

(*b*) Termination of the general debate (Case 12).

2. *Rule 31*

Requirement that proposals be in writing (Cases 13, 14).

3. *Rule 32, para. 1*

(*a*) Order of precedence (Case 15);

(*b*) Changes in the order of precedence (Case 18).

4. *Rule 32, para. 2*

(*a*) Request for the separation of vote (Cases 16, 19);

(*b*) Bearing of the application of rule 32, para. 2, on vote on the whole (Case 17).

5. *Rule 33, para. 1, sub-paras. 1-6*

Case 21 concerns precedence of motions.

Case 23 concerns the significance of the expression "to postpone discussion".

6. *Rule 33, para. 2*

Case 22 concerns exclusion of debate after motion for simple adjournment.

7. *Rule 36*

Case 24 concerns precedence of voting on an amendment to a draft resolution.

****1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 27-36**

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 27-36

a. Rule 27

CASE 11

At the end of the 635th meeting on 9 November 1953, in connexion with the Palestine question, with particular reference to Compliance with and enforcement of the General Armistice Agreements, the representative of Israel* requested the opportunity of making a statement at the beginning of the next meeting to be held on that sub-item. The President (France) stated that the request of the representative of Israel would be met provided that no member of the Council wished to speak before him.[18]

At the 637th meeting on 12 November 1953, the President (France) called upon the representative of Israel first.[19]

CASE 12

At the 656th meeting on 22 January 1954, in connexion with the Palestine question, the Acting President made a statement in his capacity as the representative of New Zealand in the course of the general debate. He then called on the representative of Lebanon after observing that it was his understanding that the latter had requested to be heard not in the course of the general debate, but on a procedural matter.

Speaking on a point of order, the representative of Lebanon stated that there had been no motion to close the general debate or the list of speakers. He believed that he was entitled to comment on the important points of substance which the Acting President, speaking on behalf of his Government, had just made in the course of the general debate. The representative of Lebanon said that his intention, therefore, was to make a substantive, not a procedural statement.

The Acting President observed:

> ". . . My understanding of the procedure of the Security Council is that it has been the custom for the President or the Acting President to speak last in the debate, but that is, as I understand, merely a custom, and, of course, if any member desires to speak substantively in reply to what the President or the Acting President has said, that is not only the privilege but the right of members of the Council . . "

The representative of the USSR pointed out that the Acting President had made his statement as he himself indicated, in his capacity as the representative of New Zealand, and that therefore his statement could not be regarded as the last word of the Security Council.[20]

The Acting President called upon the representatives of Lebanon and the USSR in the order in which they had signified their desire to speak in the general debate.[21]

[18] For texts of relevant statements see:
635th meeting: President (France), para. 75; Israel, para. 74.

[19] 637th meeting: para. 1.

[20] For texts of relevant statements see:
656th meeting: Acting President (New Zealand), paras. 14, 16, 19; Lebanon, paras. 17-18, 22; USSR, paras. 15, 20-21.

[21] 656th meeting: para. 19.

b. Rule 31

CASE 13

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, the representative of Lebanon suggested that in case the Council did not accept the two draft resolutions[22] which were then under consideration, it was desirable that it agree to adopt a simple procedural text to refer the matter back to the Chief of Staff of the United Nations Truce Supervision Organization. On that understanding, he would not read out the text before the Council had voted on the two draft resolutions, and reserved the right to introduce his text formally at the appropriate time.

The Acting President (New Zealand) stated that the Council could not be committed to a clear understanding of the course of action which the representative of Lebanon had proposed. If the representative of Lebanon wished to submit a draft resolution, he would, of course, pay attention to rule 31 of the rules of procedure.

The representative of Lebanon replied that, if no other member wished to initiate the procedure which he had suggested, he would formally submit his proposal in writing.[23]

Before the Council voted on the two draft resolutions, the representative of Lebanon submitted his draft resolution in writing.[24]

CASE 14

At the 690th meeting on 31 January 1955, in connexion with the question of hostilities in the area of certain islands off the coast of the mainland of China, the President, as the representative of New Zealand, proposed to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion.

The representative of the USSR stated that a proposal of such importance was usually submitted in writing in accordance with rule 31 of the provisional rules of procedure. He therefore requested the President to submit his proposal in writing.

The President, speaking as the representative of New Zealand, replied:

> ". . . this is not a substantive motion as defined by rule 31 of the rules of procedure which state: 'Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing'. I ask representatives to note the word 'normally'. It does not mean 'obligatory'. The matter before us is an urgent one. In any event, this is not a substantive proposal; it is a procedural proposal."[25]

The proposal was then put to a vote.[26]

[22] S/3151/Rev.2, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 79-80; S/3152, 650th meeting: para. 53.

[23] For texts of relevant statements see:
655th meeting: Acting President (New Zealand), paras. 76, 82, 85; Lebanon, paras. 73-75, 79.

[24] 655th meeting: para. 83.

[25] For texts of relevant statements see:
690th meeting: President (New Zealand), paras. 135-139; USSR, paras. 132-134. See also, chapter IV, part I.A.7, Case 15.

[26] 690th meeting: paras. 139, 143.

c. Rule 32

CASE 15

At the 653rd meeting on 22 December 1953, in connexion with the Palestine question, the President (Greece), summarizing the proceedings, stated that there were two proposals before the Council: one submitted by the representative of Lebanon and supported by the representatives of the United Kingdom and France that the Security Council should postpone its discussion and decision on the item until 29 December; and another submitted by the representative of Colombia and supported by the representative of the United States that the Council should reconvene to consider the item on 11 January 1954. He proposed to put the Colombian proposal to the vote first.

The representative of France disagreed with the President's proposal to give priority of voting to the Colombian proposal, on the ground that it had been submitted after his own proposal.

The President pointed out that the representative of Colombia had formally moved his proposal before the Council recessed. At that time, the representative of France had only made a suggestion that the Council should meet either on 28 or 29 December 1953 or on 4 or 5 January 1954, the exact date to be determined later.

The representative of Colombia, expressing full agreement with the President's interpretation of his motion, stated that he would repeat his motion for the Council to meet again on 11 January at 11.00 a.m.

The representative of France replied that if the President and the representative of Colombia considered that the Colombian proposal had precedence over his, he would not press the point.[27]

The President put the Colombian proposal to the vote first.[28]

CASE 16

At the 655th meeting on 21 January 1954, in connexion with the Palestine question, while the Council was considering a joint draft resolution submitted by the representatives of France, United Kingdom and the United States,[29] the representative of Lebanon stated that should the joint draft resolution come to a vote, he would, under rule 32 of the provisional rules of procedure, request the President to put it to the vote in parts.

At the 656th meeting on 22 January 1954, the Acting President (New Zealand) stated that, by virtue of rule 32, it was necessary for him to inquire whether the movers of the joint draft resolution objected to its being voted on in parts. The representative of Lebanon maintained:

> ". . . The text of rule 32 does not say that parts of a motion or a draft resolution shall be voted on separately at the request of any representative unless the President has already ascertained whether the original mover does or does not object thereto. It says 'unless the original mover objects'. I understand this to mean that it must be left to the initiative of the original movers, who are all here and who can themselves express objections if they wish to. For the President actually to initiate the process by making them to express their opinions seems to me to be unnecessary."

The Acting President observed that, having regard to the course of the debate on the particular subject, he still thought it right to put the matter in the way he had done for the convenience of the Council.[30]

The representative of the United Kingdom having objected to a vote in parts, the Acting President put the joint draft resolution to the vote as a whole.[31]

CASE 17

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the Council considered a joint Brazilian-Colombian proposal[32] dated 22 April 1954 concerning the method by which the Council should deal with the two items appearing on the provisional agenda.

In reply to the inquiry of the representative of the USSR, the sponsors of the proposal stated that they would not oppose a paragraph by paragraph vote on their joint proposal.

After the vote in parts had been taken, the President (United Kingdom) stated that each of the three paragraphs of the Brazilian-Colombian proposal had been adopted, and therefore, the Council could take it that the proposal as a whole had been adopted. The representative of the USSR maintained that this conclusion would have been justified had all the paragraphs been adopted unanimously. In fact, however, the representatives of Lebanon and the USSR had voted against paragraph 2. He, therefore, requested a vote on the draft resolution as a whole.[33]

The President, stating that there was force in what the representative of the USSR had said, put to the vote the proposal as a whole.[34]

CASE 18

At the 701st meeting on 10 December 1955, in connexion with the question of Admission of new Members, the Security Council had before it draft resolutions which had been submitted in the following order:

---

[27] For texts of relevant statement see:
653rd meeting: President (Greece), paras. 65-66, 71, 76; Colombia, para. 74; France, paras. 68-70, 75.

[28] 653rd meeting, para. 76.

[29] S/3151/Rev.2, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 79-80.

[30] For texts of relevant statements see:
655th meeting: Acting President (New Zealand), paras. 38, 82; Lebanon, para. 73; USSR, para. 106; United Kingdom, paras. 87-88.
656th meeting: Acting President (New Zealand), paras. 107, 117; Lebanon, paras. 109, 118, 120-121; United Kingdom, paras. 111-116; United States, para. 123.

[31] 656th meeting: para. 135.

[32] 670th meeting: para. 2.

[33] For texts of relevant statements see:
670th meeting: President (United Kingdom), paras. 60, 69; Brazil, paras. 24-25; Colombia, paras. 54-55; USSR, paras. 20-21, 70-71.

[34] 670th meeting: para. 73.

thirteen draft resolutions,[35] submitted by the representative of China, to recommend the admission of thirteen applicant States; eighteen draft resolutions,[36] submitted by the representative of the USSR, recommending the admission of eighteen applicant States; another USSR draft resolution[37] concerning the procedure to be followed in examining the applications of the eighteen States; and a joint draft resolution,[38] submitted by Brazil and New Zealand, to consider separately the applications of the eighteen States and to recommend to the General Assembly their admission to the United Nations.

The representative of China, observing that voting on this matter had always been based on proposals for admission made by members of the Council and not on applications for admission submitted by the applicant State, maintained that the proposals before the Council should be voted on in the order of their submission in accordance with rule 32 of the provisional rules of procedure.

The representative of New Zealand expressed the hope that the Council would give priority in voting to the joint draft resolution submitted by Brazil and New Zealand. At the 702nd meeting on 10 December 1955, the representative of Iran made a proposal to this effect. The representative of the USSR opposed this proposal and urged that priority be given to the USSR draft resolution concerning the procedure for examining the applications.

At the 703rd meeting on 13 December 1955, the representative of the USSR, explaining his understanding of the joint draft resolution submitted by Brazil and New Zealand, stated that he would not insist that priority should be given to the procedure which had been proposed in the USSR draft resolution.

The representative of China opposed the proposal to give priority to the joint Brazil-New Zealand draft resolution.[39]

Decision: *At the 703rd meeting on 13 December 1955, the proposal submitted by the representative of Iran was put to the vote and adopted by 8 votes in favour to one against, with 2 abstentions.*[40]

CASE 19

At the 706th meeting on 15 December 1955, in connexion with the question of Admission of new Members, the Council considered among others a USSR draft resolution[41] to recommend the admission of the Mongolian People's Republic and Japan to the United Nations at the eleventh regular session of the General Assembly.

The representative of France stated that the Council should take a separate vote on each of the countries named in the draft resolution submitted by the representative of the USSR. The representative of the USSR maintained that, under rule 32 of the provisional rules of procedure, a draft resolution could be voted upon in parts only with the consent of the sponsor of the draft resolution. He requested that the USSR draft resolution be put to the vote as a whole.[42]

The USSR draft resolution was voted upon as a whole.[43]

d. Rule 33

CASE 20

At the 577th meeting on 18 June 1952, in connexion with the question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacteriological weapons, the representative of the United States moved that, pursuant to rule 33 (4) of the provisional rules of procedure, the USSR draft resolution, providing for such an appeal, be referred to the Disarmament Commission for consideration.[44]

At the 582nd meeting on 25 June 1952, the representative of the USSR, noting that rule 33 (4) was derived directly from rule 28, maintained that the Disarmament Commission was not a commission or a committee established by the Security Council and that, consequently, neither rule 33 nor rule 28 applied to the case.[45]

At the 583rd meeting on 26 June 1952, the USSR draft resolution was put to a vote.[46]

CASE 21

At the 590th meeting on 9 July 1952, in connexion with the question of Admission of new Members, when the Security Council considered resolution 506 (VI) of the General Assembly, the representative of Greece proposed, under rule 33 (5), to postpone the discussion of the question until 2 September 1952.[47]

At the 591st meeting on the same day, the representative of Pakistan submitted a draft resolution[48] to urge the permanent members of the Council to give their earnest attention to the request of the General Assembly embodied in resolution 506 (VI). The President (United Kingdom) stated that since the Greek proposal was submitted under rule 33 (5), it would be put to the vote first. The representatives of Chile and Pakistan believed that the draft resolution could be considered as an amendment to the proposal submitted

[35] S/3468, S/3469, S/3470, S/3471, S/3472, S/3473, S/3474, S/3475, S/3476, S/3477, S/3478, S/3479, S/3480.
[36] S/3484, S/3485, S/3486, S/3487, S/3488, S/3489, S/3490, S/3491, S/3492, S/3493, S/3494, S/3495, S/3496, S/3497, S/3498, S/3499, S/3500, S/3501.
[37] S/3483.
[38] S/3502.
[39] For texts of relevant statements see:
701st meeting: provisional record, President (New Zealand), pp. 18-22; China, pp. 33-34;
702nd meeting: provisional record, Iran, p. 5; USSR, p. 17;
703rd meeting: provisional record, China, p. 10; USSR, p. 3.
[40] S/PV.703: p. 28. See also in chapter VII below, Case 16.
[41] S/3512.
[42] For texts of relevant statements see:
706th meeting: provisional record, France, p. 41; USSR, pp. 43-45.
[43] 706th meeting: provisional record, p. 50.
[44] 577th meeting: para. 138.
[45] 582nd meeting: paras. 96-98.
[46] 583rd meeting: para. 6.
[47] 590th meeting: paras. 40, 56.
[48] S/2694, 591st meeting: para. 25.

by the representative of Greece. The President stated that he could not interpret rule 33 as allowing him to regard the draft resolution as an amendment to the proposal.

The representative of Greece maintained that his proposal was purely procedural in character while the draft resolution was one of substance, and that, under the circumstances, he hoped that the draft resolution would be withdrawn.[49] After further discussion on whether the draft resolution was procedural or substantive in character, the proposal submitted by the representative of Greece was put to the vote first.[50]

CASE 22

At the 628th meeting on 20 October 1953, in connexion with the question of Appointment of a Governor of the Free Territory of Trieste, the representative of Colombia proposed, under rule 33 (5) of the provisional rules of procedure, to postpone the discussion of the item until 4 November 1953.

The representative of the USSR maintained that rule 33 could not properly be held to apply in this case, since the proposal was not to suspend or adjourn a meeting, but to postpone the meeting of the Council to a later date. Moreover, the Council had not yet begun to discuss the item on the agenda and, therefore, there could be no question of a suspension. Even if rule 33 were interpreted to apply to the case, this should not, in justice, mean that the party which had initiated the question should be barred from stating its views on the possibility of postponing the discussion of a matter which it considered urgent.

The representative of Colombia replied that, when he cited rule 33 (5), at no time did he hint at the possibility of not commencing a debate. Furthermore, only paragraphs 1 and 2 of that rule provided for the suspension or adjournment of a meeting without debate.[51]

After further discussion of the Colombian proposal, the President (Denmark) put it to the vote.[52]

CASE 23

At the 651st meeting on 21 December 1953, in connexion with the Palestine question, the representative of the USSR urged the Council to postpone a vote on the joint draft resolution[53] of 21 December 1953 submitted by the representatives of France, the United Kingdom and the United States.

The President (Greece) stated that he could not find in the rules of procedure any provision referring to the postponement of voting.

The representative of the USSR observed:

"So far as concerns the rules of procedure, the President is of course right in saying that there is no such rule . . . It cannot be held that if there is no applicable rule of procedure, we cannot find a way out of a situation. There is an analogy. Rule 33 of the rules of procedure makes it possible to draw an analogy. This rule provides for the possibility of postponing the discussion of a question to a certain day or indefinitely. If, however, it is possible to postpone the discussion of a question, why should it be impossible to postpone the vote on a question? How can any logical objection be raised to the application of this analogy?"

The representative of the USSR then proposed to postpone *sine die* a vote on the joint draft resolution.

The representative of Pakistan, having proposed, under rule 33, that the meeting be adjourned until 11.00 a.m. the next day,[54] the President put to the vote the motion of the representative of Pakistan, which was adopted.[55]

c. Rule 36

CASE 24

At the 704th meeting on 13 December 1955, in connexion with the question of Admission of new Members, the Council considered a joint draft resolution[56] submitted by the representatives of Brazil and New Zealand to recommend the admission of eighteen applicant States to the United Nations, and an amendment[57] submitted by the representative of China to add the names of two States to the list of applicants.

The President (New Zealand), in explaining that the joint draft resolution would be put to the vote paragraph by paragraph, declared that the names listed in the amendment would be voted upon before those listed in the joint draft resolution.

The representative of the USSR maintained that the procedure suggested by the President was incompatible with rule 36 which plainly stated that "when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first". This meant that that amendment was to be voted on first in relation to the whole resolution. The representative of the USSR requested, therefore, that the amendment be put to the vote after the names of the eighteen States listed in the joint draft resolution.[58]

The President replied that, when a draft resolution was put to the vote paragraph by paragraph, rule 36 required an amendment to be voted on before the paragraph to which it related. The representative of the USSR then proposed that the President put the names listed in the amendment to the vote in the chronological order of their applications among the names listed in

[49] For texts of relevant statements see:
591st meeting: President (United Kingdom), paras. 27, 38, 40, 87-88, 93; Chile, paras. 32-33, 84-86, 95; Greece, paras. 10, 13, 51; Pakistan, paras. 25, 31, 82-83.

[50] 591st meeting: para. 96.

[51] For texts of relevant statements see:
628th meeting: President (Denmark), paras. 43, 131, 133; Colombia, paras. 1-4, 32, 132; Greece, para. 80; USSR, para. 6.

[52] 628th meeting: para. 133.

[53] S/3151/Rev.1.

[54] For texts of relevant statements see:
651st meeting: President (Greece), paras. 66, 92; Chile, paras. 79-80; Pakistan, para. 107; USSR, paras. 29-30, 71-73.

[55] 651st meeting: para. 108.

[56] S/3502.

[57] S/3506.

[58] For texts of relevant statement see:
704th meeting: provisional record, President (New Zealand), pp. 10-15; USSR, p. 11.

the draft resolution. The President observed that he must adhere to his ruling and had no power to alter the arrangement in the draft resolution. The representative of the USSR asked that his proposal be put to the vote.

After the USSR proposal had been rejected,[59] the President put to the vote the joint draft resolution and the amendment in the manner ruled.[60]

[59] 704th meeting: provisional record, p. 17.
[60] 704th meeting: provisional record, pp. 16, 23-24.

Part VI

VOTING (RULE 40)

NOTE

Rule 40 does not set forth detailed provisions regarding the mechanics of the vote or the majorities by which the decision of the Council should be taken. While material regarding certain aspects of the mechanics of voting has already been presented in this chapter, the proceedings of the Council regarding the majorities by which the various decisions of the Council should be taken are included in chapter IV: Voting.

As indicated in the previous volume of the *Repertoire*, the Council has taken many decisions without vote, and the President has, in the absence of objections, declared the proposal adopted. During the period under review, there have been occasions when the conclusions to be drawn in connexion with a question have been stated formally by the President without putting a proposal to the Council for adoption. Instances of this are to be found in chapter VIII, part II (decisions of 31 January 1952, 11 November 1954, 13 January and 19 April 1955). On one occasion, when a member had expressed disagreement with the conclusion stated by the President, that fact was noted in the Presidential statement of the consensus of the Council.[61]

The case included in part VI (Case 25) constitutes an application of Article 109 (3) and not of Article 27 which has been dealt with in chapter IV.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULE 40

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULE 40

CASE 25

At the 707th meeting on 16 December 1955, the agenda included a letter[62] dated 12 December 1955 from the Secretary-General addressed to the President of the Security Council transmitting the text of the General Assembly resolution of 21 November 1955, concerning the proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter.

The representatives of Brazil, Iran, the United Kingdom and the United States submitted the following joint draft resolution:[63]

"*The Security Council,*

"*Mindful* that Article 109, paragraph 3, of the Charter of the United Nations provides that if a General Conference of the Members of the United Nations for the purpose of reviewing the Charter has not been held before the tenth annual session of the General Assembly, such a Conference shall be held if so decided by a majority vote of the Members of the General Assembly and by a vote of any seven members of the Security Council,

"*Having considered* resolution A/RES/324 adopted by the General Assembly on 21 November 1955 in which the Assembly decided that a conference to review the Charter of the United Nations shall be held at an appropriate time,

"Expresses its concurrence in the Assembly's decision, as set forth in resolution A/RES/324 of the General Assembly."

After some discussion, the joint draft resolution was put to a vote.[64]

Decision: *The joint draft resolution was adopted by 9 votes in favour to 1 against (the vote against being that of a permanent member), with one abstention.*[65]

[61] 572nd meeting: paras. 33-35.
[62] S/3503.
[63] S/3504.
[64] For texts of relevant statements see:
707th meeting: provisional record, Belgium, p. 58; USSR, pp. 51-54; United Kingdom, pp. 46-50; United States, pp. 55-57.
[65] 707th meeting: provisional record, p. 59.

Part VII

LANGUAGES (RULES 41-47)

NOTE

Rules 42-43 regarding interpretation into the two working languages have been consistently applied during the period under review, as in the period covered by the previous volume of the *Repertoire*. On two occasions consecutive interpretation into French or English has been omitted, by way of exception, in order not to protract a meeting or to expedite discussion of a question (Cases 27, 28). On another occasion, the question arose as to whether a meeting could be declared adjourned before the interpretation of the President's last remarks had been given (Case 26).

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 41-47

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47

Rules 42-43

CASE 26

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that toward the close of the previous meeting the President (Pakistan) had declared the meeting adjourned without having waited for the French interpretation of his remarks, had brought down the gavel and immediately left the Chair. He pointed out that the meeting could not have risen before the interpretation of the President's last remarks had been given. He further stated:

"As for the law involved, it is indisputable that the consecutive interpretation of a statement is an integral part of that statement, that a statement is not ended and 'complete' in the legal sense, until its consecutive interpretation into the other working language has been concluded, and, furthermore, that the right of every member of the Council to hear the interpretation of a statement, no matter how brief, cannot be denied him . . ."

The President replied:

". . . the Chair held after the last meeting, and holds now, that when it was announced from the Chair that the meeting was adjourned and the President rapped the gavel the meeting, to all intents and purposes, was adjourned. It is too subtle a point as to whether the meeting continues for the ten seconds during which the words 'The meeting is adjourned' are translated . . ."

The representative of France stated:

"According to what the President has just said, it would appear that the President of the Security Council can close a meeting before the interpretation of his last speech. I wonder whether that is so; and I would ask the members of the Security Council if that is how they interpret the spirit and the letter of the rules of procedure, since the result would be that a meeting could be closed before a delegation, which was not acquainted with the language used by the President in speaking the words preceding his statement that the meeting was closed, had been able to understand those words and to decide whether or not to oppose the closure . . .

"Furthermore, . . . the gavel should properly be used at the end of the interpretation and not at the conclusion of his own remarks. In this way the signal is given for the interpretation of those remarks, and the closure of the meeting indicated at the proper time."[66]

CASE 27

At the 680th meeting on 10 September 1954, in connexion with the question of a letter[67] dated 8 September 1954 from the representative of the United States addressed to the President of the Security Council, the President (Colombia) indicated that, in view of the lateness of the hour, he had consulted the English-speaking and the French-speaking representatives who, by way of exception only, had agreed to dispense with the consecutive interpretations of the statements made by the representative of the USSR. The representative of France pointed out that the right of interpretation belonged equally to the speaker and the listener and he, as a listener, was prepared to dispense with the interpretation into French, provided that the representative of the USSR, as a speaker, was prepared to do likewise. The representative of the USSR replied in the affirmative. The same procedure was followed with regard to the next statement made by the representative of the United States.[68]

CASE 28

At the 679th meeting on 10 September 1954, the President (Colombia) stated that the use of any of the official languages other than English or French in the Security Council necessitated two consecutive interpretations—into English and French. Since he was the only Spanish-speaking member of the Council, he would not unnecessarily lengthen the discussion and would confine himself to using one of the two working languages.[69]

[66] For texts of relevant statements see:
576th meeting: President (Pakistan), paras. 18-22; France, paras. 5-17, 23-24.

[67] S/3287, *O.R., 9th year. Suppl. for July-Sept. 1954*, p. 35.

[68] For texts of relevant statements see:
680th meeting: France, para. 109; USSR, para. 111; United States, para. 123.

[69] 679th meeting: para. 1.

Part VIII

PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

NOTE

As indicated in the previous volume of the *Repertoire*, the verbatim records of each meeting are made available to the representatives on the Security Council, as well as to the representatives of any other States which have participated in the meeting. In mimeographed copies of the record is incorporated a note showing the time and date of distribution. Corrections are requested in writing, in duplicate, within two working days, to be submitted in one of the two working languages (English, French), preferably in the same language as the text to which they refer. These corrections are included, in the absence of any objection, in the Official Record of the meeting which is printed and distributed as soon as possible after the expiration of the time limit for correction.

**1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 48-57

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 48-57

Rule 53

CASE 29

At the 576th meeting on 14 April 1952, in connexion with the Tunisian question, the representative of France complained that, toward the close of the last meeting, the President (Pakistan) had declared the meeting adjourned without waiting for the interpretation of his remarks. Despite the request made by the representative of France on a point of order, the President had insisted that he was talking to the representative of France quite unofficially, as the meeting had already risen. The representative of France added:

"No transcription of the various statements made at that point appears in the verbatim record of that meeting, as distributed to us; and it does not appear because you lodged an objection against its publication with the Secretariat. Fortunately, however, it was not in your power to suppress the sound recordings; and thanks to them we have been able to reconstruct the incident into its various stages. I wish to recall them in detail, not only to support my protest but also thereby to ensure that an account appears in the printed records of the Security Council."

The President replied:

". . . if the representative of France thought that the meeting continued beyond the point at which I rapped the gavel he has now amply amended that position—to his own satisfaction at least—by reading from a recording by the Secretariat of what happened during what the Chair still regards as an informal discussion after the adjournment of the meeting . . ."[70]

[70] For texts of relevant statements see:
576th meeting: President (Pakistan), para. 22; France, paras. 5-10.

Part IX

APPENDIX TO PROVISIONAL RULES OF PROCEDURE

**CONSIDERATION OF THE ADOPTION OR AMENDMENT OF THE PROCEDURE

Chapter II

AGENDA

TABLE OF CONTENTS

INTRODUCTORY NOTE

The present chapter contains material concerning rules 7 through 11 of the rules of procedure of the Security Council relating to the agenda. No material requiring treatment under rules 6 and 12 has been found for the period under review.

As in the previous volume of the *Repertoire*, the material in the present chapter is presented directly under the rule of procedure to which it relates. The chapter is divided into four parts: part I, Consideration of the adoption or amendment of rules 6-12; part II, The Provisional Agenda; part III, Adoption of the Agenda (rule 9); and part IV, The Agenda: Matters of which the Security Council is seized (rules 10 and 11).

No material has been entered under part I, since the Council has not had occasion to consider any change in rules 6 to 12.

Part II provides information concerning the preparation and communication of the provisional agenda (rules 7 and 8).

Part III contains material on the procedure and practice of the Security Council in connexion with the adoption of the agenda. Section A of part III consists of a list of votes taken in adopting the agenda arranged by forms of proposals voted upon. The list is followed by selected case histories summarizing the discussion in the Council concerning procedural aspects of the adoption of the agenda. Section B contains case histories setting forth discussion in the Council of the requirements for the inclusion of an item in the agenda and of the effects of such inclusion. Section C comprises other questions which have been discussed in connexion with the adoption of the agenda, such as the order of discussion, the scope of discussion, the phraseology of items and postponement of consideration.

Part IV relates to the list of matters of which the Security Council is seized. The tabulation included in section B (rule 11) brings up to date the corresponding tabulation in the previous volume of the *Repertoire* and includes items which have appeared in the Secretary-General's Summary Statement on matters of which the Security Council is seized during the period 1952 to 1955 inclusive. The tabulation is followed by case histories of the discussion in the Council of questions arising in connexion with the retention or removal of an item on the agenda.

Part I

**CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12

Part II

THE PROVISIONAL AGENDA

NOTE

The provisional agenda, prepared by the Secretary-General and approved by the President of the Security Council in accordance with rule 7, includes those items which have been brought to the attention of the Council under rule 6. The question of the appropriate procedure to employ in submitting items for inclusion in the provisional agenda has been discussed in one instance which has been included under rule 7 (Case 1). The title of the provisional agenda item is generally followed by a reference to the documents before the Council bearing on that item. An explanation of the basis for such documentary references is included under rule 7 (Case 2).

While the order of items on the provisional agenda, other than the first item relating to adoption, usually reflects the stage of consideration reached at the previous meeting and the urgency of new communications, it is the Council which decides the order of the items in the agenda as adopted, and gives final approval to the wording of items on the agenda. In connexion with the order of discussion and with the phrasing of agenda items, reference should also be made to part III.C. (Cases 11, 13, 16, 17 and 18).

**A. RULE 6: CIRCULATION OF COMMUNICATIONS BY THE SECRETARY-GENERAL

B. RULE 7: PREPARATION OF THE PROVISIONAL AGENDA

CASE 1

At the 579th meeting on 20 June 1952, when the provisional agenda included the item "Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons", the representative of the United States proposed that at its next meeting the Council consider a new agenda item: "Question of a request for investigation of alleged use of bacterial warfare". He requested that the new item be placed on the provisional agenda for the next meeting, and, in that connexion, he submitted a draft resolution[1] to be circulated to the members of the Council.

The President (USSR) observed that it had not been customary in Security Council practice while discussing

[1] S/2671, *O.R., 7th year, Suppl. for April-June 1952*, p. 17.

one subject to propose draft resolutions on another subject not yet included in the agenda.

The representative of the United States replied:

". . . It would be, I think, preferable for the convenience and information of the members of the Council to read the draft resolution at this time. I have in mind, for example, that the Soviet Union representative circulated a draft resolution prior to the time of the adoption of the agenda item which we are now discussing. However, I do not press the point. The circulation of the draft resolution has gone forward."

The President further stated:

"I am proposing precisely the method which was followed by the Soviet Union delegation when it submitted its item. The USSR delegation submitted two items, and on each of them, together with its official letter, submitted draft resolutions which were issued by the Secretariat of the United Nations as official documents. That is the usual practice in the proceedings of the Security Council. I have expressed my opinion that it would be desirable for the United States representative to proceed in the same way. The official submission, during the discussion on one item, of a draft resolution on an entirely different item, which has not yet been placed on the agenda, would be unprecedented in the work of the Security Council."[2]

CASE 2

At the 594th meeting on 2 September 1952, the provisional agenda contained three sub-items under the general heading

"Admission of new Members:

"(*a*) Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission (S/2664);

"(*b*) Consideration of resolution 506 (VI) of the General Assembly;

"(*c*) New applications for membership (S/2446, S/2466, S/2467, S/2672, S/2673 and S/2706)."

The representative of Pakistan observed that in some cases what were included were the actual applications for membership; in other cases it was not the applications which were included in the agenda, but a draft resolution submitted by a delegation; he inquired from the President (Brazil) what the general procedure was with regard to including the enumeration of various documents in the agenda on the admission of new Members.

The President called upon the representative of the Secretariat who made the following statement:

"The provisional agenda was drawn up under the direction of the President in the following way. Under sub-item 2 (*a*) there was a USSR request, together with a draft resolution [*S/2664*], that this item be included in the agenda in the proceedings of the Council before the adjournment of the discussion of this question. When sub-item 2 (*c*) was introduced as a new item, we only enumerated the numbers of the documents of the applications but not of the draft resolutions, because at that time we did not have any draft resolution on that question except the draft resolution of Pakistan on Libya [*S/2483*], which was pending from Paris last January."

The representative of Pakistan observed:

". . . From what he said I understand the position to be as follows: with regard to one of the applications which are included under sub-item 2 (*c*) of the provisional agenda, there is a draft resolution submitted by my delegation. I admit that I have not pressed for the consideration of that draft resolution at this stage. Am I correct in my understanding that that is the reason why it has not been included and that sub-item 2 (*a*) has been included, because of the desire on the part of our Soviet Union colleague that it should be included? . . ."

The President declared that the interpretation given by the representative of Pakistan was correct.[3]

C. RULE 8: COMMUNICATION OF THE PROVISIONAL AGENDA

CASE 3

At the 657th meeting on 4 February 1954, in connexion with the Palestine question, the provisional agenda contained complaints by Israel against Egypt concerning (*a*) enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal, and (*b*) interference by Egypt with shipping proceeding to the Israeli port of Elath.[4] The representative of the United Kingdom observed that the Council had also before it a letter[5] from the representative of Egypt under date of 3 February asking for urgent consideration by the Council of a complaint against Israel concerning alleged violations of the Egyptian-Israeli General Armistice Agreement. He proposed that the Council should approve the agenda as it stood and ask the representative of Egypt to circulate as soon as possible an explanatory memorandum regarding his proposed item. The Council could then consider whether the complaint by Egypt should be included in the existing agenda or provide the basis for a separate agenda.

The representative of Lebanon observed:

"The representative of the United Kingdom probably had in mind rule 8 of the rules of procedure, which provides, in effect, that in order to be considered by the Security Council, an item should be submitted three days before the meeting. This is quite true, and nobody denies it. But I would remark, in the first place, that this matter is designated as urgent by Egypt, and that it is not up to any Member to deny the right of any other Member to consider as urgent whatever it wishes. Certainly

[2] For texts of relevant statements see:
579th meeting: President (USSR), paras. 41. 44-45; United States, paras. 38-40, 43.

[3] For texts of relevant statements see :
594th meeting: President (Brazil), paras. 6-9, 16, 18, 21; Pakistan, paras. 17, 20; USSR, paras. 10-15; Secretariat, para. 19.

[4] S/Agenda/657.

[5] S/3172, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 5.

the Council may not put this item on its agenda; but at the same time Egypt regards it as urgent."

The representative of Lebanon moved that the provisional agenda be amended to include the Egyptian complaint as sub-title (*c*). He maintained that two letters from the representative of Egypt, dated 2 and 7 October 1953, might be regarded as explanatory notes supporting the Egyptian complaint.

The representative of France held that it would be abnormal to place on the agenda of the Council a complaint lodged scarcely twenty-four hours previously, when the urgency of the matter had by no means been demonstrated and the explanatory memorandum required by the rules of procedure had not been transmitted. Moreover, the two complaints related to a different order of facts, so that it would be unwise to combine discussion of the two types of questions at the same meeting.

The representative of the United States was ready to support inclusion of the Egyptian item in the agenda provided that the two complaints were not to be discussed simultaneously. He proposed, therefore, that the provisional agenda should contain two items under the Palestine question as follows: "(*a*) Complaint by Israel against Egypt concerning . . ." and "(*b*) Complaint by Egypt against Israel concerning . . ."

The representative of Lebanon withdrew his proposal in favour of that submitted by the representative of the United States.

The representative of the USSR, supporting inclusion of the Egyptian complaint in the agenda, observed:

". . . objections are based on the view that the item Egypt is now proposing is not urgent. To begin with, however, Egypt regards the question as urgent; and if Egypt regards it as urgent, it must be considered in that light. The Security Council may not share that view, but it seems to me that the right to decide whether or not a proposal should be classed as urgent is primarily one for its authors and sponsors."

He added that while the representatives of France and the United Kingdom had argued that the Egyptian complaint had been submitted in contravention, or, more correctly, in disregard of rule 8,

". . . rule 8 also provides that an item may be communicated simultaneously with the notice of the meeting if the Council considers this necessary. The rule states that this may be done if the Secretary-General and the Council consider it necessary. The rules thus uphold the principle that an item may be included at any time as a matter of urgency in the provisional agenda which has already been circulated."

The representative of the United Kingdom withdrew his original motion after an express assurance from the President that he would call to order any speaker who, during the discussion of item 2 (*a*), proceeded to discuss item 2 (*b*).[6]

The agenda, with the amendment submitted by the representative of the United States, was adopted.[7]

CASE 3A

At the 705th meeting on 14 December 1955, the President (New Zealand) stated that the Council was in receipt of a letter[7a] dated 14 December 1955 from the permanent representative of the USSR requesting that the Council "convene an urgent meeting of the Security Council today, 14 December, on the question of the admission of new Members". In view of that letter, he stated, he had summoned this meeting.

[6] For texts of relevant statements see:
657th meeting: President (New Zealand), paras. 47, 84-87, 94, 96, 106, 114; Lebanon, paras. 13, 16, 18, 27-29, 51; France, paras. 34-39, 53, 83; USSR, paras. 55-60, 70-71, 99-103; United Kingdom, paras. 3-8, 91-93, 105; United States, paras. 44-46.

[7] 657th meeting: para. 114.

[7a] S/3508.

Part III

ADOPTION OF THE AGENDA (RULE 9)

NOTE

The first item of the provisional agenda for each meeting of the Security Council, under rule 9, is the adoption of the agenda. The Council usually adopts the provisional agenda without vote unless an objection has been raised. Part III comprises the proceedings of the Council in those instances when objection has been raised to the adoption of the agenda.

Section A, dealing with the manner in which the Council has taken decisions on the objections raised, has been presented first in tabulated form followed by selected entries related to the discussion on the procedure of voting on the adoption of the agenda. These discussions have been principally concerned with the relation between the question of the adoption of the agenda and other procedural questions of participation (Case 4) and order of discussion of items (Cases 5 and 6). Some duplication has therefore been unavoidable between the case histories in section A and those in section C.

Section B comprises case histories of discussion on occasions when objection had been raised to the adoption of the agenda on grounds related to the substance of the item. While the case histories in section B are related to procedural aspects of such discussion in the stage of the adoption of the agenda, the grounds of objection are more fully presented in chapters X and XII. As in the previous volume of the *Repertoire*, material from the same episode in the practice of the Council is entered under one or the other sub-heading in section B, but the eventual decision of the Council is recorded only once in one or the other sub-heading.

Section C comprises other questions related to the adoption of the agenda such as order and latitude of discussion of items, phrasing of items, and postponement of consideration of items.

A. PROCEDURE OF VOTING ON ADOPTION OF THE AGENDA

1. *Votes taken concerning individual items in the provisional agenda*

When objection has been raised to the inclusion in the agenda of an item on the provisional agenda, the vote has been taken in one of three ways:

(i) *On the proposal to include the item in the agenda*

577th meeting, 18 June 1952; item 3: voted upon at the same meeting.[8]

581st meeting, 25 June 1952; item 4: voted upon at the same meeting.[9]

594th meeting, 2 September 1952; item 2 (*c*): voted upon at the same meeting.[10]

690th meeting, 31 January 1955; item 2: voted upon at the same meeting.[11]

690th meeting, 31 January 1955; item 3: voted upon at the same meeting.[12]

691st meeting, 14 February 1955; items 2 and 3: voted upon at the same meeting.[13]

(ii) *On the proposal to include the item in the agenda and postpone its consideration*

576th meeting, 14 April 1952; item 2: voted upon at the same meeting.[14]

(iii) *On the adoption of the agenda as a whole and not on the individual item*

576th meeting, 14 April 1952; objection to item 2.[15]

599th meeting, 12 September 1952; objection to sub-item 2 (*a*).[16]

624th meeting, 3 September 1953; objection to item 2.[17]

672nd meeting, 3 June 1954; objection to item 2.[18]

676th meeting, 25 June 1954; objection to item 2.[19]

679th meeting, 10 September 1954; objection to item 2.[20]

680th meeting, 10 September 1954; objection to item 2.[21]

In the instances under (i) above, the agenda was adopted without vote after the vote on the individual item. In the cases under (iii), the vote was taken directly on the adoption of the agenda as a whole on each occasion, except at the 576th meeting when the vote on the adoption of the agenda as a whole was taken only after the vote on a proposal to include the individual item and postpone its consideration (ii above).

In other instances, the vote has been taken as follows:

2. *Votes taken on proposals to determine or change the order of items*

584th meeting, 1 July 1952.[22]

690th meeting, 31 January 1955.[23]

690th meeting, 31 January 1955.[24]

CASE 4

At the 580th meeting on 23 June 1952, the question of a request for investigation of alleged bacterial warfare constituted item 2 of the provisional agenda. The President, speaking as the representative of the USSR, agreed to the inclusion of the item proposed by the representative of the United States, but submitted the following proposal:[25]

"*The Security Council*

"*Decides:*

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

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

The representative of the United States declared that the representative of the USSR had said in effect:

". . . We will not follow rule 9; we will not put to a vote a motion of the United States representative for the adoption of the agenda. We, the Soviet Union Government, will insist that a condition be attached to the adoption of the agenda that simultaneously with the adoption of the agenda we should also adopt a separate decision, that is, to invite certain persons to the Council table."

At the 581st meeting on 25 June 1952, the Security Council had before it a new provisional agenda in which the question figured as item 4. The representative of the United Kingdom having moved the adoption of the provisional agenda in its new form, the President, speaking as the representative of the USSR, invoked rule 36 and submitted an amendment[26] to the United Kingdom proposal as follows: "and simultaneously to invite a representative of the People's Republic of China and a representative of the People's Democratic Republic of Korea to take part in the discussion of this item of the agenda".

The representative of the United Kingdom observed:

". . . the view of the great majority of the members of the Security Council was that we would certainly not be in order to consider the Soviet Union draft resolution concerning the invitation to the Peking Government and the authorities in North Korea [*S/2674*] and, even less to vote upon it, until, first of all, we put the item on the agenda and have a

[8] 577th meeting: para. 87.
[9] 581st meeting: para. 36.
[10] 594th meeting: para. 26.
[11] 690th meeting: para. 111.
[12] 690th meeting: para. 112.
[13] 691st meeting: paras. 10, 13.
[14] 576th meeting: para. 121.
[15] 576th meeting: para. 122.
[16] 599th meeting: para. 57.
[17] 624th meeting: para. 45.
[18] 672nd meeting: para. 17.
[19] 676th meeting: para. 195.
[20] 679th meeting: para. 25.
[21] 680th meeting: para. 4.
[22] 584th meeting: para. 68.
[23] 690th meeting: para. 113.
[24] 690th meeting: para. 114.
[25] S/2674, 580th meeting: para. 6.
[26] 581st meeting: para. 8.

least heard the case to be submitted by the representative of the United States . . .

". . .

". . . The President is making what is in fact an objection to the adoption without conditions, which the majority could not accept, of the present item 4. . ."

The President, speaking as the representative of the USSR, stated:

"Rule 9 of the rules of procedure of the Security Council provides that 'The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda'. This rule does not preclude the submission of amendments to the proposal for the adoption of the provisional agenda; every delegation is legitimately entitled to submit such amendments.

"Neither can I agree with the United Kingdom representative's interpretation of the USSR proposal when he says that it constitutes a kind of condition. The proposal is not a condition, but an amendment. That is not the same thing, particularly since this is a procedural matter: the extension of invitations is a procedural matter, to be voted on as such. Hence every delegation is entitled, during consideration of the procedural question of the adoption of the agenda, to submit procedural amendments and addenda."

The representative of the United Kingdom withdrew his proposal to adopt the agenda and proposed instead that the Council limit its discussion to item 2 of the agenda. The President declared that in consequence of the withdrawal of the United Kingdom proposal, his own proposal to adopt the provisional agenda was before the Council together with the USSR amendment which he would put to the vote first.[27]

The representative of the United Kingdom challenged the President's ruling to put the USSR amendment to the vote first. The challenge was sustained by 10 votes in favour and 1 against.[28] The USSR amendment was, accordingly, not put to the vote[29].

Case 5

At the 584th meeting on 1 July 1952, in connexion with the adoption of the agenda, the President (United Kingdom) stated that since item 2, "Admission of new Members", and item 3, "Question of a request for investigation of alleged bacterial warfare", had been adopted at previous meetings of the Council, the only question was that of the order in which the Council should take the items.

The representative of the USSR, speaking on a point of order, observed:

". . . the first item is the adoption of the agenda. After the agenda has been adopted, the question of the order of dealing with the various items can be considered. It would therefore be advisable first to settle the question of the adoption of the agenda proposed for today's meeting, and then proceed to discuss the question of the order of consideration of the various items."

The representative of the United States proposed to amend the provisional agenda in order that the Council might proceed at once to a discussion of item 3.

The representative of the USSR stated that the proposal of the representative of the United States was not consonant with rule 9 of the rules of procedure, which provided that the first item on the provisional agenda for each meeting was the adoption of the agenda, which he formally moved.

The President, declaring that the question before the Council was the adoption of the agenda as required by rule 9 of the rules of procedure, stated:

". . . The adoption of the agenda means a decision on what we are going to talk about. A decision on what we are going to talk about involves also the order of the items to be discussed. Logically we cannot really separate the two. It would be possible, I suppose, first of all to vote on the provisional agenda now before us, in which case, I imagine, those who sympathize with the viewpoint of our Brazilian and United States colleagues would all vote against the adoption of the agenda. Then we could have another vote on another agenda containing a reversal of the present items 2 and 3 . . ."

The representative of the USSR insisted that under the practice of the Security Council and the rules of procedure the adoption of the agenda and the order of consideration of the agenda items were different questions to be decided separately.

The President proposed to put the USSR proposal to the vote and, if that was rejected, to put to the vote the adoption of the agenda with items 2 and 3 reversed in order.

The representatives of Pakistan and Chile having observed that the USSR proposal did not involve the question of the order of the items, the President proposed to adopt the agenda without prejudice to the order of the items. The representative of the United States then withdrew his motion on the understanding that he could thereafter raise the question of the order of discussion of items.

The representative of China stated:

". . . as a matter of the institutional development of the Security Council, the proper procedure and the better procedure would be to put to the vote a proposal to change the provisional agenda. When that change has been voted upon, the next vote would be on the adoption of the agenda with or without the changes proposed . . ."

After some further discussion, the President declared the provisional agenda adopted without prejudice to the order of discussion.[30]

---

[27] For texts of relevant statements see:
580th meeting: President (USSR), paras. 25, 37, 53; United Kingdom, para. 74; United States, paras. 16, 20, 22, 62-64, 69.
581st meeting: President (USSR), paras. 8-9, 16-17, 24-27; United Kingdom, paras. 4, 11, 13, 23, 31.

[28] 581st meeting: paras. 31, 33-34.

[29] 581st meeting: para. 34.

[30] For texts of relevant statements see:
584th meeting: President (United Kingdom), paras. 3, 20, 26, 29-31, 51; China, para. 28; USSR, paras. 4, 17-18, 21-22, 40; United States, paras. 13, 27.

Upon the request of the representative of the USSR that his proposal to adopt the agenda be put to the vote, the President put to the vote his own view that the agenda had already been adopted. The vote was 9 in favour and none against, with 2 abstentions.[31]

CASE 6

At the 690th meeting on 31 January 1955, the provisional agenda contained as item 2, "Letter dated 28 January 1955 from the representative of New Zealand to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China",[32] and, as item 3, "Letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China".[33]

The representative of the United Kingdom, in connexion with the related questions of the adoption of the agenda and the priority of consideration to be given to the two items on the provisional agenda, made the following motion:

"1. That the Council vote first on the question whether to inscribe the New Zealand item;

"2. That the Council vote second on the question whether to conclude its consideration of the New Zealand item before taking up the Soviet Union item, if that is adopted on the agenda; and

"3. That the Council vote third on the question whether to inscribe the Soviet Union item."

The representative of France declared that the priority of the New Zealand item seemed to be imposed both by the drafting of the provisional agenda and by the chronological order in which the two requests for inclusion had been submitted.

". . . We should not have to vote on whether to reverse the order of these two items unless the present order is challenged . . . But I do not see how we can vote to give an item already included in our agenda priority over another item not yet included."

The representative of the USSR observed:

"The first item on every agenda is the adoption of the agenda; and the first item on today's provisional agenda is accordingly the item 'Adoption of the agenda'.

"Consequently, the first matter before the Council is to adopt its agenda. So far we have not done so; we have not yet adopted our agenda or decided what items to include in it. The adoption of the agenda takes place in two stages: the first being a decision on the items to be included, and the second a decision on the order in which these items will be considered.

"The motion submitted by the United Kingdom representative reverses this normal order of procedure . . .

"I propose that the Security Council should follow the normal procedure, and I request the President to ensure that the normal procedure for the adoption of the agenda is followed."

The representative of the United Kingdom proposed a revision of his original motion as follows:

"1. That the Council vote first on the question whether to inscribe the New Zealand item;

"2. That the Council vote second on the question whether to inscribe the Soviet Union item;

"3. That the Council vote third on the question whether to conclude its consideration of the New Zealand item before taking up the Soviet Union item."

The representative of the USSR presented an amendment to paragraph 3 of the motion submitted by the representative of the United Kingdom as follows:

"That the Council include as the first item on its agenda the item proposed by the Soviet Union, under the heading 'Acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China'."

The representative of Belgium stated that if the Council voted first on the USSR amendment it would be faced with the necessity of making an illogical decision since it would be establishing an order of priority between two items, without knowing whether both would be adopted.

In reply the representative of the USSR observed that by the time his amendment was put to the vote the Council would have decided to include or reject the two items of the provisional agenda and would then be in a position legitimately to decide their order of consideration.[34]

Decision: *The Council, after adopting the first two paragraphs of the United Kingdom motion, rejected the USSR amendment, and adopted paragraph 3 of the motion, after which it adopted the agenda.*[35]

B. CONSIDERATION OF

1. Requirements for the inclusion of an item in the agenda

CASE 7

At the 574th meeting on 5 April 1952, the provisional agenda included letters, dated 2 April 1952, from the representatives of eleven Asian-African Member States, bringing, under Article 35 (1), the situation in Tunisia to the attention of the Security Council.[36]

The representative of France, objecting to the inclusion of the item in the agenda, stated:

". . . What it [*the French delegation*] asks is that the Council, confining itself to the facts, should note

[31] 584th meeting: paras. 51-52.

[32] S/3354, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 27.

[33] S/3355, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 27-28.

[34] For texts of relevant statements see:
690th meeting: President (New Zealand), paras. 88, 94, 101-103, 108, 110; Belgium, para. 106; France, paras. 79, 99; USSR, paras. 76, 89-93, 97-98; United Kingdom, paras. 74-75, 95-96.

[35] 690th meeting: paras. 110-114.

[36] S/2579, S/2581, S/2575, S/2580, S/2574, S/2582, S/2576, S/2577, S/2583, S/2578, S/2584, *O.R., 7th year, Suppl. for April-June 1952*, pp. 9-15.

that the agreement reached between the French Government and the Bey, and solemnly proclaimed by the latter, has put the problem on the road to solution, has ended this question and removed anything which, even by the broadest interpretation that might be given to the terms of the Charter, could be found to be a 'situation' or a 'dispute'; and that the Council need not therefore include in its agenda a question and a problem which no longer exists . . ."

The representative of Chile, emphasizing the number and importance of the Member States which had brought the question before the Council, declared that these Members could not be silenced, that they had a right to be heard, and that the rejection of their request to present their case would constitute a serious denial of justice. He and the representative of Brazil supported the inclusion of the item in the agenda.

At the 575th meeting on 10 April 1952, the representative of the United Kingdom opposed the inclusion of the item in the agenda and expressed doubts whether the participation of the applicant Member States in the debate would assist in promoting a peaceful settlement of the problem.

The representative of the United States, speaking in support of the position taken by the French delegation observed:

". . . If this item is not included in our agenda at this time, the Council will nevertheless remain open to any Member of the United Nations to bring the question to the Council's attention again. My Government will naturally re-assess the situation if that is done."

The representative of China, in support of the inclusion of the item in the agenda, observed:

"In ordinary cases, when a new item of the agenda is proposed, the Security Council usually adopts the item right away and proceeds to debate the substance of the issues involved. However, on several occasions in the history of this Council, we had a preliminary discussion of the kind which we are having now. In every such instance we ended the preliminary discussion with the adoption of the agenda. The practice has been so uniform as to amount to a tradition.

"In my mind this tradition has two elements. In the first place, the Security Council has the right and, I would say, even the duty, to examine carefully whether a question proposed for the agenda of the Security Council properly belongs to the sphere of our duties. We could not allow it to be understood that any question, if proposed by a Member State, should automatically go on the agenda. It is for this reason that preliminary discussions of this type are useful.

"In the second place, this tradition means that in case of doubt the Security Council has invariably given the benefit of the doubt to the party or parties proposing the addition of a new item to the agenda. During the four and a half years in which I have been a member of this Council, I have not known of a single instance where a preliminary debate of this kind ended with the rejection of the new item proposed.

". . .

"If we should vote down now the proposal of the eleven Member States to put the Tunisian question on the agenda of the Council, it would be the first time in the history of the Security Council that such a proposal had been voted down. This to me is a very serious business. I think we should pause to consider the step we are about to take."

The representative of Greece expressed doubt as to the timeliness of including the item in the agenda. He further remarked:

". . . we should be failing our duty as members of the Security Council were we to include in our agenda every situation which, in the opinion of some Member States, endangers international peace and security, without first considering the timeliness of such a procedure for its potentialities to bear fruits."

The representative of the USSR observed that the representative of France, while opposing the inclusion of the item in the agenda, had spoken at length on the substance of the Tunisian question, and, by his opposition, was attempting to deprive the ten Member States, who were not members of the Council, of an opportunity to submit the views of their governments on the question. He declared that the interests of these States were especially affected within the meaning of rule 37, that the Council must afford them all an opportunity to be heard, and that this was their legitimate right.

At the 576th meeting on 14 April 1952, the representative of Chile, noting that Article 35 of the Charter empowered any Member to bring any dispute or situation that might lead to international friction to the attention of the Council, observed:

". . . I have come very close to the view that the simple fact that a State makes use of this clearly defined right should mean that the matter is automatically placed on the agenda of the Council . . . For it is inconceivable that the Charter should grant such a specific right to States . . . while on the other hand these States . . . can be deprived, by a minority of the members of the Council, of even the opportunity of explaining why they believe that a dispute or a situation is a threat to international peace and security. This interpretation is perfectly compatible with the Council's exclusive right to decide subsequently on its competence in the matter and to hand down a decision on the substance.

"However, even if we agree that the Council has discretion to include in or exclude from its agenda a subject brought up by a Member State . . . it is obvious that this power should be used with extreme caution . . In the past, the Council has invariably shown such caution, as our Chinese colleague reminded us last Thursday when he told us that never in its six years of existence had it failed to place on its agenda a matter brought up by a Member State; I would add that even questions brought up by a single country, not by eleven as in this case, have been included, and even questions which might have seemed to be

outside the Council's competence, such as the case of Iran."[37]

Decision: *At the 576th meeting on 14 April 1952, following the rejection of the Chilean proposal to include the item in the agenda but to defer its consideration, the Council rejected the provisional agenda by 5 votes in favour, 2 against, with 4 abstentions.*[38]

CASE 8

At the 619th meeting on 26 August 1953, a communication[39] dated 2 August 1953, from the representatives of fifteen Member States addressed to the President of the Security Council concerning events in Morocco, constituted item 2 of the provisional agenda.

The representative of France objected to the inclusion of this item in the agenda. He maintained:

". . . any matter covered by the treaty of protectorate falls in essence, and by the very terms of the treaty, within the national jurisdiction of France. In virtue of Article 2, paragraph 7, of the Charter the United Nations cannot deal with such a matter; and in the present case the Security Council can only acknowledge its own lack of competence by refusing to place on its agenda discussion of the item submitted by the fifteen delegations of the African and Asian group."

The representative of Pakistan, noting that jurisdiction of France over Morocco had been denied by the International Court of Justice, maintained that Article 2 (7) could not be invoked by France to bar an investigation by the Security Council of the serious situation in Morocco.

The representative of Lebanon, stating that the question was not of a purely domestic character but had definite international implications, observed:

". . . Surely fifteen nations feeling this and, from their intimate knowledge of what goes on among their own peoples, having their own reasons for considering that the situation falls within the competence of the Security Council, must be believed and must be given a chance to expound their reasons. How can a decision be taken not to include this item in the agenda of the Security Council without first listening to these arguments in full?"

At the 620th meeting on 27 August 1953, the representative of the United States observed:

"In passing on the question of inclusion of this item in the agenda we must decide whether the developments in Morocco constitute a situation the continuance of which endangers the maintenance of international peace and security. We are not asked to express our position on colonialism, or on other similar questions, important and appealing though they may be . . . it must be obvious to anybody who looks at the facts candidly that the situation in Morocco does not in fact endanger international peace and security, just as it must be clear to anyone who surveys the United Nations candidly that the surest way to undermine the position of the Security Council is to divert it from its primary mission of maintaining the peace of the world and use it instead to deal with all sorts of other questions under the pretext of safeguarding international peace and security."

The representative of the United Kingdom stated:

"In the view of Her Majesty's Government, this question is outside the competence of the Security Council. Therefore, even apart from practical considerations, the item should not be placed on our agenda. We submit, in fact, that consideration of the question would involve interference in the domestic affairs of a Member State, and such interference might have grave consequences, and might even have consequences which would be grave for the existence of our Organization."

At the 621st meeting on 31 August 1953, the representative of Greece observed:

". . . those who—like us—are open-minded as regards the consideration of the Moroccan question at the forthcoming session of the General Assembly would be confronted with an additional difficulty deriving from Article 12 of the Charter . . ."

The representative of the USSR supported the inclusion of the item in the agenda. He maintained:

"The right of the United Nations to consider questions connected with the situation in Morocco also derives from Chapter XI of the United Nations Charter . . .

"Since Morocco is at present one of the territories falling within the scope of Chapter XI of the Charter there can be no doubt that the United Nations is entitled to take an interest in the situation in that territory, and that it is particularly entitled to intervene when the Power responsible for the administration of the territory, that is to say France, has violated its obligations, especially if that violation might lead to the violation of international peace and security . . ."

The President, speaking as the representative of China, stated:

". . . The view of my delegation is that this item should be included in the agenda without prejudice to the question of competence. That question is in itself complicated. It is only after a more detailed consideration that we can decide finally whether this Council is competent or not.

". . .

". . . The fifteen Member States which have requested the inclusion of this item in the agenda undoubtedly have something in mind. I should like to hear from them how they think the Security Council might be helpful. That is an additional reason for my [illegible] the inclusion of this item."

[37] For texts of relevant statements see:
574th meeting: President (Pakistan), paras. 53-91; Brazil, paras. 93-102; Chile, paras. 39-51; France, paras. 23-34.
575th meeting: China, paras. 21-34; Greece, paras. 35-43; USSR, paras. 44-56; United Kingdom, paras. 6-12; United States, paras. 13-20;
576th meeting: Chile, paras. 29-39.
[illegible] meeting: paras. 121-122.

[39] *S/3077, O.R., 8th year, Suppl. for July-Sept. 1953*, p. 51.

At the 622nd meeting on 1 September 1953, the representative of Lebanon, citing the Czechoslovak question and the Anglo-Iranian Oil Company Case, stated:

". . . it is quite clear to me that it is the established position in the Security Council that when the merits of an item or the competence of the Council to consider it are questioned, the item should first be placed on the agenda so that the parties involved may be given an opportunity to state their views before the Council. There is no reason why there should be any change in that position in the present case."

At the 623rd meeting on 2 September 1953, the President, speaking as representative of Colombia, stated that he would vote against the inclusion of the item in the agenda purely for technical reasons because "we think that under Article 2, paragraph 7, of the Charter the Security Council is not competent to consider this question".

The representative of Chile observed:

"In the opinion of my delegation there are therefore adequate reasons for holding that this subject should be examined by the Security Council. Failure to examine it would amount to indifference towards a problem which may become considerably more serious unless measures are speedily taken to allay the anxieties of people . . .

"Chile therefore holds the view that the Moroccan problem is serious and of such a nature as to justify its inclusion in the agenda of the Security Council, to enable that important political body to analyse it, to seek quietly the possible solutions to this international dispute, and to present the parties with a just and equitable formula which may open the way to a period of harmony and of moral and political peace in that part of the world."[40]

Decision: *At the 624th meeting on 3 September 1953, the Council rejected the agenda by 5 votes in favour, 5 against, with 1 abstention.*[41]

2. Effect of the inclusion of an item in the agenda[42]

CASE 9

At the 672nd meeting on 3 June 1954, the Council had on its provisional agenda a letter[43] dated 29 May 1954 from the representative of Thailand drawing to the attention of the Council the situation in Thailand. The representative of the USSR, objecting to the inclusion of this item on the agenda, stated that:

". . . Consideration of this matter in the Security Council would not only not contribute to a settlement of the question of the restoration of peace in Indo-China, but might prevent the successful solution of the problem at the Geneva conference."

The representative of France observed:

". . . the Thailand representative's request, as we understand it, is in no way intended to place the Indo-Chinese problem as a whole—any more than the problems at present being discussed at Geneva—before the Security Council. Its sole object is to secure, as a precautionary measure, the despatch to Thailand territory of a mission of the Peace Observation Commission, which would be able, if subsequent events necessitated such a course, to report to the Security Council on any threats which might develop at any time and imperil the security of Thailand."[44]

Decision: *The Council adopted the agenda by 10 votes in favour and 1 against.*[45]

CASE 10

At the 679th meeting on 10 September 1954, item 2 of the provisional agenda was "Letter dated 8 September 1954 from the representative of the United States . . ."[46]

The representative of the USSR objected to the inclusion of this item in the agenda.

The representative of the United States observed that his Government had already made a *prima facie* case for the adoption of the agenda in the letter of submission. He urged the Council to adopt the agenda.

The President (Colombia) stated:

"Approval of the agenda does not imply acceptance of the arguments put forward by either party. Indeed, if we are to examine those arguments and learn the facts of the case, we must first adopt the agenda. The representative of the Soviet Union and of the United States will then be able to explain to us in detail the circumstances of the incident referred to the Security Council."[47]

Decision: *The Council adopted the agenda by 10 votes in favour and 1 against.*[48]

C. OTHER DISCUSSION ON THE ADOPTION OF THE AGENDA

1. Order of discussion of items on the agenda

CASE 11

At the 583rd meeting on 26 June 1952, the agenda included the following items: "2. Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons; 3. Admission of new Members . . .; and 4. Ques-

[40] For texts of relevant statements see:
619th meeting: France, paras. 5, 26-29, 32; Lebanon, paras. 72, 105-119; Pakistan, paras. 35-63;
620th meeting: United Kingdom, paras. 16, 25; United States, para. 9;
621st meeting: President (China), paras. 90, 95; Greece, paras. 7, 9; USSR, paras. 64-65, 84;
622nd meeting: Lebanon, para. 30;
623rd meeting: President (Colombia), para. 29; Chile, paras. 37, 39;
624th meeting: President (Colombia), paras. 13-14; Pakistan, para. 5.

[41] 624th meeting: para. 45.

[42] See also, in this connexion, Case 19 below.

[43] S/3220, *O.R., 9th year, Suppl. for April-June 1954*, p. 10.

[44] For texts of relevant statements see:
672nd meeting: France, para. 14; USSR, paras. 6, 11.

[45] 672nd meeting: para. 17.

[46] S/3287, *O.R., 9th year, Suppl. for July-Sept. 1954*, p. 35.

[47] For texts of relevant statements see:
679th meeting: President (Colombia), para. 24; USSR, paras. 6-7, 21; United States, para. 23.

[48] 679th meeting: para. 25.

tion of a request for investigation of alleged bacterial warfare."[49]

After the President (USSR) had declared that substantive discussion on item 2 had been concluded, the representative of the United States declared that he would insist that the Council at its next meeting move at once to the consideration of the fourth item.

The President observed:

". . . If you are raising this matter, let us discuss it. If you insist on transposing the items, contrary to the rules of procedure and contrary to the accepted method of discussing agenda items in the order in which they stand on the agenda, let us discuss this matter, as we previously agreed to do, that is to say, after the debate on agenda item 2 is concluded. We can now discuss your proposal if you submit it formally."

The representative of the United States replied:

"According to the well-established rules of procedure of the Security Council as I understand them, I think that when the Council meets it adopts an agenda. I do not think that a decision need be taken today as to what our agenda should be at the next meeting. I am not suggesting that this be done. I do insist that when the provisional agenda for the next meeting is submitted, it include the item 'Question of a request for investigation of alleged bacterial warfare', and at our next meeting, I shall argue for the immediate discussion of that item, regardless of its place upon the provisional agenda.

"In serving this notice now, I do not think that I am in any way violating any practice, procedure or rule of the Security Council. It is quite the contrary."

The President stated:

". . . the agenda for our next meeting is very clear. There are three items on the Council's agenda: item 2, 3 and 4. We have discussed item 2 and the next in order is item 3—'Admission of new Members'. . ."

Case 12

At the 584th meeting on 1 July 1952, the representative of the United States proposed that the provisional agenda be amended so that the Council might proceed at once to a discussion of item 3, entitled "Question of a request for investigation of alleged bacterial warfare".

The representative of the USSR moved the adoption of the agenda. After discussion of the connexion between a decision to adopt the agenda and a decision to determine the order of the agenda items, the representative of the United States withdrew his motion without prejudice to his right to reintroduce it. After the Council had decided in accordance with the President's view, that the agenda had been adopted, the representative of the United States renewed his motion.

The representative of the USSR stated:

"The USSR delegation opposes the inversion of the items of the agenda and insists that the Security Council should proceed to discuss the question of the admission of new Members; only when discussion on that item has been completed, should it take up the item proposed by the United States. This will be the legitimate way of considering the question, the way which is in accordance both with the rules of procedure and with the substance of the matter."

The President then put to the vote the United States proposal.[50]

Decision: *The United States proposal was adopted by 9 votes in favour and 1 against, with 1 abstention.*[51]

Case 13

At the 690th meeting on 31 January 1955, when the provisional agenda contained, as item 2, a letter submitted by the representative of New Zealand, and, as item 3, a letter submitted by the representative of the USSR,[52] the representative of the United Kingdom stated that it would be proper for the Council to adopt both items. He added:

". . . If this is agreed, however, I would propose that the Council should give prior consideration to the New Zealand item, and reach a conclusion upon it before taking up the Soviet item . . ."

The representatives of Belgium, Brazil, Iran and Peru agreed with the views expressed by the representative of the United Kingdom.

The representative of the USSR declared that it would be more correct to consider the question of priority after deciding whether to include the items in the agenda.

The representative of the United Kingdom submitted a motion that the Council vote on the following questions: first, whether to inscribe the New Zealand item; second, whether to conclude consideration of the New Zealand item before taking up the USSR item, if the latter were adopted; and third, whether to inscribe the USSR item on the agenda.[53]

The representative of the USSR observed:

"The procedure the United Kingdom representative has just proposed is an unusual procedure, which up to now has not been followed in the Security Council. The Council's normal procedure is first to decide on the items to be included in its agenda and afterwards to consider the order in which these items are to be examined.

". . . He is proposing that we should forthwith, in our first vote, not merely take a decision on the items to be included in the agenda but also determine in advance which of these items should be considered first, and then after this has been settled, to decide whether or not the second item should be included . . .

[49] See part III.A., Case 5.

[50] For texts of relevant statements see:
583rd meeting: President (USSR), paras. 134, 138; United States, paras. 133, 135-136;
584th meeting: President (United Kingdom), paras. 19-20, 23, 26, 29, 31, 34-36, 53, 68; Brazil, paras. 14-15; China, para. 28; Pakistan, para. 24; USSR, paras. 17-18, 21-22, 55, 64, 67; United States, paras. 13, 27, 37.

[51] 584th meeting: para. 68.

[52] See part III.A., Case 6.

[53] 690th meeting: para. 75.

"I have made a proposal, and I insist that the normal procedure be observed, namely, that to begin with we vote on the inclusion in the agenda of each of the items which are on the provisional agenda. After that, the Security Council should discuss and decide which of the questions on the agenda should be examined first. After it has decided which of the questions it will discuss first, it can and should go on to examine the substance of that question. This is the normal, customary order of procedure, and I see no reason for departing from it."

The representative of France remarked concerning the United Kingdom proposal that he did not see how the Council could vote to give an item already included in the agenda priority over another item not yet included.

The representative of the United States declared:

"In this case, it does not seem to me that we are planning to establish a priority over another question which is not before us, What the United Kingdom representative's motion asks us to do is merely to declare that we shall conclude the New Zealand item first, which is really not quite the same thing. It does not seem to me that the motion of the representative of the United Kingdom is revolutionary or very novel.

"This Council is the master of its own procedure. We can decide what we shall take up first, what we shall take up second and what we shall take up third. It is the kind of thing that every legislative body does every day."

The representative of the United Kingdom revised[54] his original motion to provide that the Council vote on the following questions: first, whether to inscribe the New Zealand item; second, whether to inscribe the USSR item; and third, whether to conclude consideration of the New Zealand item before taking up the USSR item.

The representative of the USSR submitted an amendment[55] to paragraph 3 of the United Kingdom revised motion that the Council include as the first item on its agenda the item proposed by the Soviet Union.

After further discussion, the President (New Zealand) indicated that he would put to the vote the first two paragraphs of the revised motion submitted by the representative of the United Kingdom, and that, before coming to paragraph 3 of that motion, he would put to the vote the USSR amendment.[56]

Decision: *The Council, after it had adopted, in the order suggested by the President, the motion submitted by the representative of the United Kingdom and had rejected the USSR amendment, adopted its agenda.*[57]

[54] 690th meeting: para. 96.
[55] 690th meeting: para. 98.
[56] For texts of relevant statements see:
690th meeting: President (New Zealand), paras. 88, 94, 101-103, 108, 110; Belgium, paras. 44-47; Brazil, paras. 37-43; Iran, paras. 59-62; Peru, paras. 48-55; USSR, paras. 76-78; United Kingdom, paras. 26, 74-75, 95-96; United States, paras. 82-83.
[57] 690th meeting: paras. 110-114.

2. Scope of items and sub-items on the agenda in relation to the scope of discussion

CASE 14

At the 657th meeting on 4 February 1954, the provisional agenda included as item 2 the Palestine question and, as sub-items thereunder, Complaints by Israel against Egypt concerning (*a*) enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal, and (*b*) interference by Egypt with shipping proceeding to the Israeli port of Elath.[58]

The representative of the United Kingdom, referring to a letter[59] dated 3 February 1954 from the representative of Egypt which requested the Council to place on the agenda for urgent consideration a complaint against Israel concerning violations of the Egyptian-Israeli General Armistice Agreement, proposed that the Council approve the provisional agenda, ask the representative of Egypt to circulate an explanatory memorandum in regard to his proposed item, and, upon receipt of the memorandum, meet to decide whether, and in what form, to put the additional item on the agenda.

After the representative of Lebanon had moved that the complaint submitted by Egypt be included in the provisional agenda as sub-item (*c*), the representative of the United States declared that he would support the Lebanese motion provided that the complaints brought by Israel and Egypt were discussed in turn and not simultaneously. He proposed that item 2 on the provisional agenda should comprise two sub-items: (*a*) Complaint by Israel against Egypt concerning . . ., and (*b*) Complaint by Egypt against Israel concerning . . .

The representative of Lebanon withdrew his proposal in favour of the one submitted by the representative of the United States.

The representative of France, noting that the two complaints related to different orders of facts, inquired as to the guarantees which the Council would have, were the United States proposal accepted, that the two questions would not be confused in the course of the debate.

The representative of the United Kingdom inquired whether, if the Council approved the United States amendment, the President would feel obliged to call to order any speaker who might touch item (*b*) when discussing item (*a*), or *vice versa*.

The President (New Zealand) replied in the affirmative.

The representative of the USSR observed:

". . . it seems to me a most unusual situation that the President should be required to give assurances that he will interrupt or refuse to recognize certain speakers, as if the essential purpose of our discussion of the question were to preclude the expression of opinion about it on one pretext or another, by maintaining that such and such a statement is irrelevant or relates to item (*b*) and not to item (*a*), and so on.

". . .

[58] See part II.C., Case 3.
[59] S/3172, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 5.

"I should like to add that it seems to me quite possible that when we are discussing the first item, the complaint by Israel, we shall touch upon general issues which might have some relation to the second item, the complaint by Egypt. Surely we are not to be prohibited from referring to them too? If, in clarifying one question we find it necessary to introduce certain matters which are relevant—and necessarily relevant—to the discussion of the other, are we for that reason to keep silent?

"If that is so, we must first draw up a special set of rules of procedure for the discussion of the Palestine question. I think that any declaration or assurance by the President would be out of place in the Security Council, which must act in accordance with its existing rules of procedure and with its established practice."[60]

The representative of the United Kingdom "relying on the assurances given just now by the President in connexion with calling representatives to order," withdrew his motion.

Decision: *The Council adopted, without vote, the agenda with the amendment submitted by the representative of the United States.*[61]

CASE 15

At the 665th meeting on 8 April 1954, the provisional agenda included as item 2 the Palestine question and thereunder, two sub-items: "(*a*) Complaint by Lebanon on behalf of the Government of the Hashemite Kingdom of the Jordan of: Flagrant breach of article III, paragraph 2, of the General Armistice Agreement . . ." and "(*b*) Complaints by Israel against Jordan concerning the repudiation by Jordan of its obligations under the General Armistice Agreement: . . ."

The representative of Lebanon expressed the hope that the Council would, as in the case of the Suez Canal question, deal first with sub-item 2 (*a*) and conclude discussion of that item before proceeding to item 2 (*b*) of the agenda.

The President (USSR) replied:

"Normally, all items are discussed in the order in which they appear on the agenda. Item 2 of the agenda of our present meeting, of course, is the Palestine question, consisting of a 'Complaint by Lebanon on behalf of the Government of the Hashemite Kingdom of the Jordan', followed by the matters to which the complaint relates, and 'Complaints by Israel against Jordan', followed by the matters submitted for consideration under that head.

"Accordingly, the point raised by the representative of Lebanon appears to be unnecessary for the moment, since it is clear, there being no other proposals of any kind, that the matters raised must be discussed in the order in which they appear in the provisional agenda."

The representative of the United Kingdom stated that he had been prepared to agree to the adoption of the agenda on the assumption that, since the two sub-items were interrelated, the Council would consider them as a whole.

The representative of Lebanon, in opposing the views of the representative of the United Kingdom, recalled:

"At this point, I can only say in passing that it was none other than the representative of the United Kingdom himself, the predecessor of the present representative, who insisted not very long ago, in the memory of all of us here, that another item which was put forward by Israel should be debated separately without any reference to the larger issues . . . It can be shown that at the time the representative of the United Kingdom did this, he did it more or less out of order. However, it was he more than anyone else who insisted then and, in fact, succeeded in getting a ruling from the President that if anybody were to trespass on the absolutely restricted area of the item put forward by Israel, that person would at least be admonished; and it actually happened."

The representative of France, expressing his agreement with the views of the representative of the United Kingdom, stated that the sub-items (*a*) and (*b*) were part of the more general item, "The Palestine question", and that it would be wrong to prevent any delegation from dealing with either of these two sub-items in whatever order it considered appropriate in the context of the general theme of the discussion.

The representative of the United States observed:

". . . it has become abundantly clear that complaints such as those included in our provisional agenda are interrelated. If we are to take constructive action which will be helpful to the parties themselves and conducive to peace in the area, we must treat them as interrelated in our consideration here."

The representative of China stated:

". . . As far as the precedents of the Security Council are concerned, they are mixed. Prior to the month of February 1954, there was no objection to the simultaneous discussion of various parts of the Palestine question. During the month of February, I found myself in the minority. The majority insisted that various aspects of the Palestine question should be kept in water-tight compartments.

"I felt that during the month of February we had set a bad precedent. However, that is the most recent precedent, and I can understand why members of the Council may insist that it should be followed."

He suggested that the Council should start discussing sub-item (*a*) and that the various practical needs could be taken care of by the existing rules of procedure.

The representative of Brazil suggested that the discussion should proceed according to the order of sub-items, but after they had been so rearranged as to separate the issues relating to frontier conflicts and armed incidents from those relating to implementation of Armistice Agreements.

The representative of New Zealand, who supported the view that sub-items 2 (*a*) and 2 (*b*) should be dis-

[60] For texts of relevant statements see:
657th meeting: President (New Zealand), para. 94; France, paras. 36-67, 82; Lebanon, paras. 18, 51; USSR, paras. 98-99, 101-102; United Kingdom, paras. 3-8, 92; United States, para. 46.

[61] 657th meeting: para. 114.

cussed simultaneously, maintained that the Council was free to determine its procedure, which it should adjust to the requirements of the situation.

The President proposed that the provisional agenda be adopted as it stood and that the order of consideration of the various points should be deferred until the next meeting of the Council.

The representative of France observed:

"What is in question here is not only the order of the items but also the possibility of a speaker dealing with them either jointly or separately, or relating them to each other. There is already a certain order in the document submitted to us; we could very well reverse that order and nevertheless say that the questions could not be mixed. What I wish to have is an assurance that the adoption of the agenda will leave the Council completely free, at its next meeting, to discuss the items not only in the order it wishes, but with any desired relationship between them."

The representative of the United Kingdom, supporting the views of the representative of France, expressed doubt whether the two questions were separable.

At the 666th meeting on 12 April 1954, the representative of Brazil, stating that the Council should not, at that early stage, prejudge the substance, terms and character of its decisions, submitted, on behalf of the Brazilian and Colombian delegations, the following suggestion:

". . . which is not a formal proposal: first, that the provisional agenda be adopted; second, that a general discussion be held in which reference may be made to any or all of the items of the agenda; and third, that the Security Council should not commit itself at this stage as to the separate or joint character of its eventual resolution or resolutions."

The President, speaking as the representative of the USSR, observed:

". . . it would be advisable to consider these two complaints in the order in which they appear in the provisional agenda, but, in our discussion of these complaints, there should be nothing to prevent our referring, within certain reasonable limits and to a certain reasonable degree, to other more general questions, in so far as they relate to the complaints in question and to the facts set forth in the complaints, which we must correctly evaluate."

The representative of Lebanon, referring to the suggestion made by the representatives of Brazil and Colombia, queried whether it would not be possible for the Council either to hold a general debate first and then discuss sub-item (*a*), or to discuss sub-item (*a*) first and hold the general debate afterwards.

At the 667th meeting on 22 April 1954, the representative of Brazil submitted, on behalf of the Brazilian and the Colombian delegations, the following proposal:

"1. The provisional agenda is adopted.

"2. A general discussion shall be held in which reference may be made to any or all of the items of the agenda.

"3. The Security Council does not commit itself at this stage as to the separate or joint character of its eventual resolution or resolutions."

At the 670th meeting on 4 May 1954, the representative of Lebanon submitted the following amendments to the Brazilian-Colombian proposal:

"(1) Insert after paragraph 1 the following paragraph, to be numbered 2: 'The Council proceeds to take up and decide upon the items on the agenda in the order in which they appear'.

"(2) Change the number of paragraph 2 to 3, substitute the phrase 'during the discussion of any item' for the phrase 'a general discussion shall be held in which', and add the following words at the end of the paragraph: 'within reasonable limits'.

"(3) Delete the present paragraph 3."[62]

Decision: *The Council, following its rejection, paragraph by paragraph, of the Lebanese amendments, adopted*[63] *the Brazilian-Colombian proposal by 8 votes in favour, 2 against, with 1 abstention.*

3. Phrasing of items on the agenda

CASE 16

At the 577th meeting on 18 June 1952, the Security Council had on its provisional agenda two items: "2. Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons"; and "3. Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission."

The representative of the United States proposed that, in accordance with a practice which had become standard in the proceedings of the Council, the words "Question of" be inserted at the beginning of each item of the provisional agenda.

The President, speaking as representative of the USSR, replied that "in Security Council practice items do not invariably begin with the word 'question'". The Russian text of the letter from the USSR delegation to the Secretariat worded item 2 as "Concerning an appeal to States . . ." and not as "Appeal to States . . .". The Russian text might perhaps be more accurately translated into English, by rendering it as "Question of an appeal", but in Russian it should continue to read "Concerning an appeal". In his opinion there was little difference between the wording submitted by the USSR delegation and that proposed by the United States delegation.

The representatives of Brazil and France maintained that only by the insertion, in item 2, of the word "ques-

[62] For texts of relevant statements see:
665th meeting: President (USSR), paras. 6-7, 135; Brazil, paras. 68-70; China, paras. 49-53; France, paras. 34, 146; Lebanon, paras. 5, 25-29; New Zealand, paras. 77-81; United Kingdom, paras. 11, 154; United States, paras. 46-47;
666th meeting: President (USSR), para. 71; Brazil, paras. 21-25; Lebanon, para. 130;
667th meeting: Brazil, para. 34; Lebanon, para. 53;
670th meeting: Lebanon, para. 29.

[63] 670th meeting: paras. 63-73.

tion" before the words "Appeal to States" would the Council avoid giving the impression that it had prejudged the decision which it would adopt at the conclusion of the debate.

With regard to the wording of item 3, the representative of Greece proposed the deletion of the word "fourteen" in order to avoid giving a limitative character to the item.

The representative of the United Kingdom, noting that his delegation had always maintained that items on the agenda of the Security Council should be formulated in a neutral and non-tendentious way, stated that the phrasing of item 3, "Adoption of a recommendation . . .", tended to suggest that the Council ought to adopt such a recommendation. He proposed to word item 3 as: "Admission of new Members: (*a*) Adoption of a recommendation . . ."

The President, speaking as representative of the USSR, inquired whether the letter "(*a*)" in the United Kingdom proposal implied a sub-item "(*b*)". Since the provisional agenda consisted of one item, he saw no reason for an enumeration.

The representative of the United Kingdom replied that the letter "(*a*)" was designed to make it clear that the USSR proposal would be only one of several possible proposals before the Council. He was prepared to eliminate the letter "(*a*)" provided the President would agree to place the words "Adoption of a recommendation . . ." on a separate line.

The President, speaking as the representative of the USSR, stated that the proposal submitted by his delegation should be put on the agenda in the form originally proposed with the addition of the words "proposal for" before the text of the item.

> "At the same time, every delegation is entitled to submit its own proposal in the form it regards as most suitable, whatever the subject of the proposal may be, whether it is a proposal on the admission of new Members or any other kind of proposal. Every delegation has that right. In this case, however, we are discussing a question proposed by the Soviet Union delegation in the wording proposed by that delegation. This is the Soviet Union delegation's own proposal. Every delegation is entitled to take whatever position it pleases on that proposal while it is being discussed. The proposal of a given delegation remains the proposal of that delegation."

The representative of Chile proposed that item 3 should be worded as follows:

> "3. Admission of new Members:
>
> "(*a*) . . . Proposal for the adoption of a recommendation to the General Assembly . . .;
>
> "(*b*) Consideration of other applications for admission of new Members, and of other proposals relating to admission."

The representative of the USSR would thereby be assured that the item proposed by his delegation would constitute one of the bases of discussion, while other members of the Council would be enabled also to consider other proposals with regard to applications for membership.

The President observed that the Chilean proposal was unprecedented for it meant that the Council would have given authorization in advance for the consideration of a proposal unknown to it.

> "It is an established part of the practice of the Security Council that before it is placed on the agenda, every proposed item must be considered by the Council: it must be considered by means of the procedure of deciding the question of inclusion of this proposed item in the provisional agenda. From the point of view of precedent, it is hardly desirable to take an *a priori* decision to include in the agenda certain indeterminate proposals which are unknown to the Security Council."

The representatives of Chile and the Netherlands submitted a joint proposal to include, as sub-item 3 (*b*) "Consideration of General Assembly resolution 506 (VI)".

The representative of the United Kingdom withdrew his proposal and associated himself with the joint proposal submitted by Chile and the Netherlands.[64]

Decision: *The Council rejected the USSR proposal by 1 vote in favour and 7 against, with 3 abstentions. The joint proposal submitted by the delegations of Chile and the Netherlands was adopted by a unanimous vote. The agenda, thus amended, was adopted.*[65]

Case 17

At the 594th meeting on 2 September 1952, in connexion with the Question of Admission of new Members, the representative of Turkey drew attention to the use of the word "simultaneous" in item 2 (*a*) of the provisional agenda. He observed that the word was not in harmony with and, indeed, went counter to the spirit of the Charter and suggested that its use was a mistake.

The President (Brazil) observed that the Council, at its 591st meeting, had adopted the item as part of the agenda, following the wording of the draft resolution of the Soviet Union. He added that " the question of the propriety or impropriety of simultaneous admission will no doubt come up during the discussion of the draft resolution".[66]

Case 18

At the 626th meeting on 19 October 1953, the provisional agenda included as item 2 "The Palestine question: (*a*) Letters dated 17 October 1953 from the representatives of France, United Kingdom and United States addressed to the President of the Security Council (S/3109, S/3110 and S/3111)". The representative of Lebanon inquired:

> ". . . What are we adopting? We do not adopt a letter that we have received; we adopt a particular topic that we are going to discuss. That topic certainly is included somewhere in the letters mentioned

[64] For texts of relevant statements see:
577th meeting: President (USSR), paras. 4, 44, 50-51, 61, 63; Brazil, para. 13; Chile, paras. 56, 59, 77; France, para. 27; Greece, paras. 3, 30; Netherlands, para. 73; United Kingdom, paras. 32-34, 42-43, 48, 84; United States, para. 2.

[65] 577th meeting: paras. 87-89.

[66] For texts of relevant statements see:
594th meeting: President (Brazil), para. 25; Turkey, para. 22.

by the President. I should like to know what that topic is. Will the President, therefore, please tell us what we are adopting."

In reply to the statement of the President (Denmark) that the Council had to adopt or reject the Palestine question, as the item in the agenda, together with the proposals made in the letters accompanying it, the representative of Lebanon declared that he would have to vote against the adoption of the agenda unless he knew fully what that item was.

The representative of France maintained that when the provisional agenda mentioned a document, the adoption of that agenda did not mean that the document was approved; it meant that the Council was going to discuss the document or the action to be taken upon it.

The representative of the USSR, stating that he could not determine his attitude on an agenda without knowing what it was about, declared that there was no justification for refusing to clarify the agenda. If the desire was to hear a report by the Chief of Staff of the Truce Supervision Organization, as the letters contained in the agenda indicated, it ought to be agreed that the matter deserved to be included as a separate sub-item under the general heading of "The Palestine question".

The representatives of China and Greece were of the opinion that the identical letters contained in the provisional agenda had indicated that the subject of discussion would be the question of tension between Israel and the neighbouring Arab States. The representative of China, noting that the indication was sufficiently concrete to permit the Council to proceed, declared:

". . . There is a tradition in the Security Council with regard to the provisional agenda, namely, that the provisional agenda should not contain language prejudicing the substance of questions. It is for that reason that the language used in the agenda is always non-committal. . . ."

After the representative of Lebanon had suggested certain alterations in the text of the identical letters contained in the agenda, the President observed:

". . . It has never before happened in the Council that a request was made to alter the words of a document appearing under the question of the adoption of the agenda."

The representative of China proposed to retain the provisional agenda as it stood with sub-item (*a*), and add a sub-item (*b*) which would read: "Complaint made by Lebanon of act of violence by Israel against Jordan".

The representative of China withdrew his proposal after the representative of Lebanon submitted an amendment to the provisional agenda, as follows:

"In paragraph 2, add after the words 'the Palestine question' the following words: 'Recent acts of violence committed by Israel armed forces against Jordan'."

At the 627th meeting on 20 October 1953, the representative of Greece maintained that to adopt the amendment submitted by the representative of Lebanon would be to prejudge the question. He therefore proposed the following wording:

"The Palestine question: compliance with and enforcement of the General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October 1953.

"(*a*) Report by the Chief of Staff of the Truce Supervision Organization."

The representative of Lebanon proposed the deletion of the letter "(*a*)" before the words "Report by the Chief of Staff . . ." and the replacement of the period after "14-15 October 1953" with a colon. Upon acceptance by the representative of Greece of the alterations suggested by the representative of Lebanon, the latter withdrew his amendment.

The representative of China observed:

". . . As an institution, we should see to it that no delegation can obtain a substantial advantage through procedure. Our rules in regard to procedure and our practices should all be calculated to promote that objective. Therefore the procedure should be simple, clear and consistent."[67]

Decision: *After further discussion, the agenda, as amended, was adopted without a vote.*[68]

4. Postponement of consideration of items

CASE 19

At the 576th meeting on 14 April 1952, when the provisional agenda comprised, under the general heading of "The Tunisian question", communications from eleven Member States, the representative of Chile submitted a draft resolution[69] (1) to include in the agenda the consideration of the communications submitted by those States, on the understanding that such action did not imply any decision regarding the competence of the Council to consider the substance of the question, and (2) to postpone the consideration of the communications for the time being. He stated that his proposal to suspend the discussion indefinitely should be understood as not prejudicing the Council's right to deal with the matter at any time, should serious events prompt any Member to request such action.

The representative of the United Kingdom opposed the Chilean draft resolution on the ground that it would have the effect of putting the question on the agenda.

The representative of Brazil, who at the 574th meeting had stated that he would be quite receptive to any proposal toward the postponement of the consideration of the item after its inclusion in the agenda,[70] reserved the position of his delegation on the Chilean draft resolution.

---

[67] For texts of relevant statements see:
626th meeting: President (Denmark), paras. 3, 75, 83; China, paras. 39-40, 108, 116; France, para. 6; Greece, para. 13; Lebanon, paras. 2, 4, 71-74, 77; USSR, paras. 31, 33, 36.
627th meeting: President (Denmark), para. 51; China, para. 36; Greece, paras. 7-10; Lebanon, paras. 33-34.

[68] 627th meeting: paras. 52-53.

[69] S/2600, 576th meeting: para. 104.

[70] 574th meeting: para. 95.

The representative of the Netherlands believed that the adoption of the Chilean draft resolution could create a disturbing influence on direct negotiations between the parties concerned.

The President, speaking as the representative of Pakistan, observed that he would support the Chilean draft resolution for it at least preserved the dignity and sense of justice on which the United Nations was supposed to be founded. The postponement of discussion, he maintained, would safeguard the chances of the success of negotiations between the parties.

The representative of China, supporting the Chilean draft resolution, stated that he was not convinced by the argument that the adoption of the draft resolution could hamper negotiations between the parties concerned.

The representative of the USSR stated that the Chilean proposal did not meet, in its present form, the request made by the eleven Member States in their communications to the Security Council. He added:

". . . These States ask for the inclusion of the question of the situation in Tunisia in the agenda of the Security Council, but they do not ask the Security Council to postpone the consideration of the question of the situation in Tunisia. The proposal which we are now considering represents an attempt to combine two things which cannot be combined: on the one hand, it seemingly includes the question of the situation in Tunisia in the agenda of the Security Council, but on the other hand, it immediately excludes that question from the Council's agenda."[71]

Decision: *The draft resolution submitted by the representative of Chile was rejected by 5 votes in favour, 2 against, with 4 abstentions.*[72]

[71] For texts of relevant statements see:
576th meeting: President (Pakistan), paras. 82-85; Brazil, para. 57; Chile, paras. 40-41, 67-68, 118-120; China, paras. 99-100; Netherlands, para. 63; USSR, paras. 110, 117; United Kingdom, para. 47.

[72] 576th meeting: para. 121.

Part IV

THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED[73]

NOTE

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at the next meeting, the consideration of an unfinished item without a renewed debate on the adoption of the agenda. However, the provisional agenda has not invariably contained all items of unfinished business. The case histories included in section A of this part cover those instances in which there has been discussion of the requirement for the insertion of unfinished items of the agenda in the agenda of the next meeting.

The tabulation appearing in section B brings up to date that appearing in the corresponding chapter of the original volume of the *Repertoire*. The observations made there concerning the tabulation apply here also.

Section B.2 of this chapter presents case histories setting forth the significant discussion in the Security Council of the retention of items on the agenda in the sense of the list of matters of which the Security Council is seized. The relation of the Summary Statement issued under rule 11 to notifications made to the General Assembly under Article 12 (1) is dealt with in the Note to chapter VI, part I, section A.

A. RULE 10

Case 20

At the 594th meeting on 2 September 1952, the provisional agenda contained three sub-items under the general heading "Admission of new Members: (*a*) Adoption of a recommendation to the General Assembly concerning . . .; (*b*) Consideration of resolution 506 (VI) of the General Assembly; and (*c*) New applications for membership . . ."

The President (Brazil) stated that the first two sub-items of the provisional agenda were the same as had been contained in the agenda of the 591st meeting held on 9 July 1952, when the Council had decided to postpone the consideration of the question of the admission of new Members until 2 September 1952. The President believed that it would be advisable to add sub-item (*c*) in order that the Council might have an opportunity to consider the applications on which the Council had not yet reported to the General Assembly.

The representative of the USSR requested the President to take a vote on the first sub-items, 2 (*a*) and 2 (*b*), or to adopt them without a vote, since they apparently gave rise to no objection or comment as they already appeared in the agenda for the Security Council's previous meetings, and to put sub-item 2 (*c*) to a separate vote.

The President, expressing his agreement with the request of the representative of the USSR, declared that if there were no objection, he would consider sub-items 2 (*a*) and 2 (*b*) as included in the agenda.[74]

Decision: *The Council adopted sub-items 2* (a) *and 2* (b) *without a vote.*[75]

Case 21

At the 599th meeting on 12 September 1952, when the provisional agenda included as item 2 "Admission of new Members", the representative of the USSR inquired why sub-item 2 (*a*), "Consideration of resolution 506 (VI) of the General Assembly", still remained on the provisional agenda. He stated that during the previous meeting the Council had proceeded to discuss sub-

[73] See *Repertoire of the Practice of the Security Council 1946-1951*, chapter II, part IV, Note, p. 83.

[74] For texts of relevant statements see:
594th meeting: President (Brazil), paras. 6-9, 16; USSR, paras. 10-15.

[75] 594th meeting: para. 16.

item (*b*) because it had considered sub-item (*a*) to be superfluous. He believed that there was no justification for including sub-item (*a*) in the agenda.

The President (Brazil) replied that the Council had not yet disposed of sub-item (*a*), and that the Council at the last meeting had decided merely to pass to sub-item (*b*). The representative of Pakistan explained that the question of whether that sub-item had been disposed of depended upon how the Council intended to interpret the meaning of "pending applications" as referred to in resolution 506 (VI) of the General Assembly. He continued:

". . . If, however, we think that 'pending applications' within the meaning of the resolution comprise certain applications which have not yet been considered, it is perfectly obvious that sub-item 2 (*a*) should be retained on the agenda until we have exhausted or come to a conclusion one way or the other on sub-item 2 (*b*)."

The President declared:

". . . in accordance with rule 10 of our rules of procedure, the provisional agenda for today's meeting includes all matters not disposed of at the previous meeting. Sub-item 2 (*a*), as I have already explained twice, was not disposed of, since the question of the report which the Security Council is to present to the General Assembly on the status of pending applications is still before us. A few minutes ago, the representative of Pakistan brought the question of this report into the discussion. But how can we discuss the report if we do not retain sub-item 2 (*a*) in the agenda?"[76]

Decision: *The agenda was adopted by 9 votes in favour and none against with 1 abstention, one member being absent.*[77]

[76] For texts of relevant statements see:
599th meeting: President (Brazil), paras. 4-5, 12, 24-25, 33; China, para. 41; Pakistan, paras. 14-15, 19-21; USSR, paras. 2-3, 6-7, 11, 26, 29, 31.

[77] 599th meeting: paras. 57-58.

CASE 22

At the 675th meeting on 20 June 1954, the Security Council adopted the agenda, item 2 of which was "Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council." At the 676th meeting on 25 June 1954, item 2 of the provisional agenda was the same as the item adopted at the previous meeting with the addition of a letter dated 22 June 1954 from the representative of Guatemala addressed to the Secretary-General.

Various representatives expressed opposition to the adoption of the agenda on the ground that the matter was being dealt with by the Inter-American Peace Committee, an organ of the Organization of American States.

The representative of Lebanon, enumerating the reasons for supporting the inclusion of the item in the agenda, stated:

"The second reason is that we have already adopted this agenda. We adopted it at the 675th meeting on 20 June, and nobody objected to its adoption then; and we find no fresh reason today why a similar agenda should not be taken up and examined by the Security Council."

The representative of the USSR found no justification for putting to the vote the question of inscribing the item on the agenda. He declared:

"If we consult the rules of procedure of the Security Council, in particular rule 10, we find that any item of the agenda of the Security Council, the consideration of which has not been completed, must automatically be included in the agenda of the next meeting . . ."[78]

Decision: *The agenda was rejected by 4 votes in favour and 5 against, with 2 abstentions.*[79]

[78] For texts of relevant statements see:
676th meeting: Brazil, paras. 12, 27; China, paras. 123-124; Lebanon, paras. 101-104; USSR, paras. 138-140; United Kingdom, paras. 94-95.

[79] 676th meeting: para. 195.

B. RULE 11

1. Retention and deletion of items from the Secretary-General's Summary Statement on matters of which the Security Council is seized

This tabulation, which supplements that appearing in the *Repertoire*, 1946-1951, pp. 85-91, covers matters appearing in the Secretary-General's Summary Statements during the period 1952-1955. The items included are (1) those of which the Security Council was seized at the close of the period covered by the earlier tabulation, and (2) items of which the Council has been seized since that time. Items are listed in the order in which they have appeared in the Summary Statement. Items to the end of 1951 are numbered to conform with the numbering in the earlier tabulation. The titles used are those occurring in the Summary Statement except for occasional abridgments.

Item	*First inclusion in the agenda*	*First entry in Summary Statement*	*Last action of the Council as of 31 December 1955*	*Final entry in Summary Statement as of 31 December 1955*
1. The Iranian question	3rd meeting 28 January 1946	S/45 23 April 1946	Adopted Netherlands proposal to adjourn discussion and resume it at the request of any member 43rd meeting, 22 May 1946[a]	

[a] See *Repertoire of the Practice of the Security Council 1946-1951*, Case 56, pp. 92-93.

	Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1955	Final entry in Summary Statement as of 31 December 1955
3.	Statute and Rules of Procedure of Military Staff Committee	1st meeting 17 January 1946	S/45 23 April 1946	Referred report of Military Staff Committee to Committee of Experts 23rd meeting, 16 February 1946	
4.	Special Agreements under Article 43 of the Charter	1st meeting 17 January 1946	S/45 23 April 1946	Discussed report of Military Staff Committee 157th meeting, 15 July 1947	
5.	Rules of Procedure of the Security Council	1st meeting 17 January 1946	S/45 23 April 1946	Amended rules 468th meeting, 28 February 1950	
14.	The general regulation and reduction of armaments	88th meeting 31 December 1946	S/238[b] 3 January 1947	Dissolved Commission for Conventional Armaments in accordance with recommendation in General Assembly resolution 502 (VI) 571st meeting, 30 January 1952	
	Information on armed forces of United Nations (General Assembly resolutions 41 (I) and 42 (I))	89th meeting 7 January 1947	S/246[b] 10 January 1947		
19.	Appointment of a Governor of the Free Territory of Trieste	143rd meeting 20 June 1947	S/382 20 June 1947	Postponed discussion of the item 647th meeting, 14 December 1953	
20.	The Egyptian question	159th meeting 17 July 1947	S/425 18 July 1947	Rejected Chinese draft resolution 201st meeting, 10 September 1947[c]	
21.	The Indonesian question (II)	171st meeting 31 July 1947	S/461 1 August 1947	Failed to adopt Canadian draft resolution and rejected Ukrainian SSR draft resolution 456th meeting, 13 December 1949[d]	
22.	Voting Procedure in the Security Council	197th meeting 27 August 1947	S/533 29 August 1947	Presidential statement concerning outcome of meetings of five permanent members in accordance with General Assembly resolution of 14 April 1949, 195th plenary session 452nd meeting, 18 October 1959	
24.	Procedure in application of Articles 87 and 88 of the Charter with regard to the Pacific Islands under Strategic Trusteeship of the United States	220th meeting 15 November 1947	S/603 15 November 1947	Adopted resolution concerning procedure to be employed in application of Articles 87 and 88 of the Charter to strategic areas under Trusteeship 415th meeting, 7 March 1949	

[b] Combined in S/279 of 14 February 1947 in accordance with the Security Council's decision to deal with the two items together.

[c] See *Repertoire of the Practice of the Security Council 1946-1951*, Case 59, pp. 95-96.

[d] *Ibid.*, Case 61, p. 97.

	Item	*First inclusion in the agenda*	*First entry in Summary Statement*	*Last action of the Council as of 31 December 1955*	*Final entry in Summary Statement as of 31 December 1955*
).	Applications for membership[e]				See item 62 below
	Reconsideration (General Assembly resolution 113 (II), 17 November 1947):				
	Italy Transjordan	221st meeting 22 November 1947	S/610 28 November 1947	Reported to General Assembly that there had been no change of position on either application (A/515), 221st meeting, 22 November 1947	
	Reconsideration[f]				
	Italy	279th meeting 10 April 1948	S/719 12 April 1948	Not recommended 279th meeting, 10 April 1948	
	Albania Austria Bulgaria Finland Hungary Ireland Mongolian People's Republic Portugal Romania Transjordan	279th meeting 10 April 1948	S/719 12 April 1948	Reported to the General Assembly that there had been no change of position on any of the applications, 280th meeting, 10 April 1948	
	Ceylon	318th meeting 11 June 1948	S/843 16 June 1948	Not recommended 351st meeting, 18 August 1948	
	Reconsideration (General Assembly resolution 197 I (III) 8 December 1948)				
	Ceylon	384th meeting 15 December 1948	S/1184 12 January 1949	Not recommended 384th meeting, 15 December 1948	
	Republic of Korea	409th meeting 15 February 1949	S/1244 7 February 1949	Not recommended 423rd meeting, 8 April 1949	
	Letter of 11 February 1949 from the representative of the USSR concerning application by the Democratic People's Republic of Korea	409th meeting 15 February 1949	S/1257 14 February 1949	Rejected USSR proposal to refer application to Committee on Admission of New Members 410th meeting, 16 February 1949	
26.	The Palestine question	222nd meeting 9 December 1947	S/623 12 December 1947	Adjourned its consideration of Syrian complaint of armed raids on Syrian territory by Israeli forces 709th meeting, 22 December 1955	
27.	The India-Pakistan question[g]	226th meeting 6 January 1948	S/641 9 January 1948	Adopted a modified joint United Kingdom-United States draft resolution (S/2839) to urge the two Governments to continue negotiations 611th meeting, 25 December 1952	

[e] The Security Council has since 22 November 1947 considered those applications which failed to obtain recommendations as pending applications.

[f] Reconsideration of the applications of Italy and Transjordan is requested by France, the United Kingdom and the United States by letter of 3 April 1948 (S/709). Reconsideration of the applications of Albania, Bulgaria, Finland, Hungary, Italy, the Mongolian People's Republic, Romania was requested by the Ukrainian SSR by letter of 5 April 1948 (S/712). Reconsideration of the applications of Austria, Ireland, and Portugal was requested by France, the United Kingdom, and the United States by letter of 7 April 1948 (S/715).

[g] The India-Pakistan question: This item was entitled the Kashmir question in S/641. This was changed to the Kashmir and Jammu question in S/653 of 17 January 1948. The present title, India-Pakistan question, first appears in S/675 of 13 February 1948.

	Item	*First inclusion in the agenda*	*First entry in Summary Statement*	*Last action of the Council as of 31 December 1955*	*Final entry in Summary Statement as of 31 December 1955*
28.	The Czechoslovak question	268th meeting 17 March 1948	S/700 22 March 1948	Discussed Argentine draft resolution 305th meeting, 26 May 1948	
30.	Question of the Free Territory of Trieste	344th meeting 4 August 1948	S/959 10 August 1948	Rejected draft resolutions submitted by Yugoslavia and by Ukrainian SSR 354th meeting, 19 August 1948	
31.	The Hyderabad question	357th meeting 16 September 1948	S/1010 22 September 1948	Heard statements by the representatives of India and Pakistan 425th and 426th meetings, 19 and 24 May 1949[b]	
33.	Identic Notifications dated 29 September 1948	362nd meeting 5 October 1948	S/1029 9 October 1948	Rejected joint draft resolution (S/1048) 372nd meeting, 25 October 1948	
34.	Applications for membership Nepal	423rd meeting 8 April 1949	S/1306 11 April 1949	Not recommended 439th meeting, 1 September 1949	See item 62 below
36.	Applications for membership Reconsideration[1]				See item 62 below
	Portugal Jordan Italy Finland Ireland Austria Ceylon	427th meeting 16 June 1949	S/1356 26 July 1949	Not adopted 443rd meeting, 13 September 1949	
	Albania Mongolian People's Republic Bulgaria Roumania Hungary	427th meeting 16 June 1949	S/1356 26 July 1949	Not adopted 445th meeting (2 votes) 15 September 1949	
	Reconsideration Nepal	442nd meeting 13 September 1949	S/1388[j] 12 September 1949	Not adopted 445th meeting, 15 September 1949	
38.	International Control of Atomic Energy[k]	444th meeting 15 September 1949	S/1394[l] 21 September 1949	Adopted Canadian draft resolution, as amended, and rejected USSR draft resolution (S/1391/Rev.1) 447th meeting, 16 September 1949	
43.	Complaint of armed invasion of Taiwan (Formosa)	492nd meeting 29 August 1950	S/1774 7 September 1950	Rejected draft resolutions (S/1757 and S/1921) 530th meeting, 30 November 1950	

[b] See *Repertoire of the Practice of the Security Council 1946-1951*, Case 60, pp. 96-97.

[i] Under the agenda heading "Other applications for membership in the United Nations", the sub-items were the General Assembly resolutions 197 A,B,C,D,E,F,G,H, (III) of 8 December 1948, and communications renewing applications from Bulgaria (S/1012 and Add.1), Hungary (S/1017 and Add.1), Albania (S/1033 and S/1105), People's Republic of Mongolia (S/1035 and Add.1), and Romania (S/1051 and Add.1).

[j] In virtue of revision of USSR draft resolution at 440th meeting, 9 September 1949, withdrawn at 442nd meeting, 13 September 1949, and original of 21 June 1949 reinstated with name of Nepal added after that of Ceylon (S/1340/Rev.2).

[k] The agenda item at the 444th through 447th meetings of the Security Council was entitled "Letter dated 29 July 1949 from the Chairman of the Atomic Energy Commission addressed to the President of the Security Council (S/1377)".

[l] An earlier summary statement, S/1388 of 12 September 1949, referred under the same heading to a Canadian draft resolution (S/1386) circulated in anticipation of the discussion of the question at a forthcoming meeting.

	Item	*First inclusion in the agenda*	*First entry in Summary Statement*	*Last action of the Council as of 31 December 1955*	*Final entry in Summary Statement as of 31 December 1955*
44.	Complaint of bombing by air forces of the territory of China	493rd meeting 31 August 1950	S/1774 7 September 1950	Failed to adopt U.S. draft resolution (S/1752) and rejected USSR draft resolution (S/1745/Rev.1) 501st meeting, 12 September 1950	
48.	Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case	559th meeting 1 October 1951	S/2364 2 October 1951	Adopted French motion to adjourn the debate until the International Court had ruled on its own competence 565th meeting, 19 October 1951	
49.	Application for membership				See item 62 below
	General Assembly resolution 550 (VI) of 7 December 1951				
	Reconsideration of application of Italy	568th meeting 18 December 1951	S/2451 22 December 1951	Not recommended 573rd meeting, 6 February 1952	
	General Assembly resolution 495 (V) of 4 December 1950	568th meeting 18 December 1951	S/2451 22 December 1951	Postponed indefinitely 569th meeting, 19 December 1951	
50.	Admission of new Members	577th meeting 18 June 1952	S/2679 23 June 1952	Rejected USSR draft resolution 597th meeting, 8 September 1952	See item 62 below
	Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission				
	Consideration of General Assembly resolution 506 (VI)	577th meeting 18 June 1952	S/2679 23 June 1952	Adopted the suggestion that the Secretariat prepare a draft of a special report to the General Assembly 604th meeting, 19 September 1952	S/2786 23 September 1952
	New applications for membership				See item 62 below
	Libya (S 2467)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 600th meeting, 16 September 1952	
	Japan (S 2673)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 602nd meeting, 18 September 1952	
	Viet-Nam (S/2446)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 603rd meeting, 19 September 1952	
	Laos (S/2706)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 603rd meeting, 19 September 1952	
	Cambodia (S/2672)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 603rd meeting, 19 September 1952	
	Democratic Republic of Viet-Nam (S/2466)	594th meeting 2 September 1952	S/2770 8 September 1952	Not recommended 603rd meeting, 19 September 1952	

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1955	Final entry in Summary Statement as of 31 December 1955
51. Question of appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	577th meeting 18 June 1952	S/2679 23 June 1952	Rejected USSR draft resolution 583rd meeting, 26 June 1952	
52. Question of request for investigation of alleged bacterial warfare	581st meeting 23 June 1952	S/2687 1 July 1952	Rejected USSR draft resolution 585th meeting, 1 July 1952 Failed to adopt US draft resolution 587th meeting, 3 July 1952 Failed to adopt US draft resolution 590th meeting, 9 July 1952	
53. Question of recommendation regarding the Secretary-General	612th meeting (private) 11 March 1953	S/2957 16 March 1953	Recommended 617th meeting 31 March 1952	S/2981 6 April 1953
54. The date of election to fill a vacancy in the International Court of Justice	618th meeting 12 August 1953	S/3083 17 August 1953	Adopted resolution (S/3078) 618th meeting, 12 August 1953	S/3083 17 August 1953
55. Applications to become parties to the Statute of the International Court of Justice				
Japan	641st meeting 23 November 1953	S/3149 8 December 1953	Recommended 645th meeting, 3 December 1953	S/3149 8 December 1953
San Marino	641st meeting 23 November 1953	S/3149 8 December 1953	Recommended 645th meeting, 3 December 1953	S/3149 8 December 1953
56. Letter dated 29 May 1954 from the acting permanent representative of Thailand to the United Nations addressed to the President of the Security Council (S/3220)	672nd meeting 3 June 1954	S/3224 8 June 1954	Failed to adopt Thailand draft resolution (S/3229) 674th meeting, 18 June 1954	
57. Cablegram dated 19 June 1954 from the Minister of External Relations of Guatemala addressed to the President of the Security Council (S/3232)	675th meeting 20 June 1954	S/3257 29 June 1954	Failed to adopt Brazilian-Colombian draft resolution (S/3236/Rev.1) Adopted French draft resolution (S/3237) 675th meeting, 20 June 1954 [a]	
58. The date of election to fill a vacancy in the International Court of Justice	677th meeting 28 July 1954	S/3277 2 August 1954	Adopted (S/3274) 677th meeting, 28 July 1954	S/3277 2 August 1954
59. Letter dated 8 September 1954 from the representative of the U.S. addressed to the President of the Security Council	679th meeting 10 September 1954	S/3289 13 September 1954	Adjourned to meet again upon request of any delegation 680th meeting, 10 September 1954	

[a] At the 676th meeting, 25 June 1954, the Council failed to adopt the agenda. See Cases 22, 23.

	Item	*First inclusion in the agenda*	*First entry in Summary Statement*	*Last action of the Council as of 31 December 1955*	*Final entry in Summary Statement as of 31 December 1955*
60.	Election of members to fill vacancies in the International Court of Justice	681st meeting 7 October 1954	S/3303 11 October 1954	Recommended Mr. Zafrulla Khan to succeed to vacancy left by Sir Benegal Rau Recommended five candidates to fill vacancies 681st meeting, 7 October 1954	S/3303 11 October 1954
61.	Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China. Letter dated 30 January 1955 from the representative of the USSR addressed to the President of the Security Council concerning the question of acts of aggression by the U.S. against the People's Republic of China in the area of Taiwan and other islands of China	689th meeting 31 January 1955	S/3359 7 February 1955	Postponed consideration of matters contained in the letter from representative of New Zealand 691st meeting, 14 February 1955 Rejected USSR motion to consider the next item on the agenda 691st meeting, 14 February 1955	
62.	Applications for membership[a]	701st meeting 10 December 1955	S/3507 13 December 1955		
	Reconsideration				
	Republic of Korea Viet-Nam	703rd meeting 13 December 1955	S/3515 15 December 1955	Not recommended 703rd meeting, 13 December 1955	
	Albania Jordan Ireland Portugal Hungary Italy Austria Romania Bulgaria Finland Ceylon Nepal Libya Cambodia Laos	701st meeting 10 December 1955	S/3507 13 December 1955	Recommended 705th meeting, 14 December 1955	S/3515 15 December 1955
	Spain	701st meeting 10 December 1955	S/3507 13 December 1955	Recommendeded 705th meeting, 14 December 1955	S/3515 15 December 1955
	Reconsideration				
	Mongolian People's Republic Japan	701st meeting 10 December 1955	S/3507 13 December 1955	Rejected USSR amendment (S/3517) to United Kingdom draft resolution (S/3513) and postponed further consideration of latter 708th meeting, 21 December 1955	

[a] Under this agenda heading the sub-items were (1) resolution 817 (IX), (2) resolution 918 (X), and (3) letter dated 23 September 1955 from the Minister for Foreign Affairs of Spain concerning the application of Spain.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1955	Final entry in Summary Statement as of 31 December 1955
63. Proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter (Art. 109)	707th meeting 16 December 1955	S/3515 19 December 1955	Adopted joint draft resolution (S/3504) 707th meeting, 16 December 1955	S/3515 19 December 1955

2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda

CASE 23

At the 676th meeting on 25 June 1954, in connexion with the Guatemalan question which had been placed on the agenda at the previous meeting of the Council, the question before the Council was the adoption of the agenda.

In expressing opposition to the adoption of the agenda, the representative of Brazil observed:

"In view of the action already taken by the Organization of American States, which is acting with commendable expedition, the most reasonable attitude which the Security Council can assume in the matter is to wait for the report of the fact-finding committee. We have already received a first communication from the Inter-American Peace Committee and for that reason are bound to receive another one, after the committee has completed its task. Any action by the Security Council at this stage or even any discussion of the subject without the proper information would not be justified and could only introduce confusion into the present situation. For this reason, the Brazilian delegation is of the opinion that we should not proceed with such a discussion. I would therefore vote against the adoption of the agenda."

The representative of the United Kingdom, in announcing that he would abstain on the vote, observed that it was not at the moment open to the Security Council to take any further action in the matter without more facts at its disposal. The action being taken by the Organization of American States would enable the Security Council to obtain such information. He added:

"This does not, of course, mean that the Security Council is surrendering its ultimate responsibility in the matter. Her Majesty's Government in the United Kingdom, for the reasons I have given, considers it of the greatest importance that this should not occur. But in fact the Council will remain seized of the matter and will receive information from the Inter-American Peace Committee.

"It would be contrary to the general attitude of my Government to register a positive objection to a complaint, such as that raised by Guatemala, being received on the Council's agenda. I cannot therefore entirely agree with the representatives of Brazil and Colombia in their objection to the inscription of this item on the agenda. But I do agree with them in thinking that the Council should be careful not to risk confusing the issue or prejudicing the chances of the valuable initiative taken by the Organization of American States.

". . . These then are the considerations that will influence me when we come to a vote on the adoption of the agenda and will lead me to abstain. In doing so, I shall of course bear in mind the consideration that the Security Council, if it refused to adopt this question on the agenda today, would in no way be disinteresting itself in the case or divesting itself of its ultimate responsibility."

The representative of France shared the view expressed by the representative of the United Kingdom. He added:

"In suspending its action until it is more fully informed, the Security Council is in no way jettisoning the matter which has been submitted to it. By applying the procedure provided for by Article 52 of the Charter, it is not declining any of the responsibilities which the last paragraph of that Article solemnly confers on it and which governs the interpretation of the preceding paragraphs . . ."

The representative of China, in opposing the adoption of the agenda, made the following observation:

". . . not to adopt the agenda is one question, and the removal of this item from the agenda is quite another question. By voting against the adoption of the agenda for this particular meeting, we do not eliminate the item from the agenda of the Security Council."

The representative of New Zealand, who favoured the adoption of the agenda, declared:

"My delegation considers, however, that the Council should not, by any decision it may reach, give the appearance of abdicating the supreme responsibility and authority conferred on it by the Charter.

"This, we feel, is a matter of principle and of cardinal importance to small nations like our own. In our view any decision not to proceed today with the discussion of the Guatemalan complaint does not affect this principle and does not prejudice the Council's right to take up the question in the future if events make this necessary. Therefore, we consider, very emphatically, that the Council should not proceed with the substantive debate today but should at the same time maintain its over-riding responsibility."[80]

[80] For texts of relevant statements see:
676th meeting: Brazil, para. 27; China, para. 123; France, para. 99; New Zealand, paras. 129-130; United Kingdom, paras. 94-96.

CASE 24

At the 691st meeting on 14 February 1955, the agenda included, as item 2, "Letter dated 28 January 1955 from the representative of New Zealand to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China", and, as item 3, "Letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China".

Following a discussion of the rejection by the Central People's Government of the People's Republic of China of the invitation extended by the Security Council at the 690th meeting to participate in the discussion of the New Zealand item, the suggestion was made by various representatives that the Council adjourn without taking any further decision. The representative of the USSR submitted a motion to pass to the consideration of item 3 of the agenda. In reply to the observation that the Council had at the previous meeting decided to give priority to the New Zealand item, he declared that he was not asking for a reversal of that decision. His motion was based on the premise that consideration of the New Zealand item had been completed. He said:

". . . I consider that the Security Council cannot remain inactive, and that it must take the necessary action to remove the threat of war that has arisen in the Far East and is growing ever more menacing."

The representative of New Zealand objected to the USSR proposal on the ground that the Council had not concluded its consideration of the New Zealand item and that in view of the decision of the Security Council concerning the priority of that item, the USSR motion was out of order.

The representative of the United Kingdom, in opposing the motion made by representative of the USSR declared that the latter assumed

". . . that inactive means that you are not doing something positive, that you are not taking some decision. However, that is not true, certainly not in international affairs . . .

". . . by the mere fact of having raised this question here and having started people thinking—and we hope that all interested countries will do their best to stop the fighting—we are in fact taking action.

". . . I cannot think of anything more inappropriate and more impolitic than to plunge suddenly into the violent action that would be caused by proceeding to the Soviet item on our agenda, even if it were in order, which I think it is not . . ."

The President (Peru), in stating the opinion of the Chair, assumed that the USSR motion was not one to reconsider the decision according priority to the New Zealand item, but a new motion based on the ground that, as no action had been adopted or envisaged, the Council must pass to the next item of its agenda. He observed that the USSR representative had already had a reply to the effect that the representatives of New Zealand and the United Kingdom did not regard the topic as completely exhausted. Speaking in his capacity as representative of Peru, he added that he considered the jurisdiction of the Council had been established and could not be revoked. Faced with an acute and urgent problem, the Council was obliged to give it its whole attention and maintain its watchfulness.[81]

The USSR motion was rejected by 10 votes in favour to 1 against.[82]

---

[81] For texts of relevant statements see:
691st meeting: President (Peru), paras. 105, 124-125, 133; USSR, paras. 97, 109; United Kingdom, paras. 121-123.

[82] 691st meeting: para. 134.

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

TABLE OF CONTENTS

INTRODUCTORY NOTE

As indicated in the previous volume of the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for invitations to non-members of the Security Council in the following circumstances: (1) where a Member of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35 (1) (rule 37); (2) where a Member of the United Nations, or a State which is not a Member of the United Nations, is a party to a dispute (Article 32); (3) where the interests of a Member of the United Nations are specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39).

The classification of the material relevant to participation in the proceedings of the Security Council is designed to facilitate the presentation of the varieties of practice to which the Council has had recourse. The reasons why the material is not entirely arranged within a classification derived directly from the texts of Articles 31 and 32 and rules 37 and 39, have been set forth in the previous volume of the *Repertoire*.

Part I comprises summary accounts of the proceedings wherein proposals to extend an invitation to participate in the discussion have been made, with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Part II includes discussion relating to the terms and provisions of Article 32. Part III is concerned with procedures relating to the participation of invited representatives once the Council has decided to extend an invitation, and with business of the Council in connexion with which it has been deemed inappropriate to extend invitations to participate.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all cases in which proposals to extend an invitation to participate in the discussion have been put forward in the Security Council. The general features of each case are shown, together with the decisions of the Council and the main positions taken in the course of debate. The instances are grouped to distinguish between invitations to persons invited in an individual capacity in section A; invitations to representatives of subsidiary organs or other United Nations organs in section B; invitations to Members of the United Nations in section C; and invitations to non-member States, together with other invitations, in section D. The grouping is so arranged in order to bring together in section D a range of invitations within which the Official Records reveal no clear distinctions based on differentiation of status.

In the case of Members of the United Nations

The arrangement of section C is derived from rule 37 of the provisional rules of procedure which provides for extension of an invitation when the Security Council considers that the interests of a Member are specially affected (Article 31), or when a Member brings a matter to the attention of the Council under Article 35 (1).

Section C.1.a covers the occasions on which Members submitting matters in accordance with Article 35 (1) have been invited to participate without vote in the discussion. During the period under review, there have been no instances of submission of matters falling outside the provisions of Article 35 (1). In none of the instances classified in section C.1.a was Article 31 referred to in the submission by the party or in the decision by the Council. Rule 37 was invoked in only one instance and the invitation was extended under the same rule.[1] In another case, the invitation to the complainant State referred explicitly to Article 32.[2] In connexion with the Palestine question and with the Guatemalan question, invitations were extended to more than one Member.[3] Only the invitation to the complainant State has been recorded in section C.1.a, while the invitations to the other States involved are found in section C.2. In two cases involving complaints and counter-complaints, invitations were extended to both complainant States.[4]

Section C.2 includes instances of invitation, under Article 31, and one instance of an invitation under Article 32 (Case 13), to a Member of the United Nations to participate in the discussion of a question when the interests of that Member were considered by the Council to be specially affected. In extending these invitations the Council has made no distinction as to whether the complaint involved a dispute within the meaning of Article 32, or a situation, or a matter not of such nature. Section C.2, therefore, also includes all cases of invitations to Member States against which a complaint was brought before the Council. In five of the seven cases invitations were extended to one Member,[5] and in two instances to two Member States.[6]

---

[1] Case 5.
[2] Case 6.
[3] Cases 2, 4, 5, 6 and 7.
[4] Cases 3 and 4.
[5] Cases 10, 11, 12, 13 and 15.
[6] Cases 14 and 16.

Section C.3 includes two instances of invitations denied to Members who had brought a matter to the attention of the Security Council in accordance with Article 35 (1). In both cases discussion of the invitations took place at the stage of consideration of the provisional agenda. In one case the basis of the proposal to invite was, in accordance with the terms of the request from the sponsors of the complaint, the right of reply to remarks made about them by the representative of a member of the Council during the procedural debate on the item.[7] In the second case the proposal was to invite the sponsors of the complaint to participate in the discussion of the inclusion of the item in the agenda. The proposal was rested on rule 37 which was interpreted as authorizing an invitation to participate in clarifying the scope of the item to the Council and the reasons why its inclusion in the agenda was appropriate.[8] The bases for the denials of the invitations in the two instances mentioned are to be distinguished from a presidential ruling dealt with in part II, section C below,[9] that the Council was not engaged in a discussion within the meaning of Article 32 and rule 37. Comparison may also be made with the instance[10] of denial of an invitation set forth in section D.4 wherein the proposal to invite was made at the stage of consideration of the provisional agenda, but was voted upon only after the agenda had been adopted.

IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

Article 32 provides for the invitation of any non-member State when it is a party to a dispute under consideration by the Council. Section D includes an invitation extended under Article 32 to a non-member State party to a dispute. Section D also includes an invitation which was extended without the invocation of Article 32 or rule 39. In section D.4 is entered an instance in which a proposal to invite was rejected by the Council.

The discussion bearing on the text of Article 32 is presented separately in part II. The significance of Article 31 in the practice of the Council is fully represented by the decisions recorded in the case histories of part I.

**A. IN THE CASE OF PERSONS INVITED IN AN INDIVIDUAL CAPACITY

B. IN THE CASE OF REPRESENTATIVES OF UNITED NATIONS ORGANS OR SUBSIDIARY ORGANS

CASE 1

On the following occasions the Security Council invited the Chairman, the Rapporteur, or members of one of its subsidiary organs to the table in order that they might give any information which the Council might require when considering a report from the subsidiary organ:

[7] Case 18.
[8] Case 19.
[9] Cases 23 and 28.
[10] Case 22.

1. Committee of Experts of the Security Council

At the 645th meeting on 3 December 1953[11]

2. Chief of Staff, Truce Supervision Organization in Palestine

At the 630th meeting on 27 October 1953[12]
At the 632nd meeting on 29 October 1953[13]
At the 635th meeting on 9 November 1953[14]
At the 636th meeting on 10 November 1953[15]
At the 637th meeting on 12 November 1953[16]
At the 638th meeting on 16 November 1953[17]
At the 639th meeting on 18 November 1953[18]
At the 640th meeting on 20 November 1953[19]
At the 642nd meeting on 24 November 1953[20]
At the 643rd meeting on 25 November 1953[21]
At the 645th meeting on 3 December 1953[22]
At the 646th meeting on 11 December 1953[23]
At the 648th meeting on 16 December 1953[24]
At the 649th meeting on 17 December 1953[25]
At the 650th meeting on 18 December 1953[26]
At the 651st meeting on 21 December 1953[27]
At the 652nd meeting on 22 December 1953[28]
At the 653rd meeting on 22 December 1953[29]
At the 693rd meeting on 17 March 1955[30]
At the 694th meeting on 23 March 1955[31]
At the 695th meeting on 29 March 1955[32]
At the 696th meeting on 30 March 1955[33]

3. The United Nations representative for India and Pakistan

At the 570th meeting on 17 January 1952[34]
At the 571st meeting on 30 January 1952[35]
At the 572nd meeting on 31 January 1952[36]
At the 605th meeting on 10 October 1952[37]

[11] 645th meeting: para. 5.
[12] 630th meeting: preceding para. 2.
[13] 632nd meeting: preceding para. 1.
[14] 635th meeting: preceding para. 1.
[15] 636th meeting: preceding para. 1.
[16] 637th meeting: preceding para. 1.
[17] 638th meeting: preceding para. 1.
[18] 639th meeting: preceding para. 1.
[19] 640th meeting: preceding para. 1.
[20] 642nd meeting: preceding para. 5.
[21] 643rd meeting: preceding para. 1.
[22] 645th meeting: preceding para. 15.
[23] 646th meeting: preceding para. 1.
[24] 648th meeting: preceding para. 1.
[25] 649th meeting: preceding para. 1.
[26] 650th meeting: preceding para. 1.
[27] 651st meeting: preceding para. 1.
[28] 652nd meeting: preceding para. 1.
[29] 653rd meeting: preceding para. 1.
[30] 693rd meeting: preceding para. 18.
[31] 694th meeting: preceding para. 1.
[32] 695th meeting: preceding para. 1.
[33] 696th meeting: preceding para. 1.
[34] 570th meeting: preceding para. 18.
[35] 571st meeting: preceding para. 5.
[36] 572nd meeting: preceding para. 1.
[37] 605th meeting: preceding para. 5.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

1. Invitation when the Member brought to the attention of the Security Council

a. A matter in accordance with Article 35 (1) of the Charter

CASE 2

At the 629th meeting on 27 October 1953, in connexion with the Palestine question, the Security Council considered a complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone. The President (Denmark) stated that as the complaint had been raised by Syria, he would invite the representative of Syria to the Council table.[38]

Decision: *The President invited, without objection, the representative of Syria to the Council table.*[39]

CASE 3

At the 658th meeting on 5 February 1954, in connexion with the Palestine question, the Security Council had on its agenda two complaints brought respectively by Israel and Egypt, which were to be considered consecutively.

Decision: *The President (New Zealand) invited, without objection, the representatives of Israel and Egypt to the Council table.*[40]

CASE 4

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the agenda contained items in which complaints were made by Lebanon, on behalf of the Hashemite Kingdom of the Jordan, against Israel (item *a*) and by Israel against Jordan (item *b*). The President (United Kingdom) proposed to invite the representative of Israel to the Council table.

Decision: *The proposal of the President (United Kingdom) was accepted, without vote, and the representative of Israel took his seat at the Council table.*[41]

CASE 5

At the 672nd meeting on 3 June 1954, in connexion with the Thailand question, the Security Council considered the letter dated 29 May 1954,[42] from the representative of Thailand, bringing to the attention of the Council, under Article 35 (1), a situation in Thailand and requesting the Council, under rule 37, for permission to participate in the discussion of the question.

Decision: *The President (United States) invited, without objection, the representative of Thailand to the Council table.*[43]

[38] 629th meeting: para. 1.
[39] 629th meeting: para. 1. For invitation to Israel, see Case 12.
[40] 658th meeting: para. 1.
[41] 670th meeting: paras. 74, 82. For invitation to Jordan, see Case 20.
[42] S/3220, *O.R., 9th year, Suppl. for April-June 1954*, p. 10.
[43] 672nd meeting: para. 21.

CASE 6

At the 675th meeting on 20 June 1954, in connexion with the Guatemalan question, the Security Council had on its agenda a cablegram,[44] dated 19 June 1954, from the Minister for External Relations of Guatemala, requesting the Council, under Articles 34, 35 and 39, to take the necessary measures to prevent the disruption of peace and international security in that part of Central America and, also, to put a stop to the aggression in progress against Guatemala.

Decision: *The President (United States), invoking Article 32, invited, without objection, the representative of Guatemala to the Council table.*[45]

CASE 7

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, the Security Council considered a complaint by Israel against Egypt concerning restrictions on the passage of ships through the Suez Canal.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*[46]

CASE 8

At the 692nd meeting on 4 March 1955, in connexion with the Palestine question, the Council considered complaints by Egypt against Israel and by Israel against Egypt concerning incidents in the Gaza area.[47]

Decision: *The President (Turkey) invited, without objection, the representatives of Egypt and Israel to the Council table.*[48]

CASE 9

At the 697th meeting on 7 April 1955, in connexion with the Palestine question, the Council considered a complaint by Israel against Egypt concerning attacks by Egyptian armed forces.[49]

Decision: *The President (USSR) invited, without objection, the representative of Israel to the Council table.*[50]

**b. A matter not being either a dispute or a situation

2. Invitations when the interests of a Member were considered specially affected

CASE 10

At the 570th meeting on 17 January 1952, in connexion with the India-Pakistan question, the Security

[44] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.
[45] 675th meeting: para. 2. For invitation to Honduras and Nicaragua, see Case 14.
[46] 682nd meeting: paras. 1, 7. For invitation to Egypt, see Case 15.
[47] S/3365, S/3367, S/3368, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 32-34.
[48] 692nd meeting: para. 6. See also Case 16.
[49] S/3376, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 94-95. S/3385, S/3386, *O.R., 10th year, Suppl. for April-June 1955*, pp. 1-4.
[50] 697th meeting: para. 3. See also Case 17.

Council considered the second interim report[51] of the United Nations representative for India and Pakistan.

Decision: *The President (France) invited, without objection, the representative of India to the Council table.*[52]

CASE 11

At the 605th meeting on 10 October 1952, in connexion with the India-Pakistan question, the Security Council considered the fourth interim report[53] of the United Nations representative for India and Pakistan.

Decision: *The President (Chile) invited, without objection, the representative of India to the Council table.*[54]

CASE 12

At the 629th meeting on 27 October 1953, in connexion with the Palestine question, with special reference to a complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone, the Security Council considered the letter[55] dated 26 October 1953 from the representative of Israel requesting permission to participate in the discussion regarding the item.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*[56]

CASE 13

At the 630th meeting on 27 October 1953, in connexion with the Palestine question, the Security Council considered the letter dated 21 October 1953,[57] from the representative of Israel requesting permission to take part in the discussions of the Council regarding the item on the agenda.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*[58]

CASE 14

At the 675th meeting on 20 June 1954, in connexion with the Guatemalan question, the Security Council had on its agenda a cablegram,[59] dated 19 June 1954, from the Minister for External Relations of Guatemala.

Decision: *The President (United States), invoking Article 32, invited, without objection, the representatives of Honduras and Nicaragua to the Council table.*[60]

CASE 15

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, the Security Council considered a complaint by Israel against Egypt concerning restrictions on the passage of ships through the Suez Canal.

Decision: *The President (Denmark) invited, without objection, the representative of Egypt to the Council table.*[61]

CASE 16

At the 692nd meeting on 4 March 1955, in connexion with the Palestine question, the Security Council considered complaints by Egypt against Israel and by Israel against Egypt concerning incidents in the Gaza area.[62]

Decision: *The President (Turkey) invited, without objection, the representatives of Egypt and Israel to the Council table.*[63]

CASE 17

At the 697th meeting on 6 April 1955, in connexion with the Palestine question, the Council considered a complaint by Israel against Egypt concerning attacks by Egyptian armed forces.[64]

Decision: *The President (USSR) invited, without objection, the representative of Egypt to the Council table.*[65]

3. Invitations denied

CASE 18

At the 574th meeting on 4 April 1952, the provisional agenda included letters,[66] dated 2 April 1952, from the representatives of eleven Asian-African Member States, bringing, under Article 35 (1), the situation in Tunisia to the attention of the Council. Nine of the representatives requested permission, under rule 37, to participate in the discussion.[67]

At the 575th meeting on 10 April 1952, the President (Pakistan) informed the Council that he had received letters from the representatives of ten of the eleven Member States which had brought the question to the attention of the Council, rejecting the allegations made by the representative of France, during the discussion on the adoption of the agenda at the 574th meeting on 4 April 1952, concerning the intentions and motives of the delegations which had sponsored the Tunisian case, and that all had expressed the hope that the Council would provide them with a suitable opportunity to reply to those charges.[68] As the representative of Pakistan, he proposed that the Council, before coming to any decision on the item, should invite the ten Mem-

[51] S/2448, *O.R., 7th year, Special Suppl. No. 1.*
[52] 570th meeting: preceding para. 18.
[53] S/2783 and Corr.1, *O.R., 7th year, Special Suppl. No. 2,* pp. 19-48.
[54] 605th meeting: para. 4.
[55] S/3124.
[56] 629th meeting: para. 2. For invitation to Syria, see Case 2.
[57] S/3118.
[58] 630th meeting: para. 2.
[59] S/3232, *O.R., 9th year, Suppl. for April-June 1954,* pp. 11-13.
[60] 675th meeting: para. 2. For invitation to Guatemala, see Case 6.
[61] 682nd meeting: paras. 1, 7. For invitation to Israel, see Case 7.
[62] S/3365, S/3367, S/3368, *O.R., 10th year, Suppl. for Jan.-March 1955,* pp. 32-34.
[63] 692nd meeting: para. 6. See also Case 8.
[64] S/3376, *O.R., 10th year, Suppl. for Jan.-March 1955,* pp. 94-95. S/3385, S/3386, *O.R., 10th year, Suppl. for April-June 1955,* pp. 1-4.
[65] 697th meeting: para. 3. See also Case 9.
[66] Of the eleven Member States, Pakistan was a member of the Security Council.
[67] For consideration of the question of invitation in relation to the inclusion of the item in the agenda, see chapter II, Agenda, Case 7.
[68] 575th meeting: para. 1.

ber States to come to the table and "exercise their moral right of reply to the allegations made against them by the representative of France".[69]

At the 576th meeting on 14 April 1952, the delegation of Pakistan submitted a draft resolution which read, in part, as follows:[70]

"*The Security Council,*

". . .

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

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

In reply to possible contentions that the request would be inadmissible if the item were not included in the agenda, the representative of Pakistan stated that the remarks to which the ten delegations had taken exception had been made by the representative of France during the course of the procedural debate, and that, therefore, it was only in the procedural debate that these ten delegations could be invited to the Council table "for the strict purpose of exercising their moral inalienable right of reply".[71]

The representative of the United Kingdom stated that though the rules of procedure of various United Nations organs contained provisions dealing with the right of reply, none of these was applicable to the present case and there was no corresponding rule for the Security Council. The first move in the exchange of reply and counter-reply had been made by the eleven Member States in their letters addressed to the Council, and the representative of France, in his statement before the Council, had himself exercised the right of reply. Irrespective of the question of the inclusion of the item in the agenda, however, the process of exchange of replies could not continue indefinitely. This was in fact a case in which the Council ought to adhere to its normal practice, for it would seem quite wrong to adopt some device which would in fact enable a debate to be continued on a subject which the Council as a whole did not consider suitable for inclusion in its agenda.

The President, speaking as the representative of Pakistan, observed that the representative of the United Kingdom had not argued that an invitation to the ten Member States to participate in the procedural debate would contravene the rules of procedure. He maintained that the Council was the master of its own rules of procedure and could, under rule 37, take such a decision. The ten Member States had made a request to be heard not because the representative of France had touched upon the substance of the complaint during the procedural debate, for in such matters much latitude should be allowed, but on the ground that the representative of France had made allegations against their good faith and sense of responsibility as Members of the United Nations.

The representative of the Netherlands was of the opinion that the adoption of the draft resolution submitted by Pakistan, and the participation of the ten Member States in the debate before a decision had been reached on the provisional agenda, would hinder direct discussions between the parties concerned.

The representative of Chile maintained that the rules of procedure would allow the Security Council, even during the procedural debate, to invite the representatives of the ten Member States to the Council table.

The representative of the USSR observed that there was nothing in the rules of procedure which would prevent the ten Member States from being heard during the procedural debate. The Council was not entitled to deprive the ten Member States of the opportunity to state their views on the attacks made against them by the representative of France.

The representative of China, while reserving the attitude of his delegation on the applicability of rule 37, supported the draft resolution submitted by Pakistan and maintained that the ten applicant States should be given an opportunity to reply on grounds of equity.[72]

Decision: *At the 576th meeting on 14 April 1952, the draft resolution submitted by Pakistan was rejected by 5 votes in favour, to 2 against with 4 abstentions.*[73]

Case 19

At the 619th meeting on 26 August 1953, the provisional agenda included a letter,[74] dated 21 August 1953, from the representatives of fifteen Member States requesting, under Article 35 (1), an urgent meeting of the Council to investigate the "international friction" in Morocco. In another communication,[75] thirteen sponsors of the complaint, who were not already members of the Council, requested, under rule 37 of the provisional rules of procedure, permission to participate in the discussion of the inscription of the item in the agenda. Two proposals were made in support of this request: one by the representative of Pakistan to invite the thirteen Member States, and the second by the representative of Lebanon to invite the Member States in question to appoint two representatives to make a brief statement on their behalf before the Council.[76] The second proposal was amended by the representative of Greece to read: "The Security Council would agree to listen to the representatives if they so requested".[77]

[69] 575th meeting: para. 119.

[70] S/2598, 576th meeting: paras. 3, 103.

[71] 576th meeting: para. 44.

[72] For texts of relevant statements see:
575th meeting: President (Pakistan), paras. 1, 72, 119;
576th meeting: President (Pakistan), paras. 1, 43-44, 72-81.; Brazil, paras 53-55; Chile, paras. 66-70; China, paras. 98-102; Netherlands, paras. 58, 65; USSR, paras. 93-94; United Kingdom, paras. 48-52.

[73] 576th meeting: para. 103.

[74] S/3085, *O.R., 8th year, Suppl. for July-Sept. 1953*, p. 51.

[75] S/3088, *O.R., 8th year, Suppl. for July-Sept. 1953*, pp. 51-52.

[76] 619th meeting: para. 65.

[77] For texts of relevant statements see:
624th meeting: President (Colombia), paras. 35, 40; Greece, para. 42; Lebanon, para. 43.

Decision: *The proposal submitted by the representative of Pakistan was rejected by 4 votes in favour, to 5 against, with 2 abstentions.*[78] *The proposal submitted by the representative of Lebanon, as amended, was rejected by 5 votes in favour, to 5 against, with 1 abstention.*[79]

D. IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

1. Invitations expressly under Article 32

CASE 20

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the agenda contained items in which complaints were made by Lebanon, on behalf of the Hashemite Kingdom of the Jordan, against Israel (item *a*) and by Israel against Jordan (item *b*). The President (United Kingdom) proposed to invite the representative of Jordan to the Council table.

Decision: *The proposal of the President was accepted without vote and the representative of Jordan took his seat at the Council table.*[80]

**2. Invitations expressly under rule 39 of the provisional rules of procedure

3. Invitations not expressly under Article 32 or rule 39

CASE 21

At the 689th meeting on 31 January 1955, the provisional agenda included: as item 2, letter dated 28 January 1955, from the representative of New Zealand concerning the question of hostilities in the area of certain islands off the coast of the mainland of China; and, as item 3, letter dated 30 January 1955, from the representative of the USSR concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China.

By letter dated 31 January 1955, addressed to the President of the Council, the representative of the USSR transmitted a draft resolution which read as follows:[81]

"*The Security Council*

"*Decides* to invite a representative of the Central People's Government of the People's Republic of China to attend the meetings of the Security Council in order to participate in the discussion of the item 'United States acts of aggression against the People's Republic of China in the area of Taiwan and other islands of China'."

At the same meeting, the representative of New Zealand stated that, once the Council had adopted its agenda, he would propose that an invitation be extended to the Central People's Government of the People's Republic of China to send a representative to participate in the discussion of the item submitted by New Zealand.

At the 690th meeting on 31 January 1955, the representative of the United Kingdom stated that the Council should include both items in the agenda. In that case, he would propose that the Council give prior consideration to the item submitted by New Zealand and reach a conclusion on it before taking up the item submitted by the USSR. He agreed with the representative of New Zealand concerning the extension of an invitation to the People's Republic of China.

The representative of the USSR proposed that the Council consider first the item submitted by the USSR and, in that connexion, he referred to the draft resolution submitted by his delegation to invite a representative of the People's Republic of China to participate in the discussion of the item.

At the 690th meeting, the item submitted by New Zealand was included in the agenda by 9 votes in favour, to 1 against with 1 abstention. The item submitted by the USSR was included in the agenda by 10 votes in favour to 1 against. The proposal to consider first the item submitted by the USSR was rejected by 1 vote in favour to 10 against. Then the Council decided, by 10 votes in favour to 1 against, to conclude its consideration of the item submitted by New Zealand before taking up the USSR item.[82]

After the adoption of the agenda, the President, speaking as the representative of New Zealand, proposed that the Council invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of the item submitted by New Zealand, and that the Secretary-General be requested to convey this invitation to that Government. This proposal was supported by the representatives of France and the United States and opposed by the representative of China.[83]

Decision: *At the 690th meeting, the proposal of the representative of New Zealand that the Council invite a representative of the People's Republic of China to participate in the discussion of the item submitted by New Zealand and that the Secretary-General be requested to convey that invitation to that Government, was adopted by 9 votes in favour to 1 against with 1 abstention.*[84]

4. Invitations denied

CASE 22

At the 581st meeting on 25 June 1952, after the Council had included in its agenda the item, "Question of a request for investigation of alleged bacterial warfare", submitted by the United States, the President, as the

[78] 624th meeting: para. 39.

[79] 624th meeting: para. 44. For the discussion of the proposals, see in this chapter, Case 36.

[80] 670th meeting: paras. 74, 82. For invitation to Israel, see Case 4.

[81] S/3356, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 28-29.

[82] 690th meeting: paras. 110-114.

[83] For texts of relevant statements see:
689th meeting: President (New Zealand), paras. 38-39.
690th meeting: President (New Zealand), paras. 115-116, 143, 147; China, paras. 127-131; France, paras. 122-124; USSR, paras. 70-71, 132-134; United Kingdom, paras. 26-27, 34-35; United States, paras. 140-142.

[84] 690th meeting: paras. 143, 147.

representative of the USSR, submitted the following draft resolution:[85]

"The Security Council

"Decides:

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

He considered that the Council had on previous occasions decided to invite representatives to take part in the discussion of certain items before that discussion had in fact begun. That was all the more necessary in the present case because of the great distances involved. On these considerations the Soviet delegation proposed that its draft resolution be put to the vote immediately.

The representative of Chile observed that while the Council had on occasions decided to extend an invitation before entering into actual discussion of the item in question, it had never done so when that item was not under consideration.

The President replied that, in view of the remarks made by the representative of Chile that the USSR proposal should not be put to the vote until the item to which it related was taken up by the Council, he would not press for a vote at that time.[86]

At the 584th meeting on 1 July 1952, after the Council had adopted the United States proposal to consider first item 3 on the agenda, namely, "Question of a request for investigation of alleged bacterial warfare", the representative of the USSR declared that the Council, before discussing the substance of the item submitted by the United States, should consider and put to the vote the draft resolution which the USSR delegation had submitted at the 581st meeting.[87]

Decision: *At the 585th meeting on 1 July 1952, the USSR draft resolution was rejected by 1 vote in favour to 10 against.*[88]

[85] S/2674/Rev.1, 581st meeting: para. 53, note 1.

[86] For texts of relevant statements see:
581st meeting: President (USSR), paras. 52-54, 60-62, 72; Chile, para. 64.

[87] For consideration of proceedings at the 584th and 585th meetings, see Case 26.

[88] 585th meeting: para. 58.

Part II

CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER

NOTE

Part II presents separately discussion which has taken place in the Council relating to the terms of Article 32, which provide the separate headings of this part of the chapter. In section C is set forth an occasion on which the Council considered whether it was engaged in "discussion" within the meaning of Article 32 and rule 37. Section D.1 includes an instance in which the question arose, for the first time, of the conditions to be laid down for the participation of a non-member State on whose behalf a Member State had brought a complaint to the Council.[89] The Official Records relating to this case contain a review, by the President of the Council, of the historical development of the question of invitation to non-member States as well as a discussion of possible alternatives available to the Council, under Article 32 or 35 (2), for laying down requisite conditions for the participation of a non-member State in such a case.

A. "ANY MEMBER OF THE UNITED NATIONS WHICH IS NOT A MEMBER OF THE SECURITY COUNCIL OR ANY STATE WHICH IS NOT A MEMBER OF THE UNITED NATIONS . . ."

B. ". . . IF IT IS A PARTY TO A DISPUTE UNDER CONSIDERATION BY THE SECURITY COUNCIL . . ."

C. "... SHALL BE INVITED TO PARTICIPATE, WITHOUT VOTE, IN THE DISCUSSION RELATING TO THE DISPUTE."

[89] Case 24.

CASE 23

At the 676th meeting on 25 June 1954, the Security Council had on its provisional agenda communications dated 19 and 22 June 1954[90] from the Government of Guatemala, bringing to the attention of the Council, under Articles 34, 35 and 39, "the aggression in progress against Guatemala" and requesting an urgent meeting of the Council.

The representative of Brazil, opposing the inclusion of the item on the agenda, stated that the Council should not proceed with the discussion of the question and should wait for the report of the committee of inquiry which was being established by the Inter-American Peace Committee for the purpose of proceeding to Guatemala in order to obtain the necessary information.

The representative of the USSR declared that the representative of Brazil had already entered into the substantive discussion of the question before the Council had adopted its agenda. He maintained that, therefore, it was the duty of the Council, under Article 32, to invite the representative of Guatemala to participate in the discussion. He submitted a proposal to this effect and urged that the Council should not take a decision on the postponement of the consideration of the question without the participation of the representative of Guatemala.

[90] S/3232, S/3241, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13, 14-15.

The President (United States) maintained that the statement made by the representative of Brazil was within the limitations imposed by the fact that the Council was discussing the adoption of the agenda, and that, in accordance with the established practice, it was not customary to invite non-members of the Council to come to the Council table until the agenda had been adopted.

The representative of the USSR challenged the President's ruling.

The President replied:

". . . The ruling is that the Security Council is not involved in a discussion relating to the dispute within the meaning of Article 32 and rule 37 of the rules of procedure until the agenda is adopted. The representative of the Soviet Union has challenged the ruling of the President . . ."[91]

Decision: *The President put the challenge to his ruling to the vote. There was 1 vote in favour, to 10 against. The President's ruling was maintained.*[92]

D. "THE SECURITY COUNCIL SHALL LAY DOWN SUCH CONDITIONS AS IT DEEMS JUST FOR THE PARTICIPATION OF A STATE WHICH IS NOT A MEMBER OF THE UNITED NATIONS."

CASE 24

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the Council considered complaints submitted by Lebanon on behalf of the Hashemite Kingdom of the Jordan* against Israel* and by Israel against Jordan.[93] After the President (United Kingdom) had invited the representatives of Israel and Jordan[94] to participate in the discussion and the representative of Jordan had been heard, the representative of Israel inquired whether the Security Council, in inviting the representative of Jordan for the purpose of presenting a complaint against Israel, had satisfied itself that the Government of Jordan would accept in advance the obligations of pacific settlement envisaged in the Charter. He recalled that at the 511th meeting on 16 October 1950, when Jordan had brought a complaint against Israel, the President of the Council had stated that an appropriate document had been filed by Jordan, in conformity with Articles 32 and 35 (2), undertaking the obligations of pacific settlement, and that the filing of such a document was an indispensable condition for the admission of a complaint by Jordan against Israel. The representative of Israel requested, and subsequently repeated that request in a letter, dated 5 May 1954, addressed to the President of the Council,[95] that the representative of Jordan should be invited to fulfil the conditions referred to in Article 35 (2).

At the 671st meeting on 12 May 1954, the President (United Kingdom) stated that, before inviting the representatives of Israel and Jordan to the table, the Council should consider the request made by the representative of Israel. He observed that the Council had not previously dealt with a complaint brought to its attention by a Member State on behalf of a non-member Government. He enumerated a number of instances wherein non-member States had volunteered or had been invited to assume obligations under Article 35 (2) because they had either brought disputes to the attention of the Council or had been parties to disputes under consideration by the Council. The President further observed that if the Council were to hold that paragraph 1, and not paragraph 2, of Article 35 applied in the present case, since the representative of Lebanon and not the representative of Jordan had brought the complaint to the attention of the Council, the Council might wish to consider whether or not conditions should be laid down for the participation of the representative of Jordan under Article 32. On the other hand, it could be argued that Article 35 (2) was applicable, since a complaint could hardly be brought on behalf of a sovereign State, whether or not it was a Member of the United Nations, without the authority and consent of that State. This line of argument would lead to the conclusion that the particular complaint on the agenda was, in substance, a complaint by Jordan, and that, therefore, the Council should have regard to provisions of Article 35 (2).[96] Upon the conclusion of the President's statement, a proposal to adjourn was adopted.[97]

By letter dated 26 May 1954, the Ambassador of the Hashemite Kingdom of the Jordan to the United States notified the President of the Security Council that, upon the instructions of his Government, he was not empowered to represent his Government before the Council, or "to take part in its present discussion".[98] The question was not further pursued by the Council.

[91] For texts of relevant statements see:
676th meeting: President (United States), paras. 32-34, 61, 63; Brazil, paras. 7, 12, 15-16, 19, 27; USSR, paras. 31, 45-49, 57-58, 60.

[92] 676th meeting: para. 63.

[93] S/3180, S/3180/Add.1 and 2, *O.R., 9th year, Suppl. for Jan.-March 1954*, pp. 8-22.
S/3195, *O.R., 9th year, Suppl. for April-June 1954*, p. 1.

[94] For invitation to Israel and Jordan, see Cases 4 and 20.

[95] S/3210, *O.R., 9th year, Suppl. for April-June 1954*, p. 9.

[96] For texts of relevant statements see:
670th meeting: Israel, paras. 145-152.
671st meeting: President (United Kingdom) paras. 6-17.

[97] 671st meeting: para. 20.

[98] S/3219.

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

Part III, concerned with procedures relating to the participation of invited representatives after an invitation has been extended, comprises material on participation by Members and non-members of the United Nations. It includes cases illustrating limitations of a procedural nature applicable throughout the process of participation, and limitations connected with aspects

of the business of the Council in which it has been deemed inappropriate that representatives should be invited to participate.

Section A includes proceedings concerned with the related questions of the opportune moment for the Council to invite representatives and the timing of the initial hearing of the invited representatives. Several cases relate to proceedings in which the question arose of not inviting a representative before the inclusion of the particular item in the agenda,[99] or before the presentation of the case by a member of the Council which had submitted the item.[100] Two other instances are concerned with discussion of the question whether it would be in order for a member of the Council to make a statement before or after representatives had been invited to the Council table.[101]

No question concerning the duration of participation (section B) has arisen during the period under review. It has been the practice of the President when consideration of a question has extended over several meetings to renew the invitation immediately after the adoption of the agenda.[102]

Section C is concerned with limitations of a procedural nature applicable throughout the process of participation. The instances concerned with the order in which the invited representatives are called upon to speak relate to the Palestine question. On one occasion, a question arose of whether a member of the Council should speak before an invited representative had made his statement.[103] In three instances the invited representatives were permitted to speak after the Council had taken a vote at the conclusion of its consideration of the item.[104] Section C.3 includes two cases in which the Council has taken action, at the request of a member of the Council, on a proposal or a draft resolution submitted by invited representatives.[105]

Section D is related to limitations connected with those aspects of the proceedings in which it has been deemed inappropriate that the invited representatives should participate. The discussion in the cases included in section D.1 has turned principally on the question whether invitations should be extended before the adoption of the agenda.[106]

Under section D.3 is included an instance wherein the President of the Council called upon an invited representative to speak on the clear understanding that the latter would not touch upon the procedural question of postponement which was then being debated in the Council.[107] In this connexion, it may be noted that during an earlier period the Council had on two occasions permitted the invited representatives to participate in the discussion of the postponement of a question.[108]

[99] Cases 25 and 28.
[100] Case 26.
[101] Cases 27 and 29.
[102] In this connexion, see part II, Case 23.
[103] Case 30.
[104] Cases 31 and 32.
[105] Cases 33 and 34.
[106] Cases 35 and 36.
[107] Case 38.
[108] *Repertoire of the Practice of the Security Council, 1946-1951*, Chapter III, Part III.D.3, Cases 118 and 119, p. 138.

A. THE STAGE AT WHICH INVITED STATES ARE HEARD

Case 25

At the 580th meeting on 23 June 1952, the representative of the United States moved the adoption of the provisional agenda, item 2 of which read as follows: "Question of a request for investigation of alleged bacterial warfare".

The President, as the representative of the USSR, submitted a draft resolution[109] to decide, simultaneously with the inclusion in the agenda of the item proposed by the United States,

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

He stated that the item could not be discussed objectively without the participation of the representatives of the other parties to the dispute, and that his delegation would agree to the inclusion of the item in the agenda and to its discussion provided that both sides were heard, as envisaged in Article 32 of the Charter.

The representative of the United States maintained that the Council had never considered the possibility of deciding whether to invite persons to participate in connexion with the question of the adoption of the agenda, and that it would be impossible for the Council to make that decision intelligently before it had adopted its agenda.

At the 581st meeting on 25 June 1952, when the item submitted by the United States was listed as item 4 on the provisional agenda, the representative of the United Kingdom proposed the adoption of the provisional agenda.

The President, speaking as the representative of the USSR, submitted, under rule 36 of the provisional rules of procedure, the following amendment[110] to the proposal to adopt the provisional agenda:

> ". . . and simultaneously to invite a representative of the People's Republic of China and a representative of the People's Democratic Republic of Korea to take part in the discussion of this item of the agenda."

He insisted that the amendment be put to the vote before the proposal submitted by the United Kingdom delegation.

The representative of the United Kingdom, noting that the remarks made by the President related to item 4 on the provisional agenda, stated that it would not be in order to consider the USSR draft resolution, submitted at the 580th meeting, until the Council had put the item on the agenda and heard the case that was to be submitted by the representative of the United States.

The President announced that he would put the amendment to the vote before the proposal to adopt the agenda.

[109] S/2674, 580th meeting: para. 6.
[110] 581st meeting: para. 8.

The representative of the United Kingdom challenged the President's ruling.[111]

At the 581st meeting, the Council upheld, by 10 votes to 1, the challenge to the President's ruling that the USSR amendment to the President's proposal to adopt the provisional agenda should be put to the vote first. The Council adopted the United States proposal to include item 4 in the agenda by 10 votes in favour to 1 against.[112]

CASE 26

At the 584th meeting on 1 July 1952, after the Council had adopted the United States proposal to consider first item 3 on the agenda, namely, "Question of a request for investigation of alleged bacterial warfare", the representative of the USSR declared that the Council, before discussing the substance of the item submitted by the United States, should consider and put to the vote the draft resolution which the USSR delegation had submitted at the 581st meeting. The draft resolution[113] read as follows:

"*The Security Council*

"*Decides:*

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

The representative of the USSR declared that the question could not be discussed with the participation of only one of the parties concerned. He maintained it to be the established practice of the Council that when, in accordance with Article 32, the question of inviting the parties concerned arose, that question was usually decided before the party which had submitted the item made its main statement on the matter. He insisted that the Council ought to decide the question of inviting the other party before proceeding to consider the substance of the matter.

The President (United Kingdom) believed that the correct procedure for the Council would be to hear the representative of the United States first and, immediately after that, to discuss the USSR draft resolution.

The representative of Chile recalled that at the 581st meeting when the USSR draft resolution had been submitted, he had pointed out that there had been no precedent for the discussion of such a proposal when the related item was not yet under consideration. In view of this the representative of the USSR had stated that he would not then press for a vote on the USSR draft resolution. No delegation had made any comment in that connexion at the time. The representative of Chile thought it might be difficult for some members of the Council to adopt a position regarding the invitation proposed by the USSR without knowing the form in which the representative of the United States was to present his case. He did not feel, however, that the representative of the USSR could be denied the right to request a discussion and a vote on his draft resolution before the United States representative made his statement.

After the President had proposed to put to the vote his view that the Council should allow the representative of the United States to present his case and then proceed to debate the USSR motion, the representative of the United States declared that he had no objection to the USSR draft resolution being voted upon first.

At the 585th meeting on 1 July 1952, the President, having withdrawn his proposal, declared that he would put the USSR draft resolution to the vote before the representative of the United States made his statement of the case.

The representative of France stated that he opposed the USSR draft resolution because the question of invitation, at the present stage of the discussion, was premature and irrelevant to the issue. He declared that what the Council was about to do was not to conduct an investigation, but to take a decision on whether such an investigation was to be conducted and by whom, a decision for which the Council already had sufficient basis in the documents submitted by the Peking and Pyongyang Governments. Only at a later stage, when the international investigation commission had been established and was ready to function, would the question of an invitation, as well as the obligation of the Council to hear both parties, arise.

The representative of Pakistan, supporting the views expressed by the representative of France, stated:

"My delegation considers it sound in principle that when a dispute is before the Security Council, the parties to that dispute should be here to state their case. But in applying this principle we should be careful to determine what the dispute is, what the stage of the dispute is, and what action is likely to be proposed under it. So far as we know, we are discussing this item with a view to deciding whether an investigation should or should not be undertaken, as impartially as possible.

"The situation is that certain charges have been made. They also have been stoutly denied. So far as my delegation is concerned, there is little else it wants to know, not only from one side, but also, if I may say so, from the other . . . For that purpose it is not quite essential at this stage to ask either the representatives of the People's Republic of China or a representative of the North Korean authorities to state their case. Their case has already been stated, namely, that certain charges have been made by them. The other case has also been stated, namely, that they have been denied."

The representatives of Brazil, Chile, the Netherlands and Turkey, as well as the President, speaking as the representative of the United Kingdom, also took the

[111] For texts of relevant statements see:
580th meeting: President (USSR), paras. 5-14, 27-42, 52-60, 83; United Kingdom, para. 71; United States, paras. 4, 16-22, 62-66.
581st meeting: President (USSR), paras. 2, 7-10, 15-22, 24-26, 32, 34, 37; United Kingdom, paras. 4, 6, 11-14, 23, 31.

[112] 581st meeting: paras. 33-34.

[113] S/2674/Rev.1, 581st meeting, para. 53, note 1.

view that it was not necessary to hear the parties at that stage.[114]

The President put the USSR draft resolution to the vote before the representative of the United States made his statement of the case.[115]

CASE 27

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, after the Security Council had adopted the agenda by taking a vote, the President (United Kingdom) proposed to invite the representatives of Israel and Jordan to the Council table.

The representative of Lebanon inquired if it would be in order for him to make a statement in explanation of his vote before or after the representatives of Israel and Jordan had been invited to the Council table.

The President stated that if the representative of Lebanon were to confine himself to an explanation of the vote, he should speak before the two representatives were invited to the Council table. However, if his statement were to go beyond an explanation in the accepted sense, it should be made during the general debate.

The representative of Lebanon agreed with the view of the President.[116]

CASE 28

At the 676th meeting on 25 June 1954, when the provisional agenda included communications dated 19 and 22 June 1954 from the Government of Guatemala,[117] the representative of Brazil, in opposing the inclusion of the item in the agenda, proposed that, since a committee of inquiry was being established by the Inter-American Peace Committee for the purpose of proceeding to Guatemala in order to obtain the necessary information, the Council should await the report of that committee and not proceed with the discussion of the question.

The representative of the USSR observed that in view of the statement by the representative of Brazil, discussion of the substance of the question appeared already to have begun. He therefore proposed that the representative of Guatemala be invited to the Council table.

After further discussion, the President (United States) ruled that it was not in order to call the representatives of Guatemala, Honduras and Nicaragua to the Council table until after the agenda had been adopted.[118]

[114] For texts of relevant statements see:
584th meeting: President (United Kingdom), paras. 72-73, 82, 88; Chile, paras. 84-86; USSR, paras. 70-71, 77-80; United States, paras. 90-92;
585th meeting: President (United Kingdom), paras. 17, 32, 55-56; Brazil, paras. 51-53; Chile, paras. 49-50; France, paras. 35-37; Netherlands, paras. 45-46; Pakistan, paras. 39-40; Turkey, para. 54; USSR, paras. 19-23.

[115] For the decision taken by the Council, see Case 22.

[116] For texts of relevant statements see:
670th meeting: President (United Kingdom), paras. 74, 76, 78-79; Lebanon, paras. 75, 77, 80.

[117] S/3232, S/3241, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-15.

[118] 676th meeting: para. 34. For texts of relevant statements and the decision of the Council, see Case 23.

CASE 29

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, with special reference to the complaint by Israel against Egypt regarding restrictions on the passage of ships through the Suez Canal, after the President (Denmark) had proposed to invite the representatives of Egypt and Israel to the Council table, the representative of Lebanon inquired if it would be in order for him to make a brief statement before they had taken their seats at the Council table. There was some discussion on whether the statement of the representative of Lebanon would be on the substance or on procedural aspects of the matter. After the representative of Lebanon indicated that it did not matter to him whether he made his statement before or after the representatives were invited, the President invited the representatives of Egypt and Israel to the Council table.[119]

**B. THE DURATION OF PARTICIPATION

C. LIMITATIONS OF A PROCEDURAL NATURE

1. Concerning the order in which the representatives are called upon to speak

CASE 30

At the 639th meeting on 18 November 1953, in connexion with the Palestine question, after the representatives of Israel and Syria and the Chief of Staff of the United Nations Truce Supervision Organization had been invited to the Council table, the President (France) indicated that, as had been decided at the end of the last meeting, the first speaker on his list of speakers was the representative of Israel.

The representative of Lebanon, a member of the Council, asked permission to speak before the representative of Israel.

The President did not think that the representative of Lebanon had an absolute right to speak before the representative of Israel, who had submitted his name before the representative of Lebanon and had said, at the end of the last meeting, that he wished to reply to the statement made by the representative of Syria.

The representative of Lebanon stated that he had requested to speak for two reasons: first, he did not remember that the Council had taken a decision as to who would be the first speaker at the meeting; second, he believed that it was time for members of the Council to present their own ideas on the matter before them and not to leave it to the two litigating parties.

The President stated:

". . . I cannot stop Mr. Malik [*the representative of Lebanon*] as a member of the Council, from using what is not in fact a right—because it is nowhere written in the rules—but has become a custom . . ."

[119] For texts of relevant statements see:
682nd meeting: President (Denmark), paras. 1, 3, 5, 7; Lebanon, paras. 2, 4, 6.

The representative of Lebanon preceded the representative of Israel in making a statement before the Council.[120]

CASE 31

At the 643rd meeting on 25 November 1953, in connexion with the Palestine question, after the Security Council had adopted a resolution,[121] the President (France) stated that the representative of Israel desired to make a short statement to the Council and that if there were no objection, he would invite the representative of Israel to the Council table. The President further remarked that should the representative of Jordan so desire, he would be granted the same privilege.

The representative of Pakistan recalled that, in connexion with the India-Pakistan question, he had been invited to the Council table to participate in the discussion, and that, after a resolution had been adopted, he had requested permission to make a statement before the Council. Then, however, it was ruled that after a resolution had been adopted, only the members of the Council could speak in explanation of their votes and that no other person was entitled to speak on the subject matter.[122]

The President, observing that there were often two contradictory precedents on a particular matter, pointed out that at the 558th meeting on 1 September 1951, in connexion with the Palestine question, the Council had heard the representative of Israel in a short statement after the resolution had been adopted.

The representative of Lebanon stated that while he had no objection to hearing the representative of Israel again, he wished to observe that the only other precedent which the President had been able to cite was the one related to the representative of Israel in connexion with the Palestine question.[123]

The President then called upon the representative of Israel who made a statement.[124]

CASE 32

At the 664th meeting on 29 March 1954, in connexion with the Palestine question, after the Security Council had voted in conclusion of the consideration of the item, the representative of Israel* requested permission to speak. The President (Turkey) stated that if there were no objections, he would call on the representative of Israel to make a statement.

The representative of Lebanon expressed his confidence that both the representatives of Israel and Egypt, who had been invited to participate in the discussion without vote, would be accorded equal rights before the Council.

The representative of the USSR, noting that the item had been concluded and the vote had been taken, declared that he would not object to statements by the representatives of Israel and Egypt provided that they did not speak in resumption of the debate or in explanation of the votes which they had not cast.

The President stated that, in asking the permission of the Council to call on the representative of Israel, he had acted in accordance with the precedent established at the 558th meeting on 1 September 1951, when the representative of Israel, in connexion with the Palestine question, had been permitted to speak after the Council had adopted a resolution on the item.[125]

The representative of Lebanon stated that, should either or both of the representatives make statements before the Council, he would reserve to himself the right to present his own comments on those statements.[126]

The President called upon the representative of Israel, and then upon the representative of Egypt, to speak.[127]

****2. Concerning the raising of points of order by invited representatives**

3. Concerning the submission of proposals or draft resolutions by invited representatives

CASE 33

At the 633rd meeting on 30 October 1953, in connexion with the Palestine question, when the Security Council considered the complaint by Syria against Israel, the representative of Syria*, who had been invited to participate in the discussion of the item, proposed, under rule 38 of the provisional rules of procedure, that General Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, appear before the Council in order to answer some questions and elucidate certain points at issue. The representative of Lebanon, as a member of the Council, supported the proposal.[128]

Decision: *The President (Denmark) put to the Council the proposal made by the representative of Syria and supported by the representative of Lebanon, and, as there was no objection, the proposal was accepted without vote.*[129]

CASE 34

At the 673rd meeting on 16 June 1954, in connexion with the Thailand question, the representative of Thailand*, having been invited to participate without vote in the discussion, submitted a draft resolution to request the Peace Observation Commission to establish a subcommission with authority to dispatch observers to Thailand for study and report.[130] The President,

[120] For texts of relevant statements see:
639th meeting: President (France), paras. 1-2, 4, 6; Lebanon, paras. 3, 5.

[121] S/3139/Rev.2, *O.R., 8th year, Suppl. Oct.-Dec. 1953*, pp. 57-58.

[122] For texts of relevant statements see:
540th meeting: President (Netherlands), paras. 3-4, 22; Pakistan, paras. 5-9.

[123] For texts of relevant statements see:
643rd meeting: President (France), paras. 1, 5; Lebanon, paras. 7-11; Pakistan, paras. 3-4, 12-13.

[124] 643rd meeting: para. 13.

[125] 558th meeting: paras. 7-11.

[126] For texts of relevant statements see:
664th meeting: President (Turkey), paras. 117, 126; Lebanon, paras. 118, 131; USSR, paras. 120, 127.

[127] 664th meeting: paras. 137, 147. In another instance, in connexion with the Thailand question, an invited representative was permitted to make a statement after the Council had voted. 674th meeting: paras. 78-84.

[128] For texts of relevant statements see:
633rd meeting: Syria, paras. 173, 187; Lebanon, paras. 188-189.

[129] 633rd meeting: para. 190.

[130] S/3229, 673rd meeting: para. 10.

speaking as the representative of the United States, requested, under rule 38 of the provisional rules of procedure, that the draft resolution be put to the vote.[131]

Decision: *At the 674th meeting on 18 June 1954, the draft resolution submitted by the representative of Thailand was not adopted. There were 9 votes in favour and 1 against, with 1 abstention (the vote against being that of a permanent member).*[132]

D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES

1. Adoption of the agenda

Case 35

At the 580th meeting on 23 June 1952, the representative of the United States moved the adoption of the provisional agenda, item 2 of which read as follows: "Question of a request for investigation of alleged bacterial warfare".

The President, speaking as the representative of the USSR, submitted a draft resolution[133] to decide, simultaneously with the inclusion in the agenda of that item which had been proposed by the United States,

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

He stated that the item could not be discussed objectively without the participation of the representatives of the other parties to the dispute, and that his delegation would agree to the inclusion of the item in the agenda and to its discussion provided that both sides were heard, as envisaged in Article 32 of the Charter.

The representative of the United States maintained that the Council had never considered the possibility of deciding whether to invite persons to participate in connexion with the question of the adoption of the agenda, and that it would be impossible for the Council to make that decision intelligently before it had adopted its agenda.

At the 581st meeting on 25 June 1952, the item submitted by the United States was listed as item 4 of the provisional agenda.

The representative of the United Kingdom considered that no vote should be taken on the USSR draft resolution until the Council had decided, in principle, to include item 4 in the agenda.

The President, speaking as the representative of the USSR, submitted, under rule 36 of the provisional rules of procedure, the following amendment[134] to the United Kingdom proposal to adopt the agenda:

> ". . . and simultaneously to invite a representative of the People's Republic of China and a representative of the People's Democratic Republic of Korea to take part in the discussion of this item of the agenda."

He insisted that the amendment be voted upon before the substantive proposal submitted by the United Kingdom delegation.[135]

Decision: *At the 581st meeting on 25 June 1952, the Council upheld, by 10 votes in favour, to 1 against, the challenge to the President's ruling that the USSR amendment to the proposal to adopt the provisional agenda should be put to the vote first.*[136]

Case 36

At the 619th meeting on 26 August 1953, the provisional agenda of the Council included a letter,[137] dated 21 August 1953, from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand and Yemen, requesting, under Article 35 (1), the President to call an urgent meeting of the Council to investigate the "international friction" in Morocco. By another letter,[138] dated 25 August 1953, those sponsors of the complaint who were not members of the Security Council requested, under rule 37 of the provisional rules of procedure, that they be allowed to participate in the discussion of the inscription of the item in the agenda, and a motion to that effect was made by the representative of Lebanon, during the discussion on the adoption of the agenda.[139]

At the 620th meeting on 27 August 1953, the representative of the United Kingdom, opposing the motion by the representative of Lebanon, maintained that it would be contrary to all precedent to extend invitations to non-members of the Council before a decision had been taken on the preliminary question of the adoption of the agenda. On at least three previous occasions—Ukrainian complaint against Greece (59th meeting), Anglo-Iranian Oil Company Case (559th meeting), the Tunisian question (576th meeting)—the Council had not accepted the suggestion that a State or States should be invited to participate before the adoption of the agenda. He had no doubt that, if the representatives of the thirteen Member States were invited to the Council table to make statements, the debate would inevitably be extended far beyond the immediate question of the adoption of the agenda. He found it hard to believe that additional statements by thirteen delegations would produce further substantive arguments, since exhaustive statements had already been made by two of the original fifteen applicant States which were members of the Council.

The representative of Pakistan, in support of the motion put forward by the representative of Lebanon, observed that the States Members which had shown such deep concern in the grave situation in Morocco had a right to convey their points of view to the Security

[131] 673rd meeting: paras. 55, 57.
[132] 674th meeting: para. 71.
[133] S/2674, 580th meeting: para. 6.
[134] 581st meeting: para. 8.

[135] For texts of relevant statements see:
579th meeting: United States, paras. 38-40;
580th meeting: President (USSR), paras. 7, 27-42, 52-60, 83; Greece, para. 92; United Kingdom, para. 71; United States, paras. 4, 16, 63-66;
581st meeting: President (USSR), paras. 2, 7-10, 15-22, 24-26, 32, 34, 37; United Kingdom, paras. 4, 6, 11, 23, 31.
[136] 581st meeting: paras. 33-34, 36-37.
[137] S/3085, *O.R., 8th year, Suppl. for July-Sept. 1953*, p. 51.
[138] S/3088, *O.R., 8th year, Suppl. for July-Sept. 1953*, pp. 51-52.
[139] 619th meeting: para. 65.

Council. In his opinion, the surest way to vitiate the usefulness of the Council would be for its members, especially the permanent members, to allow extraneous circumstances to influence their judgment rather than to decide on the basis of the discussion of a matter in the Council. As to the question of the inclusion of the item in the agenda, obviously a discussion ought to take place before the members made up their minds. He considered this to be one of the fundamental principles of the United Nations, constituting the only realistic and honest approach to the problem. He inquired why the Council should not make the discussion as comprehensive as possible and allow the thirteen Member States to participate in it.

At the 621st meeting on 31 August 1953, the representative of the USSR, in support of the motion presented by the representative of Lebanon, stated that the participation of the representatives of the applicant States in the discussion of the question in the Security Council would undoubtedly help to clarify the true situation in Morocco. The representative of the USSR, countering the argument of the representative of the United Kingdom that non-members should be invited to participate only in the discussion of the substance of the question, recalled that in connexion with the Iranian question, in 1946, the representative of Iran had been permitted to participate in the discussion on procedure before the Council had commenced a review of the substance of the Iranian complaint. He considered that the representatives of the thirteen Member States should be invited, under rule 37, to participate in the discussion to enable the Council, before deciding on the question of the inclusion of the item in the agenda, to acquaint itself with all the necessary facts which they could impart to it.

Speaking as the representative of China, the President, who supported the inclusion of the item in the agenda, observed that the application of the States to participate was based on rule 37, which could not be interpreted to permit participation in a procedural debate. He did not believe that the Council would in any way do the sponsoring States a gross injustice if it refused to make an exception to the rule. The representatives of Lebanon and Pakistan, as members of the Council, had already spoken freely and substantively for the sponsors of the complaint. He did not feel justified in sacrificing rule 37 for an objective which in fact had been partly achieved and which would be achieved without violation of that rule.

At the 624th meeting on 3 September 1953, the representative of Lebanon, suggesting that his first proposal to invite the thirteen Member States be considered as a proposal by Pakistan, submitted a second proposal that, in the event the original request was not granted, the Council invite the thirteen Member States to appoint two representatives to make a brief statement before the Council. Through an amendment submitted by the representative of Greece the wording of the Lebanese proposal was changed to read: "the Security Council would agree to listen to the representatives if they so requested". The representative of Pakistan moved that the thirteen delegations submitting the request be invited to appear before the Council to explain their case.

The representative of the United States, in explanation of his vote, declared that rule 37 never contemplated the participation of non-members in the Council's consideration of its own procedure. The representative of Greece, while agreeing in principle with that interpretation of rule 37, felt that it was more important to assist in establishing good understanding than to adhere strictly to the rules of procedure.[140]

Decision: *At the 624th meeting on 3 September 1953, the proposal submitted by the representative of Pakistan was rejected by 4 votes in favour, to 5 against, with 2 abstentions.*[141] *The proposal submitted by the representative of Lebanon, as amended, was rejected by 5 votes in favour, to 5 against, with 1 abstention.*[142]

2. Extension of invitations

CASE 37

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, after the President (United Kingdom) had invited to the table the representatives of Israel and Jordan and after the latter had been heard, the representative of Israel raised the question of the conditions for the participation of Jordan, as envisaged in Articles 32 and 35 (2) of the Charter.[143]

3. Postponement of consideration of a question

CASE 38

At the 653rd meeting on 22 December 1953, in connexion with the Palestine question, the President (Greece) informed the Security Council that the representative of Israel, who had been invited to participate without vote in the discussion, had asked for permission to speak. The President indicated that he would call upon the representative of Israel on the clear understanding that the representative would not touch upon the procedural question of the postponement of the discussion which was being debated in the Council.

The representative of Israel replied that he fully understood the limitation and that, should the Council wish to discuss the procedural question further, he would delay making his observations.

The representative of Pakistan suggested that the Council should first take a decision on the procedural question and then give the representative of Israel an opportunity to make his statement.

After the Council had voted on the question of postponement, the President called upon the representative of Israel to speak.[144]

---

[140] For texts of relevant statements see:
620th meeting: Pakistan, paras. 36-41; United Kingdom, paras. 28-32;
621st meeting: President (China), paras. 95, 97-99; USSR, paras. 46, 71, 78-82;
622nd meeting: Lebanon, paras. 10-30;
624th meeting: President (Colombia), paras. 26-27, 31-32, 36, 39-40, 44-45; Greece, paras. 42, 55; Lebanon, paras. 19-24, 29-30, 33-35; Pakistan, para. 38; United States, paras. 49-50.

[141] 624th meeting: para. 39.

[142] 624th meeting: para. 44.

[143] For further consideration of proceedings, see Case 24.

[144] For texts of relevant statements see:
653rd meeting: President (Greece), paras. 45, 47, 51, 101; Pakistan, paras. 48, 50; Israel, para. 102.

4. Other matters

CASE 39

At the 632nd meeting on 29 October 1953, in connexion with the Palestine question, when General Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine was at the Council table, the representative of Lebanon observed that the representative of Israel had already asked of General Bennike certain questions, and that the Council ought to invite the representative of Jordan as well because the proceedings affected Jordan. He reserved the right of the Government of Jordan to put its own questions to General Bennike at the next meeting of the Council.

The President (Denmark) observed that the Council would have invited the representative of Jordan to the table had the latter submitted a written request in accordance with the regular procedure.

The representatives of France, Lebanon and the United Kingdom suggested that the representative of Jordan should be asked to submit to the Chief of Staff in writing any questions he might have before the next meeting of the Council.

The representative of Greece inquired if he correctly understood that the President was applying rule 14 of the provisional rules of procedure and that the Council was inviting the representative of Jordan to the Council table while that representative had not yet submitted a request to that effect.[145]

Decision: *The President declared that it was the sense of the Council that the representative of Jordan would be at the Council table at the next meeting, and that in the meantime the representative of Jordan would submit written questions to General Bennike. At the 635th meeting on 9 November 1953, the representative of the Hashemite Kingdom of the Jordan took his seat at the Council table.*[146]

[145] For texts of relevant statements see:
632nd meeting: President (Denmark), paras. 61, 65, 73; France, para. 69; Greece, para. 71; Lebanon, paras. 59, 62-64, 70; United Kingdom, para. 67.

[146] 632nd meeting: para. 73.
635th meeting: p. 1.

Chapter IV

VOTING

TABLE OF CONTENTS

INTRODUCTORY NOTE

This chapter contains material from the Official Records relating to the practice of the Council under Article 27. Part I presents evidence relating to the distinction between procedural and non-procedural matters. No material requiring treatment in part II relating to the practice of the Council in voting upon the question whether the matter is procedural within the meaning of Article 27 (2) has been found for the period under review. Part III is concerned with the abstention or absence of a member in relation to the requirements of Article 27 (3).

Certain questions of procedure in connexion with voting are dealt with in chapter I, part VI. Material relating to voting in connexion with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section D. Chapter VII, parts I and V include material on the voting procedure employed by the Council in connexion with applications for admission to membership in the United Nations.

As noted previously, the majority of occasions on which the Council has voted afford no indication as to the attitude of the Council regarding the procedural or non-procedural character of the matter voted upon. Where a decision has been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, no indication of the view of the Council as to the procedural or non-procedural nature of the matter can be obtained from the vote in such a case. Nor can any indication be obtained from the cases where the proposal, having been put to the vote, has failed to obtain seven votes in its favour.

Part I, section A, comprises those instances wherein the adoption of a proposal, obtained through seven or more votes, with one or more permanent members casting a negative vote, indicated the procedural character of the decision. While cases in this section have been grouped under headings derived from the subject matter dealt with in the decisions, the headings do not constitute general propositions as to the procedural character of future proposals which might be deemed to fall under them.

Part I, section B, comprises those instances where the rejection of a proposal, while obtaining seven or more votes with one or more permanent members casting a negative vote, indicated the non-procedural character of the decision. During the period under review there has been no discussion in the Security Council of the procedural or non-procedural character of the decisions to be taken; the entries in this section are therefore restricted to a reference whereby the draft resolution or proposal and the vote thereon may be identified in the record of decisions in other parts of this Supplement.

Part III, section B, comprises those occasions on which a permanent member has abstained voluntarily considering that no affirmative decision could have been taken had the permanent member voted against the proposal.

Part I

PROCEDURAL AND NON-PROCEDURAL MATTERS

A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

1. Inclusion of items in the agenda

CASES 1-5

On the following occasions items have been included in the agenda by vote of the Security Council, notwithstanding the negative vote of a permanent member:

Case 1

At the 581st meeting on 25 June 1952—the question of a request for investigation of alleged bacterial warfare;[1]

Case 2

At the 672nd meeting on 3 June 1954—a letter dated 29 May 1954 from the acting permanent representative of Thailand to the United Nations addressed to the President of the Security Council;[2]

Case 3

At the 679th meeting on 10 September 1954—a letter dated 8 September 1954 from the representative of the United States of America to the President of the Security Council;[3]

Case 4

At the 690th meeting on 31 January 1955—a letter dated 28 January 1955 from the representative of New Zealand to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China;[4]

[1] 581st meeting: para. 36.

[2] 672nd meeting: para. 17.

[3] 679th meeting: para. 25; 680th meeting: para. 4.

[4] 690th meeting: para. 111; 691st meeting: para. 10.

Case 5

At the 690th meeting on 31 January 1955—a letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China.[5]

2. Order of items on the agenda

CASE 6

On the following occasion a proposal relating to the order of items on the agenda was adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 584th meeting on 1 July 1952, in connexion with the order of discussion of the items of the agenda, when the Council adopted a United States proposal to discuss item 3, the question of a request for investigation of alleged bacterial warfare, before item 2, the question of admission of new Members.[6]

3. Deferment of consideration of items on the agenda

CASES 7-10

On the following occasions the consideration of items on the agenda was deferred by vote of the Security Council, notwithstanding the negative vote of a permanent member:

Case 7

At the 591st meeting on 9 July 1952, in connexion with the question of the admission of new Members, when the Greek proposal to postpone consideration of this item until 2 September 1952 was adopted.[7]

Case 8

At the 628th meeting on 20 October 1953, in connexion with the question of the appointment of a governor of the Free Territory of Trieste, when the motion of the representative of Colombia to postpone the discussion of this question was adopted.[8]

Case 9

At the 641st meeting on 23 November 1953, in connexion with the question of the appointment of a governor of the Free Territory of Trieste, when the United States proposal to postpone the discussion of this item until another meeting, to be held between 8 and 15 December 1953, was adopted.[9]

Case 10

At the 647th meeting on 14 December 1953, in connexion with the question of the appointment of a governor of the Free Territory of Trieste, when the United States proposal to postpone the discussion of this item "pending the outcome of the current efforts to find a solution" was adopted.[10]

**4. Removal of an item from the list of matters of which the Security Council is seized

5. Rulings of the President of the Security Council

CASES 11-12

On the following occasions rulings of the President were challenged and put to the vote, and either upheld or overruled, notwithstanding the negative vote of a permanent member:

Case 11

At the 581st meeting on 25 June 1952, the President (USSR) ruled that he would put to the vote first the USSR amendment to the President's proposal relating to the adoption of the agenda. The ruling was challenged. The President put the challenge to the vote and was overruled notwithstanding the negative vote of a permanent member.[11]

Case 12

At the 676th meeting on 25 June 1954, when the Council had on its provisional agenda communications dated 19 and 22 June 1954 from the Government of Guatemala, the President (United States) ruled that the Council was not engaged in a discussion within the meaning of Article 32 and rule 37 until the agenda had been adopted. The ruling was challenged and was put to the vote. The President's ruling was upheld notwithstanding the negative vote of a permanent member.[12]

6. Adjournment of a meeting

CASES 13-14

On the following occasions, motions to adjourn were adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

Case 13

At the 690th meeting on 31 January 1955, in connexion with the discussion of the item submitted by the representative of New Zealand concerning the question of hostilities in the area of certain islands off the coast of the mainland of China, when the motion by the representative of Belgium to adjourn the meeting was adopted.[13]

Case 14

At the 703rd meeting on 13 December 1955, in connexion with the question of admission of new Members, when the proposal by the representative of Turkey to adjourn and meet again the same afternoon was adopted.[14]

[5] 690th meeting: para. 112; 691st meeting: para. 13.
[6] 584th meeting: para. 68.
[7] 591st meeting: para. 96.
[8] 628th meeting: para 133.
[9] 641st meeting: para. 101.
[10] 647th meeting: paras. 42-43.
[11] 581st meeting: para. 33.
[12] 676th meeting: para. 63.
[13] 690th meeting: paras. 148-149.
[14] 703rd meeting: provisional record, p. 28.

7. Invitation to participate in the proceedings

CASE 15

On the following occasion an invitation to participate in the proceedings was extended by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 690th meeting on 31 January 1955, in connexion with the discussion of the item submitted by the representative of New Zealand[15] concerning the question of hostilities in the area of certain islands off the coast of the mainland of China, when the Council adopted[16] a formal motion made by the representative of New Zealand to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of that item and to ask the Secretary-General to convey the invitation to that Government.[17]

8. Conduct of business

CASES 16-20

On the following occasions proposals with regard to the conduct of business were adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

Case 16

At the 599th meeting on 12 September 1952, in connexion with the question of admission of new Members, when the Council decided, on the proposal of the United States, to consider Japan's application without reference to the Committee on Admission of new Members.[18]

Case 17

At the 599th meeting on 12 September 1952, in connexion with the question of admission of new Members, when the Council decided, on the proposal of France, to consider the applications of Laos, Cambodia and Viet-Nam without reference to the Committee on Admission of new Members.[19]

Case 18

At the 689th meeting on 31 January 1955, in connexion with the question of the representation of China, when the Council decided to give priority to the motion of the representative of the United States over that of the representative of the USSR.[20]

Case 19

At the 689th meeting on 31 January 1955, in connexion with the question of the representation of China, when the Council decided, on the motion of the United States, not to consider any proposals to exclude the representative of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China.[21]

Case 20

At the 703rd meeting on 13 December 1955, in connexion with the question of admission of new Members, when the Council decided, on the proposal of Iran, to give priority to the draft resolution submitted by the representatives of Brazil and New Zealand.[22]

B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER

1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security

CASE 21

Decision of 3 July 1952 (587th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the question of a request for investigation of alleged bacterial warfare.*[23]

CASE 22

Decision of 9 July 1952 (590th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the question of a request for investigation of alleged bacterial warfare.*[24]

CASE 23

Decision of 22 January 1954 (656th meeting): *Rejection of draft resolution submitted by the representatives of France, the United Kingdom and the United States in connexion with the Palestine question.*[25]

CASE 24

Decision of 29 March 1954 (664th meeting): *Rejection of draft resolution submitted by the representative of New Zealand in connexion with the Palestine question.*[26]

CASE 25

Decision of 18 June 1954 (674th meeting): *Rejection of draft resolution submitted by the representative of Thailand in connexion with letter dated 29 May 1954 from the acting permanent representative of Thailand.*[27]

CASE 26

Decision of 20 June 1954 (675th meeting): *Rejection of draft resolution submitted by the representatives of Brazil and Colombia in connexion with the question of Guatemala.*[28]

[15] S/3354, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 27.
[16] 690th meeting: para. 143.
[17] For the proceedings in connexion with this question, see chapter III, Case 21.
[18] 599th meeting: para. 185. See chapter VII, Case 3.
[19] 599th meeting: para. 187. See chapter VII, Case 3.
[20] 689th meeting: para. 25. See chapter I, Case 5.
[21] 689th meeting: para. 26. See chapter I, Case 5.
[22] 703rd meeting: provisional record, p. 28. See chapter I, Case 18.
[23] 587th meeting: para. 16. See chapter VIII, p. 17.
[24] 590th meeting: para. 17. See chapter VIII, p. 17.
[25] 656th meeting: para. 135. See chapter VIII, pp. 26-30.
[26] 664th meeting: para. 69. See chapter VIII, pp. 30-32.
[27] 674th meeting: para. 71. See chapter VIII, pp. 43-44.
[28] 675th meeting: para. 195. See chapter VIII, p. 48.

2. In connexion with other matters considered by the Security Council:

a. In connexion with admission of new Members to the United Nations

CASE 27

Decision of 6 February 1952 (573rd meeting): *The draft resolution submitted by the representative of France to recommend Italy for membership was not adopted.*[29]

CASE 28

Decision of 16 September 1952 (600th meeting): *The draft resolution submitted by the representative of Pakistan to recommend Libya for membership was not adopted.*[30]

CASE 29

Decision of 18 September 1952 (602nd meeting): *The draft resolution submitted by the representative of the United States to recommend Japan for membership was not adopted.*[31]

CASE 30

Decision of 19 September 1952 (603rd meeting): *The draft resolution submitted by the representative of France to recommend Viet-Nam for membership was not adopted.*[32]

CASE 31

Decision of 19 September 1952 (603rd meeting): *The draft resolution submitted by the representative of France to recommend Laos for membership was not adopted.*[33]

CASE 32

Decision of 19 September 1952 (603rd meeting): *The draft resolution submitted by the representative of France to recommend Cambodia for membership was not adopted.*[34]

CASES 33-48

At the 701st meeting on 10 December 1955, the agenda of the Security Council included, among other items, a request from the General Assembly that the Council "consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications for membership of all those eighteen countries about which no problem of unification arises".[35]

The representatives of Brazil and New Zealand, in connexion with the above request of the General Assembly, submitted a joint draft resolution[36] which provided that the Council, having considered separately the applications for membership of eighteen countries enumerated, recommended to the General Assembly the admission of those countries. The President, speaking as the representative of New Zealand, stated that the joint draft resolution would be voted on in parts, with separate votes on each of the countries listed, prior to the vote on the paragraph containing the list as a whole and on the draft resolution as a whole.

At the 703rd meeting on 13 December 1955, the representative of China submitted an amendment to add the names of Korea and Viet-Nam to the list of applications for membership in the second paragraph of the joint draft resolution.[37]

Case 33

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of the Republic of Korea in the joint draft resolution (Chinese amendment).*[38]

Case 34

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of the Republic of Viet-Nam in the joint draft resolution (Chinese amendment).*[39]

Case 35

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of the Mongolian People's Republic in the joint draft resolution.*[40]

Case 36

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Jordan in the joint draft resolution.*[41]

Case 37

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Ireland in the joint draft resolution.*[42]

Case 38

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Portugal in the joint draft resolution.*[43]

Case 39

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Italy in the joint draft resolution.*[44]

Case 40

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Austria in the joint draft resolution.*[45]

Case 41

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Finland in the joint draft resolution.*[46]

[29] 573rd meeting: para. 105.
[30] 600th meeting: para. 97.
[31] 602nd meeting: para. 73.
[32] 603rd meeting: para. 64.
[33] 603rd meeting: para. 65.
[34] 603rd meeting: para. 66.
[35] Resolution 357 (X).
[36] S/3502, 701st meeting: provisional record, p. 38.
[37] S/3506, 703rd meeting: provisional record, pp. 7-9.
[38] 704th meeting: provisional record, pp. 23-24.
[39] 704th meeting: provisional record, p. 24.
[40] 704th meeting: provisional record, pp. 24-25.
[41] 704th meeting: provisional record, p. 25.
[42] 704th meeting: provisional record, pp. 25-27.
[43] 704th meeting: provisional record, pp. 26-27.
[44] 704th meeting: provisional record, p. 28.
[45] 704th meeting: provisional record, p. 28.
[46] 704th meeting: provisional record, p. 29.

Case 42

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Ceylon in the joint draft resolution.*[47]

Case 43

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Nepal in the joint draft resolution.*[48]

Case 44

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Libya in the joint draft resolution.*[49]

Case 45

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Cambodia in the joint draft resolution.*[50]

Case 46

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Japan in the joint draft resolution.*[51]

Case 47

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Laos in the joint draft resolution.*[52]

Case 48

Decision of 13 December 1955 (704th meeting): *Rejection of the inclusion of the name of Spain in the joint draft resolution.*[53]

[47] 704th meeting: provisional record, pp. 29-30.
[48] 704th meeting: provisional record, p. 30.
[49] 704th meeting: provisional record, p. 30.
[50] 704th meeting: provisional record, p. 31.
[51] 704th meeting: provisional record, p. 31.
[52] 704th meeting: provisional record, p. 31.
[53] 704th meeting: provisional record, pp. 31-32.

CASE 49

At the 705th meeting on 14 December 1955, in connexion with the question of Admission of new Members, the representative of the USSR submitted to the Council for consideration a draft resolution[54] recommending the admission of sixteen States to the United Nations. The representative of the United States proposed[55] to include the application of Japan as an amendment to the USSR draft resolution.

Decision: *The amendment submitted by the representative of the United States was not adopted. There were 10 votes in favour and 1 against (the vote against being that of a permanent member).*[56]

CASE 50

At the 706th meeting on 15 December 1955, in connexion with the question of Admission of new Members, the representative of the United States proposed to adopt the draft resolution[57] recommending the admission of Japan to the United Nations which had been submitted at the 705th meeting on the previous day.

Decision: *The draft resolution to recommend the admission of Japan was not adopted. There were 10 votes in favour and 1 against (the vote against being that of a permanent member).*[58]

b. In connexion with appointment of the Secretary-General

CASE 51

Decision of 13 March 1953 (613th meeting): *Rejection of proposal by the representative of Denmark concerning the recommendation for the appointment of the Secretary-General.*[59]

[54] S/3508.
[55] 705th meeting: provisional record, pp. 4-7.
[56] 705th meeting: provisional record, p. 12.
[57] S/3510.
[58] 706th meeting: provisional record, p. 50.
[59] 613th meeting: p. 1.

Part II

**PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27 (2) OF THE CHARTER

Part III

ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27 (3) OF THE CHARTER

A. OBLIGATORY ABSTENTION

1. Cases in which members have abstained in accordance with the proviso of Article 27 (3)

CASE 52

At the 611th meeting on 23 December 1952, in connexion with the India-Pakistan question, when a joint draft resolution[60] submitted by the representatives of the United Kingdom and the United States was put to the vote, the representative of Pakistan did not participate in the vote.[61]

****2. Consideration of abstention in accordance with the proviso of Article 27 (3)**

B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27 (3)

1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3)

[60] S/2883, *O.R., 7th year, Suppl. for Oct.-Dec. 1952*, p. 66.
[61] 611th meeting: para. 111.

INDIA-PAKISTAN QUESTION

CASE 53

Decision of 23 December 1952 (611th meeting): *United Kingdom-United States joint draft resolution as amended by the Netherlands.*[62]

PALESTINE QUESTION

CASE 54

Decision of 24 November 1953 (642nd meeting): *French-United Kingdom-United States joint draft resolution.*[63]

ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

CASE 55

Decision of 14 December 1955 (705th meeting): *Albania:— USSR draft resolution.*[64]

CASE 56

Decision of 14 December 1955 (705th meeting): *Hungary:— USSR draft resolution.*[65]

CASE 57

Decision of 14 December 1955 (705th meeting): *Romania:— USSR draft resolution.*[66]

CASE 58

Decision of 14 December 1955 (705th meeting): *Bulgaria:— USSR draft resolution.*[67]

APPLICATION OF JAPAN TO BECOME A PARTY TO STATUTE OF INTERNATIONAL COURT OF JUSTICE

CASE 59

Decision of 3 December 1953 (645th meeting): *Proposal contained in the Report of the Chairman of the Committee of Experts.*[68]

APPLICATION OF SAN MARINO TO BECOME A PARTY TO STATUTE OF INTERNATIONAL COURT OF JUSTICE

CASE 60

Decision of 3 December 1953 (645th meeting): *Proposal contained in the Report of the Chairman of the Committee of Experts.*[69]

****2. Consideration of the practice of voluntary abstention in relation to Article 27 (3)**

****C. ABSENCE OF A PERMANENT MEMBER IN RELATION TO ARTICLE 27 (3)**

[62] 611th meeting: para. 111. See chapter VIII, pp. 10-14.
[63] 642nd meeting: para. 128. See chapter VIII, pp. 19-24.
[64] 705th meeting: provisional record, p. 12. See chapter VII, part I.F., p. 10.
[65] 705th meeting: provisional record, p. 13. See chapter VII, part I.F., p. 10.
[66] 705th meeting: provisional record, p. 14. See chapter VII, part I.F., p. 10.
[67] 705th meeting: provisional record, p. 14. See chapter VII, part I.F., p. 10.
[68] 645th meeting: paras. 10-11. See chapter VI, Case 3.
[69] 645th meeting: paras. 13-14. See chapter VI, Case 3.

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

NOTE

The Security Council has, during the period under review, established no new subsidiary organs; nor have proposals for the establishment of subsidiary organs been submitted for the consideration of the Council by its members.[1] Proceedings of the Council in which there has been discussion relating to subsidiary organs have concerned previously established bodies.

In the category of subsidiary organs meeting at places away from the seat of the Organization, only the United Nations Representative for India-Pakistan and the United Nations Truce Supervision Organization for Palestine have continued to function during the period under review. The United Nations Representative for India-Pakistan and the Chief of Staff of the Truce Supervision Organization have been invited to the Council table at various meetings when questions which were their respective concern were being discussed.[2] In accordance with the directives contained in the original decisions establishing them, both these organs have continued to report to the Security Council during the period under review; in addition, particular requests to report have been addressed to them in subsequent decisions of the Council falling within the span of this *Supplement*.[3]

Much of the activity of the Council in the discharge of its responsibilities for the maintenance of international peace and security in the India-Pakistan and Palestine questions has taken place through the instrumentality of its subsidiary organs. As with other aspects of practice which arise in the consideration of the substance of questions placed before the Council, the employment of subsidiary organs as instruments for the discharge of the Council's primary responsibility does not admit of presentation in isolation from the decisions and debates of the Council dealing with the actual issues before it and the relative merits of measures proposed. The practice of the Council in the substantive employment of subsidiary organs must be sought therefore within the framework of the chain of proceedings on the relevant agenda items presented in chapter VIII.

While there has been no discussion of the establishment or composition of subsidiary organs of the Council during the period under review, note may be taken of the manner of prolongation of the mission of the Representative of India-Pakistan through presidential formulation of the sense of the Security Council.[4]

In the category of subsidiary organs meeting at the seat of the Organization, only the Committee of Experts has been employed by the Council during this period. For an account of the occasion on which a question was referred to the Committee for report, see chapter VI, Case 3. The other standing committee of the Council, the Committee on the Admission of New Members, has not been employed during the period under review in connexion with the examination of applications for membership in the United Nations. The decisions of the Council in connexion with the question of reference of applications for membership to the Committee will be found in chapter VII, part IV.

[1] For proceedings of the Security Council involving consideration of a proposal for the employment by the Council of a subsidiary organ established by the General Assembly, see in chapter VI, Case 6.

[2] The occasions on which such invitations have been extended are enumerated in chapter III of this *Supplement*.

[3] These requests will be found in the decisions recorded in chapter VIII below, under the Palestine question and the India-Pakistan question.

[4] See in chapter VIII under the India-Pakistan question decision of 31 January 1952 (572nd meeting). The mission of the United Nations Representative for India-Pakistan was again continued by the Council in the resolution which it adopted at the 611th meeting on 23 December 1952.

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

TABLE OF CONTENTS

INTRODUCTORY NOTE

The present chapter, concerned with the relations of the Security Council with all the other organs of the United Nations, is, as indicated in the previous volume of the *Repertoire*, broader in scope than chapter XI of the provisional rules of procedure of the Security Council (rule 61) which governs certain procedures to be followed by the Council for the election of members of the International Court of Justice.

The present chapter presents material bearing on the relations of the Security Council with the General Assembly (part I) and brings up to date the account given in the previous volume of the *Repertoire* of the transmission by the Trusteeship Council to the Security Council of questionnaires and reports (part III). No material has been found for the period under review which would require entry in parts II, IV and V relating respectively to relations with the Economic and Social Council, the International Court of Justice and the Military Staff Committee.

The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter I, part IV. Proceedings regarding the appointment of the Secretary-General under Article 97 are treated in part I of this chapter.

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

Part I concerns the relations of the Security Council with the General Assembly in instances where the responsibility of the two organs is, under the provisions of the Charter or the Statute of the Court, either exclusive or mutual; that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other.[1] The proceedings in these instances fall into three broad categories.

The first group includes proceedings where the relations between the two organs are governed by provisions of the Charter (Article 12, paragraph 1) limiting the authority of the General Assembly in respect of any dispute or situation while the Security Council is exercising the functions assigned to it by the Charter. The second group comprises instances where the decision by the Council must be taken before that of the General Assembly; e.g., appointment of the Secretary-General, and conditions of accession to the Statute of the International Court of Justice. The third group includes cases where the final decision depends upon action to be taken by both the organs concurrently, such as the election of members of the International Court of Justice.

Part I comprises, in addition, material relating to subsidiary organs established by the General Assembly and placed by the latter in special relation to the Security Council. This part concludes with a chronological tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions.

[1] A case *sui generis* is presented by Article 109 (3) of the Charter. For the decision taken by the Security Council at its 707th meeting on 16 December 1955, concurring in the General Assembly decision under Article 109 (3), as set forth in resolution 992 (X), see chapter I, Case 25.

A. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLE 12 OF THE CHARTER

"Article 12 of the Charter

"1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

"2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

[*Note:* Section A includes an instance of discussion in the Council on the nature of the limitation placed by Article 12 (1) upon the authority of the General Assembly.[2]

Notifications to the General Assembly under Article 12 (2) by the Secretary-General, with the consent of the Security Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council", and of matters with which the Council has ceased to deal, have been drafted on the basis of the "Summary Statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration" which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

[2] Case 1.

The notification issued before each session of the General Assembly contains the same agenda items as those in the current Summary Statement, except that certain items in the Statement which are not considered as "matters relative to the maintenance of international peace and security" for the purpose of Article 12 (2) are excluded from the notification; e.g., rules of procedure of the Council, applications for membership, and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.

Matters being dealt with by the Security Council have been listed in the notification, since 1951, in two categories: (1) matters which are being dealt with by the Council and which have been discussed during the period since the last notification; and (2) matters of which the Council remains seized but which have not been discussed since the last notification.

Since 1947, the consent of the Council required by Article 12 (2) has been obtained through the circulation by the Secretary-General to the members of the Council of copies of draft notifications.]

CASE 1

At the 621st meeting on 31 August 1953, during the course of the Council's debate on the question of including in the agenda an item concerning events in Morocco, the representative of Greece stated:[3]

". . . were the Security Council . . . to place on its agenda the item concerning the events in Morocco, those who—like us—are open-minded as regards the consideration of the Moroccan question at the forthcoming session of the General Assembly would be confronted with an additional difficulty deriving from Article 12 of the Charter. That Article, as we all know, provides that the General Assembly shall not make any recommendations with regard to any dispute or situation while the Security Council is exercising in respect of that dispute or situation the functions assigned to it in the Charter.

". . .

". . . the application of the open-door principle to the present case in the Security Council, while not bringing the case an inch nearer to a settlement, definitely compromises the chances of applying the same principle to the same case under the more promising auspices of the General Assembly."

At the 622nd meeting on 1 September 1953, the representative of Lebanon, in reply to the statement made by the representative of Greece at the previous meeting, commented:

". . . certainly Article 12 does not prevent any item which is being discussed by the Security Council from being examined also by the General Assembly. What Article 12 does is to prevent the General Assembly from making positive recommendations about any item if, at the same time, the Security Council is seized of that item. According to the Charter, the General Assembly is not prevented in any way from considering any subject which it decides to place on the agenda. It is prevented by Article 12 from making recommendations on matters which happen to be under consideration by the Security Council."

He added:

". . . So far as the admissibility or inadmissibility of any items to the agenda of the General Assembly is concerned, the matter is governed by Article 10 and Article 11, paragraph 2, and in neither case is there any limitation whatever provided the question is within the scope of the Charter itself."[4]

**B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY

C. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLES OF THE CHARTER INVOLVING RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

1. Appointment of the Secretary-General

"Article 97 of the Charter

"The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

[*Note:* The meetings of the Security Council at which recommendations regarding the appointment of the Secretary-General have been considered, have been held in private in accordance with rule 48 of the provisional rules of procedure. The Council has voted by secret ballot. Communiqués, circulated after each private meeting in accordance with rule 55, have contained information as to the stage reached in the consideration of the recommendations. The 613th and 614th meetings on 13 and 19 March 1953, respectively, were devoted to the consideration of proposals to recommend various persons to the General Assembly for appointment as Secretary-General. None of the proposals made was adopted by the Council. The communiqués issued after each of the foregoing meetings indicated the author of the proposal considered, the person proposed for recommendation, and the decision.]

CASE 2

At the 617th meeting on 31 March 1953, held in private, the Security Council approved by 10 votes in favour, none against, with 1 abstention, a proposal submitted by the representative of France to recommend to the General Assembly the appointment of Mr. Dag Hammarskjold as Secretary-General.[5] On the same date the President (Pakistan) informed Mr. Hammarskjold by cable of the Council's decision to this effect.

[3] For the decision, see chapter II, Case 8.

[4] For texts of relevant statements see:
621st meeting: Greece, paras. 9, 12.
622nd meeting: Lebanon, para. 5.

[5] 617th meeting: p. 1.

2. Conditions of accession to the Statute of the International Court of Justice

"Article 93 (2) of the Charter

"A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

CASE 3

On 26 October 1953, the permanent observer of Japan to the United Nations transmitted to the Secretary-General a cablegram dated 24 October 1953 from the Minister for Foreign Affairs of Japan[6] expressing the desire of his Government to ascertain the conditions on which Japan could become a party to the Statute of the International Court of Justice.

On 6 November 1953, the Secretary of State for Foreign Affairs of the Republic of San Marino addressed a letter to the Secretary-General[7] requesting to be informed of the conditions required to become a party to the Statute of the International Court of Justice.

At the 641st meeting on 23 November 1953, the Security Council referred both applications to the Committee of Experts for study and report.[8]

At the 645th meeting on 3 December 1953, the Council had before it two reports from the Committee of Experts,[9] containing texts of the recommendation which the Committee advised the Council to send to the General Assembly concerning the conditions upon which Japan and the Republic of San Marino might become parties to the Statute of the International Court of Justice. The Chairman of the Committee of Experts, in submitting the reports, stated that in its consideration of the applications of Japan and the Republic of San Marino, the Committee had been guided to a large extent by the exhaustive and detailed examination of two previous applications—those of Switzerland and Liechtenstein, although, as had been made abundantly clear, those cases had not been intended to constitute a precedent. He further pointed out that the conditions proposed for the accession of Japan and the Republic of San Marino were the same as those determined for the accession of Switzerland and Liechtenstein and, as in the latter cases, were not intended to constitute a precedent.[10]

Decision: *The Council adopted both the proposals of the Committee of Experts by 10 votes in favour, none against, with 1 abstention.*[11]

[6] S/3126, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, p. 37.
[7] S/3137, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 56-57.
[8] 641st meeting: paras. 1-3.
[9] S/3146 and S/3147, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 72-73.
[10] 645th meeting: paras. 6-8.
[11] 645th meeting: paras. 11-14.

**3. Conditions under which a non-Member State, party to the Statute, may participate in electing members of the International Court of Justice[12]

D. PRACTICES AND PROCEEDINGS IN RELATION TO THE ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article 4

"1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration . . ."

"Article 8

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

"Article 10

"1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected."

"Article 11

"If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place."

"Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

"2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

[12] See *Repertoire of the Practice of the Security Council 1946-1951*, chapter VI, part I, C.3, Case 10, pp. 219-220.

"3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

"4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote."

"Article 14

"Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

PROVISIONAL RULES OF PROCEDURE

Rule 61

Relations with other United Nations Organs

"Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes."

CASE 4

At the 618th meeting on 12 August 1953, the Security Council noted with regret the resignation of Judge Golumsky and decided, under Article 14 of the Statute, that the election to fill the vacancy for the remainder of the term of Judge Golumsky should take place during the eighth session of the General Assembly.[13] At the 644th meeting on 27 November 1953, the Council elected a candidate to fill the vacancy, who also received an absolute majority of votes in the General Assembly.[14]

CASE 5

At the 677th meeting on 28 July 1954, the Security Council noted with regret the death of Judge Sir Benegal Narsing Rau and decided, under Article 14 of the Statute, that an election to fill the vacancy for the remainder of the term of Judge Rau should take place during the ninth session of the General Assembly,[15] prior to the regular election to be held at that session.

At the 681st meeting on 7 October 1954, the Council elected a candidate to fill the vacancy and the candidate received the required majority of votes in the General Assembly.[16]

At the same meeting, the Council proceeded to fill five regular vacancies which were to occur on 5 February 1955. Before the commencement of balloting, the President (Denmark) stated that if more than five candidates obtained the required majority, he would consult the Council as to the procedure to be followed. After six candidates had obtained the required majority on the first ballot, the President requested that, since there were only five vacancies to be filled, the members vote only for that number of candidates. He declared that ballot papers containing the names of more than five candidates would be regarded as invalid, and that the members would be free to cast their votes for any one on the list of candidates. Six candidates obtained the required majority on the second and third ballots.

After four candidates had received the required majority on the fourth ballot, the President declared:

". . . Those four candidates have received the necessary number of votes in the Council; the Assembly is voting at the same time, and must elect the same candidates. If the elected candidates are the same, the President of the General Assembly will declare them elected. I am sure that the President of the Assembly will declare those four elected.

"As there are five vacancies to be filled and as we have elected only four candidates, we shall have to vote again for one more candidate.

"If the name of any of the four candidates who have just been elected is placed on the next ballot, that ballot will be considered invalid."

The representative of Colombia expressed some doubt as to the procedure which had been followed, since under Article 10 of the Statute candidates who had obtained an absolute majority in the General Assembly and the Council were to be considered elected. It was possible that when six candidates had obtained the required majority in the Council, five of them might already have obtained an absolute majority in the Assembly. Theoretically, those five candidates should have been declared elected. Furthermore, the fifth candidate whom the Council had yet to elect might fail to obtain the required majority which he had obtained on the earlier ballots in the Council.

The President, noting that Article 8 of the Statute required the General Assembly and the Security Council to proceed independently of one another to elect the members of the Court, declared:

". . . In my view we have to vote in the Security Council until we have elected five candidates with the necessary majority of six votes. We now have four candidates elected, and therefore one more ballot is necessary in order to elect the fifth candidate. When we have obtained that result, then, independently of the General Assembly, we shall have fulfilled what is required of us by the Statute of the International Court of Justice, that is, electing five judges with the necessary majority. If the two organs of the United Nations do not elect the same number, there are special rules which apply in that case."

The representative of France stated:

". . . I support the interpretation just given by the President. I might add that at the time when six candidates had obtained an absolute majority in the

[13] S/3078, 618th meeting: para. 1.
[14] 644th meeting: paras. 5-6, 8.
[15] S/3226, 677th meeting : para. 12.
[16] 681st meeting: paras. 10-12.

Security Council, none of them could be elected, because, since the number of seats to be filled was five, only five or fewer candidates could be elected. Consequently, at the time when six candidates had received an absolute majority here, neither five nor six persons had been elected, and there could therefore have been no concordance between our vote and any vote which might have taken place in the Assembly."

The representative of Colombia, indicating his disagreement with the interpretation which had been given by the President, stated:

". . . It is nowhere provided that only five candidates may obtain a majority in the Security Council and the General Assembly. On the contrary, the rules seem to me to indicate that if, at any given time, six candidates have obtained a majority, it would be quite in order for the Council to communicate that result to the Assembly. These candidates will not have been elected. Only if five of the six candidates also obtain a majority in the Assembly will they be elected. But I do not see why the Security Council should not inform the General Assembly—and there is nothing in the Statute to stop it from doing so—that, in an election which has just taken place, such-and-such candidates have obtained an absolute majority. Article 10 of the Statute of the Court does not require anything else."

He therefore suggested that in future, consideration should be given to the possibility of asking the Presidents of the General Assembly and of the Security Council to exchange letters after each ballot.[17]

On the fifth ballot, the Council elected the fifth member. The President of the General Assembly notified the President of the Security Council that the same five candidates had received an absolute majority in the Assembly.[18]

E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

[*Note:* Certain subsidiary organs established by the General Assembly have figured in the proceedings of the Security Council, either when they have been placed in special relation to the Council by resolution of the General Assembly, or when the Council has decided to utilize the services of a subsidiary organ without such provision having been made by the Assembly. This section includes an instance of proceedings involving the relations of the Council with the Peace Observation Commission, a subsidiary organ established by the General Assembly, on 3 November 1950, with authority to observe and report and to establish sub-commissions for the performance of its functions. The General Assembly, by the resolution establishing the Peace Observation Commission, provided that the Security Council might utilize the Commission in accordance with its authority under the Charter.][19]

Case 6

At the 672nd meeting on 3 June 1954, the Security Council had before it a letter dated 29 May 1954 from the acting Permanent Representative of Thailand,[20] bringing a situation threatening that country's security to the attention of the Council and requesting the latter to provide for observation under the Peace Observation Commission.

At the 673rd meeting on 16 June 1954, the representative of Thailand* submitted, under rule 38, a draft resolution which read in part as follows:[21]

"*The Security Council,*

". . .

"*Recalling* General Assembly resolution 377 (V) (Uniting for peace), part A, section B, establishing a Peace Observation Commission . . .

". . .

"*Requests* the Peace Observation Commission to establish a sub-commission . . . with authority:

"(*a*) To dispatch as soon as possible . . . such observers as it may deem necessary to Thailand;

"(*b*) To visit Thailand if it deems necessary;

"(*c*) To consider such data as may be submitted to it by its members or observers and to make such reports and recommendations as it deems necessary to the Peace Observation Commission and to the Security Council. If the sub-commission is of the opinion that it cannot adequately accomplish its mission without observation or visit also in States contiguous to Thailand, it shall report to the Peace Observation Commission or to the Security Council for the necessary instructions."

The representatives of Brazil, China, New Zealand and Turkey made statements in support of the draft resolution.

The representative of the United Kingdom, in support of the Thailand draft resolution, stated:

"In section B of the 'Uniting for peace' resolution, the General Assembly set up machinery expressly designed to deal with such a situation. Under it, a Peace Observation Commission is authorized to establish a sub-commission and to utilize the services of observers to assist in the performance of its functions. That is what is now proposed in the draft resolution before the Council.

"I also note that the draft resolution makes provision for the sub-commission to seek instructions if it is of the opinion that it cannot adequately accomplish its mission without observation or visit also in States contiguous to Thailand. This seems to me a wise provision. It allows for the possibility that reports may be received from the observers or from the members of the sub-commission who, having visited Thailand, find that they cannot fulfil their mission of observing the degree of international tension threaten-

[17] For texts of relevant statements see:
681st meeting: President (Denmark), paras. 16, 18, 21-22, 27; Colombia, paras. 24-25, 30, 32-33; France, para. 28.

[18] 681st meeting: paras. 36-37.

[19] Resolution 377 B (V).

[20] S/3220.

[21] 673rd meeting: para. 10.

ing the security of Thailand without also visiting States contiguous to Thailand."

At the 674th meeting on 18 June 1954, the representative of the USSR opposed the adoption of the draft resolution submitted by the representative of Thailand[22] on the ground that it would aggravate the situation.

Decision: *At the 674th meeting on 18 June 1954, the Council rejected the Thailand draft resolution by 9 votes in favour, 1 against, with 1 abstention (the vote against being that of a permanent member).*[23]

[22] For texts of relevant statements see:
673rd meeting: Brazil, paras. 35-39; China, para. 45; New Zealand, paras. 21, 23; Turkey, para. 26; Thailand*, para. 10.
674th meeting: USSR, paras. 58-59.

[23] 674th meeting: para. 71.

F. RECEPTION OF RECOMMENDATIONS TO THE SECURITY COUNCIL ADOPTED BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS

[*Note:* The Security Council, in agreeing to consider General Assembly recommendations during the period under review has done so by placing the recommendation on the agenda. The omission of such inclusion on the agenda has not been a mark of refusal on the part of the Council to consider. The recommendations are presented below in the form of a tabulation, chronologically arranged, indicating the initial proceedings of the Council prior to the adoption, or non-adoption, of the item on the agenda of the Council.][24]

[24] For an earlier tabulation see *Repertoire of the Practice of the Security Council 1946-1951*, p. 225.

TABULATION OF RECOMMENDATIONS

Entry No.	*General Assembly resolution*	*Subject of recommendation*	*Initial proceedings of the Security Council*
1.....	506 (VI) 1 February 1952	Admission of new Members, including the right of candidate States to present proof of the conditions required under Article 4 of the Charter	Included as sub-paragraph (*b*) under the heading of Admission of new Members in the agenda at the 577th meeting on 18 June 1952[a]
2.....	703 (VII) 17 March 1953	Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	Not placed on the provisional agenda[b]
3.....	715 (VIII) 28 November 1953	Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	Not placed on the provisional agenda[c]
4.....	718 (VIII) 23 October 1953	Admission of new Members	Not placed on the provisional agenda[d]
5.....	808 (IX) 4 November 1954	Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission; Conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction	Not placed on the provisional agenda[e]
6.....	809 (IX) 4 November 1954	Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	Not placed on the provisional agenda[f]
7.....	816 (IX) 23 November 1954	Admission of new Members to the United Nations	Included in the agenda at the 701st meeting on 10 December 1955[g]
8.....	917 (X) 8 December 1955	Admission of new Members to the United Nations	Included in the agenda at the 701st meeting on 10 December 1955[h]

[a] 577th meeting: para 89.
[b] 703 (VII), S/3283.
[c] 715 (VIII), S/3276.
[d] 718 (VIII), S/3131.
[e] 808 (IX), S/3316.
[f] 809 (IX), S/3317.
[g] 817 (IX), S/3224.
[h] 918 (X), S/3467.

G. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"Article 24 (3) of the Charter

"The Security Council shall submit annual and, when necessary, special reports of the General Assembly for its consideration."

[*Note:* In accordance with Article 24 (3) the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.[25] It has submitted one special report during this period. At the 604th meeting on 19 September 1952, in connexion with the question of admission of new Members, the Security Council decided to submit a special report to the General Assembly in accordance with rule 60 of the provisional rules of procedure.][26]

[25] Annual Reports approved by the Security Council at the following meetings held in private: 7th Report, 593rd meeting, 26 August 1952; 8th Report, 618th meeting, 12 August 1953; 9th Report, 678th meeting, 18 August 1954; and 10th Report, 699th meeting, 11 August 1955.

[26] S/2208, 604th meeting: paras. 4-35.

Part II

**RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

**A. PROCEDURE UNDER ARTICLE 83 (3) IN APPLICATION OF ARTICLES 87 AND 88 OF THE CHARTER WITH REGARD TO STRATEGIC AREAS UNDER TRUSTEESHIP

B. TRANSMISSION TO THE SECURITY COUNCIL BY THE TRUSTEESHIP COUNCIL OF QUESTIONNAIRE, AND REPORTS

On 24 July 1953, the Secretary-General, upon the request of the Trusteeship Council, transmitted to the Security Council a questionnaire approved by the Trusteeship Council at its 414th meeting on 6 June 1952.[27]

Between 1 January 1952 and 31 December 1955, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the exercise of its functions in respect of strategic areas under trusteeship:

Fourth Report adopted during the tenth session of the Trusteeship Council, 1 April 1952.[28]

Fifth Report adopted during the twelfth session of the Trusteeship Council, 13 July 1953.[29]

Sixth Report adopted during the fourteenth session of the Trusteeship Council, 16 July 1954.[30]

Seventh Report adopted during the sixteenth session of the Trusteeship Council, 19 July 1955.[31]

[27] S/3065.

[28] S/2599.

[29] S/3066.

[30] S/3272.

[31] S/3416.

Part IV

**RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Part V

**RELATIONS WITH THE MILITARY STAFF COMMITTEE

Chapter VII

PRACTICES RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING THE ADMISSION OF NEW MEMBERS

TABLE OF CONTENTS

INTRODUCTORY NOTE

This chapter is drawn up along the lines of the corresponding chapter of the previous volume of the *Repertoire*. Part I sets forth material relating to the decisions taken by the Council upon pending and new applications for admission to membership in the United Nations during the period under review. The remainder of the chapter relates to the procedures adopted by the Council in reaching such decisions.

The difficulties in presenting material concerning the considerations invoked by members of the Council in weighing the qualifications of applicants under Article 4 (1) have been indicated in the previous volume of the *Repertoire*. The range of such considerations in the period under review shows no alteration. Indeed, there has been relatively little discussion of this branch of the subject in the Council since 1951. Hence, it has not been found necessary to present additional material of this kind in the present chapter.

As in the corresponding chapter of the previous volume of the *Repertoire*, parts III, IV, V and VI contain material drawn from proceedings of the Security Council to illustrate procedures adopted by the Council for implementing the obligations laid upon it by Article 4 (2) of the Charter. Since the Council has not adopted new rules of procedure nor amended the existing rules relating to the admission of new Members, part II of the present chapter remains blank.

Part I

TABLE OF APPLICATIONS, 1952-1955, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL

NOTE

The following table represents a continuation of the one in the previous volume where its organization is explained. Reflecting the fact that from 1952 to 1955 the Security Council voted several times on draft resolutions listing more than one application, the present table differs from the original table in form. Another feature of the period has been that no application for admission has been referred to the Committee on the Admission of New Members. Since the Council has taken fewer votes and the material covered is much less extensive than that for the earlier period, the system of reference numbers employed in the previous table has been dropped as unnecessary.

A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

At the 705th meeting on 14 December 1955, the Security Council, by 8 votes in favour, none against, with 3 abstentions, adopted[1] as a whole a draft resolution listing the applications of sixteen countries which were recommended for admission. The Council had previously taken the following separate votes on the candidatures of the applicants in the draft resolution:[2]

(i) The candidature of Albania was approved by 8 votes in favour, none against, with 3 abstentions.

(ii) The candidature of Jordan was approved unanimously.

(iii) The candidature of Ireland was approved unanimously.

(iv) The candidature of Portugal was approved unanimously.

(v) The candidature of Hungary was approved by 9 votes in favour, none against, with 2 abstentions.

(vi) The candidature of Italy was approved unanimously.

(vii) The candidature of Austria was approved unanimously.

(viii) The candidature of Romania was approved by 9 votes in favour, none against, with 2 abstentions.

(ix) The candidature of Bulgaria was approved by 9 votes in favour, none against, with 2 abstentions.

(x) The candidature of Finland was approved unanimously.

(xi) The candidature of Ceylon was approved unanimously.

(xii) The candidature of Nepal was approved unanimously.

(xiii) The candidature of Libya was approved unanimously.

(xiv) The candidature of Cambodia was approved unanimously.

(xv) The candidature of Laos was approved unanimously.

(xvi) The candidature of Spain was approved by 10 votes in favour, none against, with 1 abstention.

B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

The following applications failed to obtain the Council's recommendation up to the end of 1955.

(i) Mongolian People's Republic.[3]

[1] 705th meeting: provisional record, p. 22.

[2] 705th meeting: provisional record, pp. 12-21.

[3] Failed to obtain recommendation owing to the negative vote of a permanent member.

(ii) Republic of Korea.[4]
(iii) Democratic People's Republic of Korea.[5]
(iv) Viet-Nam.[6]
(v) Democratic Republic of Viet-Nam.[7]
(vi) Japan.[8]

C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1952-1955

There have been three periods of discussion of the question of admission by the Council from 1952 to 1955. The first, consisting of a single meeting (573rd on 6 February 1952), represents a continuation of debate XIII covered in the previous volume of the *Repertoire*. For the sake of convenience, the others are also presented as debates in the sequence previously used in the *Repertoire*, as follows:

Debate XIV

This debate covered fourteen meetings (577th, 590th, 591st and 594th-604th) between 18 June and 19 September 1952, and concerned: (i) a draft resolution to recommend simultaneous admission of fourteen applicants; (ii) reconsideration of pending applications under General Assembly resolution 506 A (VI); and (iii) five new applications, including one which had not previously been the subject of a separate vote in the Council, although it had been included in a draft resolution listing a number of applications voted upon during debate XIII.

Debate XV

The only debate after 1952 covered seven meetings (701st-706th, 708th) between 10 and 21 December 1955. It concerned: (i) reconsideration of pending applications under General Assembly resolution 817 (IX); (ii) consideration of the Assembly's request in resolution 918 (X) regarding eighteen applications, one of which was new.

[4] Failed to obtain recommendation owing to the negative vote of a permanent member.
[5] Not voted upon by the Council during the period under review.
[6] Failed to obtain recommendation owing to the negative vote of a permanent member.
[7] Received less than 7 affirmative votes.
[8] Failed to obtain recommendation owing to the negative vote of a permanent member.

D. APPLICATIONS PENDING ON 1 JANUARY 1952

Applicant	*Date of Application*	*Document*
Albania	25 January 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (1), pp. 17-18
Mongolian People's Republic	24 June 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (3), pp. 48-49 (S/95)
Jordan	26 June 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (5), p. 50 (S/101)
Portugal	2 August 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (7), p. 51 (S/119)
Ireland	2 August 1946	O.R. Suppl. 4, 1st yr., 2nd series, Annex 6 (6), pp. 50-51 (S/116)
Hungary	22 April 1947	O.R. 38, 2nd yr., p. 811 (fn.1) (S/333)
Italy	7 May 1947	O.R. Suppl. 12, 2nd yr., Annex 33, pp. 129-130 (S/355)
Austria	2 July 1947	S/403
Romania	10 July 1947	O.R. 60, 2nd yr., pp. 1389-91 (S/411)
Bulgaria	26 July 1947	O.R. Suppl. 18, 2nd yr., Annex 43, pp. 155-156 (S/467)
Finland	19 September 1947	O.R. 90, 2nd yr., p. 2408 (fn.1) (S/559)
Ceylon	25 May 1948	O.R. Suppl. June 1948, 3rd yr., pp. 76-77 (S/820)
Republic of Korea	19 January 1949	O.R. Suppl. Feb. 1949, 4th yr., p. 5 (S/1238)
Democratic People's Republic of Korea	9 February 1949	O.R. 12, 4th yr., p. 18 (S/1247)
Nepal	13 February 1949	S/1266 and Add.1
Viet-Nam	17 December 1951	S/2446
Libya	24 December 1951	S/2467
Democratic Republic of Viet-Nam	(i) 22 November 1948[a]	S/2780
	(ii) 29 December 1951	S/2466

[a] Circulated on 17 September 1952 as S/2780. See Case 1.

E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1952 AND 31 DECEMBER 1955

Applicant	*Date of Application*	*Document*[a]
Cambodia	15 June 1952	S/2672
Japan	16 June 1952	S/2673
Laos	30 June 1952	S/2706
Spain	23 September 1955	S/3441/Rev.1

[a] Includes the formal declaration in each case.

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

Draft resolution, etc.	*Subject*[a] *of vote*	*Vote for*	*ag.*	*abst.*	*Meeting and date*	*Result*[a] *of vote*	*Recommendation or Spec. Repl. to G.A.*	*G.A. Action*	*Nature of G.A. decision*
Debate XIII Feb. 1952									
Italy, French d.r. (S/2443) to recommend its admission	Same	10	1	0	573rd 6.2.52	Not adopted	Neither		
Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, USSR d.r. (2449/Rev.1) recommending their simultaneous admission	Same	2	6	0	"	"	"		
Debate XIV June-Sept. 1952									
Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, USSR d.r. (S/2664) recommending their simultaneous admission	Same	2	5	4	597th 8.9.52	Not adopted	A/2208, G.A. (VII), Annexes, a.i. 19, p. 1 (no recommendation)	Resolution 620 A-G (VIII)	Establishment of a special committee to study question of admission; requests to SC to take note of GA determinations that Japan, Viet-Nam, Cambodia, Laos, Libya and Jordan were qualified for admission and should be admitted
Libya, Pakistan d.r. (S/2483) recommending its admission	Same	10	1	0	600th 16.9.52	"	"	"	
Japan, U.S. d.r. (S/2754) recommending its admission	Same	10	1	0	602nd 18.9.52	"	"	"	
Viet-Nam, French d.r. (S/2758) recommending its admission	Same	10	1	0	603rd 19.9.52	"	"	"	
Laos, French d.r. (S/2759) recommending its admission	Same	10	1	0	"	"	"	"	
Cambodia, French d.r. (S/2760) recommending its admission	Same	10	1	0	"	"	"	"	
Democratic Republic of Viet-Nam, USSR d.r. (S/2773) recommending its admission	Same	1	10	0	"	"	"	"	

[a] Both the subject and the result of the vote are usually given in the form announced by the President.

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS *(continued)*

Draft resolution, etc.	*Subject of vote*	*Vote for*	*Vote ag.*	*Vote abst.*	*Meeting and date*	*Result of vote*	*Recommendation or Spec. Repl. to G.A.*	*G.A. Action*	*Nature of G.A. decision*
Debate XV Dec. 1955[b]									
Albania, Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain,	1st para.	8	0	3	704th 13.12.55	Adopted	In view of the brief interval between the 704th meeting and the 705th meeting no special report was submitted to the General Assembly		
	2nd para. 1st clause	9	0	2	"	"			
Brazil-New Zealand d.r. (S/3502) providing that the Council, having considered separately the applications of the foregoing States would recommend their admission, and	Inclusion of Rep. of Korea (Chinese amend.)	9	1	1	"	Not included	"		
	Inclusion of Viet-Nam (Chinese amend.)	9	1	1	"	"	"		
Republic of Korea and Republic of Viet-Nam, Chinese amendment (S/3506) to add them to list in S/3502	Inclusion of Albania	7	0	4	"	Included	"		
	Inclusion of Mongolian People's Rep.	8	1	2	"	Not included	"		
	Inclusion of Jordan	10	1	0	"	"	"		
	Inclusion of Ireland	10	1	0	"	"	"		
	Inclusion of Portugal	10	1	0	"	"	"		
	Inclusion of Hungary	9	0	2	"	Included	"		
	Inclusion of Italy	10	1	0	"	Not included	"		
	Inclusion of Austria	10	1	0	"	"	"		
	Inclusion of Romania	9	0	2	"	Included	"		
	Inclusion of Bulgaria	9	0	2	"	"	"		
	Inclusion of Finland	10	1	0	"	Not included	"		
	Inclusion of Ceylon	10	1	0	"	"	"		
	Inclusion of Nepal	10	1	0	"	"	"		
	Inclusion of Libya	10	1	0	"	"	"		
	Inclusion of Cambodia	10	1	0	"	"	"		
	Inclusion of Japan	10	1	0	"	"	"		
	Inclusion of Laos	10	1	0	"	"	"		
	Inclusion of Spain	9	1	1	"	"	"		
	2nd para. as a whole, as modified[c]	1	4	6	"	Not adopted	"		

[b] The Security Council did not discuss the question of admission of new Members in 1953-1954. At its eighth session in 1953, the General Assembly adopted resolution 718 (VIII) establishing a Committee of Good Offices to explore the possibilities of finding a solution on the question of admission of new Members. This Committee was requested, in resolution 817 (IX), to continue its efforts in that direction.

Two General Assembly resolutions were before the Security Council at the outset of debate XV. Under resolution 817 (IX), the General Assembly *inter alia* sent back the pending applications to the Council "for further consideration and positive recommendations", and resolution 918 (X) *inter alia* requested the Council to consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications of all those eighteen countries about which no problem of unification arose.

[c] Following the vote on this paragraph, the President stated that there would be no vote on the remainder of the draft resolution since there was nothing to recommend to the Assembly.

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS *(continued)*

Draft resolution, etc.	*Subject of vote*	*for*	*Vote ag.*	*abst.*	*Meeting and date*	*Result of vote*	*Recommendation or Spec. Rept. to G.A.*	*G.A. Action*	*Nature of G.A. decision*
Albania, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos and Spain,	1st para.	8	0	3	705th 14.12.55	Adopted	A/3099 (recommendation)		
	2nd para. 1st clause	9	0	2	"	"	"		
	U.S. amendment Candidature of Japan	10	1	0	"	Not adopted	"		
USSR d.r. (S/3509) by which the Council, having considered separately the applications of the above, would recommend the admission of same, and *Japan*, U.S. amendment to add it to list in S/3509	Candidature of Albania	8	0	3	"	Approved	"	Resolution 995 (X)	Admitted
	Candidature of Jordan	11	0	0	"	"	"	"	"
	Candidature of Ireland	11	0	0	"	"	"	"	"
	Candidature of Portugal	11	0	0	"	"	"	"	"
	Candidature of Hungary	9	0	2	"	"	"	"	"
	Candidature of of Italy	11	0	0	"	"	"	"	"
	Candidature of Austria	11	0	0	"	"	"	"	"
	Candidature of Romania	9	0	2	"	"	"	"	"
	Candidature of Bulgaria	9	0	2	"	"	"	"	"
	Candidature of Finland	11	0	0	"	"	"	"	"
	Candidature of Ceylon	11	0	0	"	"	"	"	"
	Candidature of Nepal	11	0	0	"	"	"	"	"
	Candidature of Libya	11	0	0	"	"	"	"	"
	Candidature of Cambodia	11	0	0	"	"	"	"	"
	Candidature of Laos	11	0	0	"	"	"	"	"
	Candidature of Spain	10	0	1	"	"	"	"	"
	2nd para. as a whole	8	0	3	"	Adopted	"	"	
	Draft resolution as a whole	8	0	3	"	"	"	"	
Japan, U.S. d.r. (S/3510) to recommend its admission at the 11th session of the Assembly	1st part, not including the words "at its eleventh regular session"[d]	10	1	0	706th 15.12.55	Not adopted	Neither		

F. VOTES IN THE SECURITY COUNCIL (1952-1955) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS *(continued)*

Draft resolution, etc.	*Subject of vote*	*Vote for*	*ag.*	*abst.*	*Meeting and date*	*Result of vote*	*Recommendation or Spec. Rept. to G.A.*	*G.A. Action*	*Nature of G.A. decision*
Mongolian People's Republic and Japan, USSR d.r. (S/3512) to recommend their admission at the 11th session of the G.A.	Same	1	0	10	706th 15.12.55	Not adopted	Neither		
Japan, U.K. d.r. (S/3513), by which the Council would take note that Japan was fully qualified for admission and would express the hope that it would soon be admitted, and,	(Consideration postponed following vote on USSR amendment)								
Mongolian People's Republic, USSR amendment (S/3517) to add to the U.K. draft resolution the above		1	0	10	708th 21.12.55	Not adopted	Neither		

[a] The remaining portion of the draft resolution was not put to the vote because the first part had not been carried.

Part II

**CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE

Part III

PRESENTATION OF APPLICATIONS

NOTE

Part III of this chapter, like its counterpart in the original volume of the *Repertoire*, deals with material concerning the submission of applications to the Secretary-General, their communication to representatives on the Council and their subsequent inclusion in the provisional agenda.

The following list[9] completes, for the period covered by this supplement, the historical data set forth in the *Repertoire* concerning presentation of applications:

(vii) In 1952[10]

Cambodia	15 June 1952
Japan	16 June 1952
Laos	30 June 1952

(No applications were submitted in 1953 or 1954.)

(viii) In 1955[11]

Spain	23 September 1955

CASE 1

At the 600th meeting on 16 September 1952, the representative of the USSR stated:[12]

". . . I have before me . . . the text of a statement by the Vietnam Republic dated 22 November 1948. This was the first statement which was sent to the United Nations and which, most strangely, has for unknown reasons not yet been issued as an official Security Council document. It would appear that in the United Nations Secretariat there are officials who deal with incoming documents in the same way that the United States delegation deals with applications for membership in the United Nations, that is to say, they pursue a policy of favouritism towards some governments and a policy of discrimination towards others. For, some applications are issued immediately as official Security Council documents, while others lie in the Secretariat archives for a number of years. I wish to bring this matter to the Council's attention and request that the application of the Democratic Republic of Vietnam be issued immediately as an official Security Council document."

The application in question was issued as document S/2780 on 17 September 1952.

At the 603rd meeting on 19 September 1952, the following explanation[13] was given by the representative of the Assistant Secretary-General:

". . . The Secretariat . . . did not conceal the application from the Democratic Republic of Vietnam. When that application was received in November 1948, copies were immediately distributed to all members of the Security Council for their information on the decision of the then President of the Council. Later, the second application—the application of 1951—was automatically produced as a document, and, at the request of the Soviet Union delegation, the document of 1948 has recently been distributed as a document of the Security Council."

[9] The list does not cover renewals of applications, since in practice applications were regarded both by the Security Council and the General Assembly as pending so long as admission had not been effected.

[10] Cambodia, S/2672;
Japan, S/2673;
Laos, S/2706.

[11] Spain, S/3441/Rev.1.

[12] 600th meeting: para. 7.

[13] 603rd meeting: para. 86.

Part IV

REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

NOTE

The Security Council has not, during the period under review, referred applications, whether newly submitted or referred to it for reconsideration by the General Assembly, to its Committee on the Admission of New Members. The principal question which has arisen has concerned the interpretation of the provision of rule 59 that, unless the Security Council decides otherwise, new applications shall be referred by the President to the Committee on the Admission of New Members. This was discussed at length by the Council in the course of debate XIV (see Cases 3 and 4). In that connexion, the question was also discussed whether an application which had been listed together with others in a draft resolution rejected by the Council, but had not been otherwise considered, was nevertheless to be treated as a new application (see Case 2). No proposal to refer to the Committee applications which the Council was to reconsider has been made during the period under review.

A. BEFORE A RECOMMENDATION HAS BEEN FORWARDED OR A REPORT SUBMITTED TO THE GENERAL ASSEMBLY

**1. Applications referred to the Committee by the President

**2. Applications referred to the Committee by decisions of the Security Council

3. Applications considered by the Security Council without reference to the Committee

CASE 2

The application of Libya[14] for membership in the United Nations was submitted on 24 December 1951. On 17 January 1952, the representative of Pakistan requested[15] that the question of Libya's admission be placed on the agenda of one of the forthcoming meetings of the Council and presented a draft resolution to recommend the admission of Libya.

At the 573rd meeting on 6 February 1952, the representative of the USSR submitted a revision of a Soviet draft resolution,[16] which had previously listed thirteen applications, to include Libya. This revised draft resolution was put to the vote at the same meeting and failed of adoption.[17] The application of Libya was not otherwise considered by the Council at the meeting, although during the discussion several references were made to it.[18]

At the 594th meeting on 2 September 1952, the application of Libya was one of the documents listed under sub-item (*c*), "New applications for membership", under the general heading "Admission of new Members". The representative of the USSR declared that there was no need to include the application under the proposed sub-item, since it had already been considered by the Council at the 573rd meeting on 6 February 1952 and was included by implication under sub-item (*b*) which dealt with the consideration of General Assembly resolution 506 (VI). Moreover, the question of Libya's admission had been covered by the USSR proposal for the admission of the fourteen States.

The President (Brazil) replied that the application of Libya had not been discussed by the Security Council although Libya had been included in the USSR draft resolution.[19]

The Council then included sub-item (*c*) in its agenda by 10 votes in favour, with one abstention.[20]

At the 598th meeting on 10 September 1952, the President (Brazil) raised, "for the proper consideration of the Council", the question of reference of the applications listed under the sub-item to the Committee on the Admission of new Members. The representative of the USSR stated that the new applications should be referred to the Committee by the President under rule 59. He recalled his view that the application of Libya was not a new one, however; the Council had completed consideration of General Assembly resolution 506 (VI), which, he stated, undoubtedly applied to Libya; he added that "the Libyan question should consequently be reopened only if someone has a strong desire for a negative vote". In reply, the President stated: "When we adopted the agenda we agreed to consider as new all applications which had not been discussed by the Security Council on an individual basis."

Various other members of the Council supported the view that the application was a new one and several urged that accordingly it be referred to the Committee (see Case 3).[21]

CASE 3

At the 594th meeting on 2 September 1952, the Security Council included in its agenda, under the general heading "Admission of new Members", the following sub-item: "(*c*) New applications for membership . . .", followed by the S/document numbers of the applications of Viet-Nam, the Democratic Republic of Viet-Nam, Libya, Cambodia, Japan and Laos.

At the 598th meeting on 10 September 1952, the President (Brazil) drew attention to the fact that none of the six applications had been referred to the Committee on the Admission of New Members under the provisions of rule 59. He stated:

> ". . . Of course, the Council is not bound under the rule to refer a specific application to that Committee; it might prefer to deal with the matter directly. . ."

The representative of the USSR stated that the reference of newly received applications to the Committee under rule 59 was the well established procedure and the existing practice in the Council. Referring to the application of Indonesia, which had been considered by the Council directly, he pointed out that in that exceptional case the Council had not thought it necessary to submit the application to the Committee since it had given sufficient study to that country.

The representative of the United States said that:

> "We may properly consider that our decision to adopt the agenda with what was then sub-item 2 (*c*) included was in fact a decision to discuss the application of Libya, of Japan and of the other four applicants since draft resolutions relating to them were on the table when the agenda was adopted."

He cited the case of the application of Indonesia which the Council had decided to consider directly by putting it on the agenda. He pointed to two other recent instances in which a proposal had been made to refer an application to the Committee. He said:

> ". . . In one case, it was adopted over the objection of the USSR; in the other case, it failed of adoption. Therefore it seems to me that rule 59 can be considered to have been complied with by the decision of the Council to place these items on its agenda. In fact,

[14] S/2467, *O.R., 7th year, Suppl. for Jan.-March 1952*, pp. 4-5.
[15] S/2483, *O.R., 7th year, Suppl. for Jan.-March 1952*, pp. 12-13.
[16] S/2449/Rev.1, 573rd meeting: para. 66.
[17] 573rd meeting: para. 172.
[18] For texts of relevant statements see:
573rd meeting: Chile, paras. 90-91; Turkey, para. 183; USSR, paras. 198-200; United States, para. 177.
[19] For texts of relevant statements see:
594th meeting: President (Brazil), para. 16; USSR, para. 14.
[20] 594th meeting: para. 26.
[21] For texts of relevant statements see:
598th meeting: President (Brazil), paras. 45-48, 83; USSR, paras. 67, 78-80.

we know it has been done. In other words the Security Council has 'decided otherwise'."

At the 599th meeting on 12 September 1952, the representative of China said that:

". . . Neither in law nor in practice has that rule been automatically applied. We know very well that there have been cases of applications acted upon by the Council without any reference to the Committee on the Admission of New Members."

He believed that the purpose of rule 59 and of the Committee was to enable the Council to secure additional information in case of need, and held that such a need could, in the present instance, be met by other means.

The representative of France said that in his opinion

". . . the question before us is not whether the provisions of rule 59 of the rules of procedure should be observed, but on the contrary whether there should be a departure from that rule. In other words, we have . . . to decide whether, according to rule 59 of the rules of procedure, we should 'decide otherwise' and consider these applications directly."

The Council should, he added, be asked to vote on the exception rather than on the rule; the point to be determined was not whether the Council would observe general practice but whether it would depart from it.

The representative of the USSR contended that the whole import of rule 59 was that all new applications reaching the Council should be referred to the Committee for consideration and study. Only after applications had been returned to the Council with the Committee's conclusions did the Council proceed to examine them directly. The submission of a draft resolution on the admission of one or other applicant States did not prejudge the question of the Security Council's direct examination of the application, and under no circumstances had the submission of a draft resolution on an application ever solved, nor could it solve, the question whether the Council should consider such applications directly itself.

The President (Brazil) stated that:

"Rule 59 indicates the usual procedure to be followed, unless the Security Council decides otherwise. To my mind, it is thus quite clear that the Council should have an opportunity to pronounce itself on this matter. This pronouncement is often tacitly implied when no objections are raised to the President's announcement that he is referring an application to the Committee on the Admission of New Members. In the particular instance, however, objections have been raised by two delegations to referring these applications to the Committee."

He further stated that he would put to the vote the question "whether the Security Council wishes to refer the new applications to the Committee on the Admission of New Members".

The representative of the USSR stated that he was unable to concur in the President's proposal which was contrary to the rules of procedure. The proposal that should be put to the vote was the opposite proposal, namely, "whether the Council was prepared to make an exception and not to refer these applications to the Committee".

The representative of Pakistan pointed out that the rule provided that:

". . . 'Unless the Security Council decides otherwise, the application shall be referred by the President . . .' The word 'shall', to my mind, is one of the most mandatory words in the English language. And the proviso in the beginning says: 'Unless the Security Council decides otherwise . . .' It does not say: 'Unless there is no objection . . .'."

The President was bound, the representative of Pakistan added, to refer the applications to the Committee, unless one of the objectors put forward his objection as a formal proposal and the Council subsequently accepted it. He considered that no explicit vote was required in order to refer this matter to the Committee; however, seven positive votes were required in order not to refer it to the Committee.

The representative of France wondered whether the President could not request the Council to proceed to a prior vote to indicate whether the Council wished to vote on the suggestion of the USSR or on that of the United States.

The representative of the USSR considered that there was no option in the matter and that the applications must be referred to the Committee unless the Council decided otherwise.

The representative of Chile shared the opinions of the representatives of Pakistan, France and the USSR. It must be taken into consideration that rule 59

". . . places responsibility in this matter on the President, which makes it difficult for the Council to decide by a vote. In effect, rule 59 does not state that the applications shall be referred to the Committee by the Council, but that, unless the Security Council decides otherwise, the application shall be referred by the President to the Committee. The obligation therefore rests with the President . . ."

In accordance with a precise and strict interpretation of the rule,

". . . the President would not even need to refer to the Council in taking a decision of this kind and it would be sufficient for him to be informed of an application, to notify the members of the Council of it and if, within a specified period, no request were received for a meeting of the Council to consider the application directly, he would refer it to the Committee . . ."

The President replied that there were no precedents in the practice of the Security Council to justify the interpretation that the applications should be referred automatically to the Committee on the Admission of New Members.[22]

[22] For texts of relevant statements see:

598th meeting: President (Brazil), para. 48; USSR, paras. 50, 70-71; United States, paras. 96-99.

599th meeting: President (Brazil), paras. 105-106, 158; Chile, paras. 155-157; China, para. 63; France, paras. 72, 121-122, 145-146, 162; Pakistan, paras. 113-114, 154; USSR, paras. 82-86, 101-102, 107-108, 150.

The representative of Pakistan maintained that the obvious procedure was that any delegation wishing that the applications be dealt with in the Security Council without reference to the Committee should make a definite proposal to be voted upon by the Council, and he therefore formally proposed[23] that the application of Libya for membership should be dealt with directly without reference to the Committee.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.[24]

The representative of the United States proposed[25] that the application of Japan be considered forthwith by the Security Council.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.[26]

The representative of France submitted a formal proposal[27] to the effect that the applications of Viet-Nam, Cambodia and Laos should not be referred to the Committee but examined directly by the Security Council.

The proposal was adopted by 8 votes in favour, to 1 against, with 2 abstentions.[28]

Case 4

Following the votes taken at the 599th meeting on 12 September 1952 (see Case 3) on proposals that various applications before the Council should not be referred to the Committee on Admission of New Members but should be examined directly by the Security Council, the representative of the USSR urged that the application of the Democratic Republic of Viet-Nam "be dealt with in accordance with rule 59 of the rules of procedure".

The representative of France stated that the application had not been supported by any draft resolution and therefore could not be considered on formal grounds. There were also substantive reasons for not considering it, since the Viet-Nam authorities could not be regarded as forming a government or representing a State.

At the 603rd meeting on 19 September 1952, the representative of Chile asked the President why he had not, with regard to the application of the Democratic Republic of Viet-Nam, applied the provisions of rule 59 of the rules of procedure which required that unless the Security Council decided otherwise, applications for membership should be referred to the Committee.

The President (Brazil) replied that the draft resolution contained in document S/2773, concerning the application of the Democratic Republic of Viet-Nam, presented by the USSR delegation, had been discussed and that it had now come to the vote.

The representative of Pakistan maintained that the Security Council should not take up the application of the Democratic Republic of Viet-Nam unless there was a definite proposal, adopted by the Security Council, not to refer the application to the Committee on the Admission of New Members.

The President stated that the Security Council had decided at successive meetings to include in its agenda document S/2466, the application of the Democratic Republic of Vietnam. Unless the Pakistan delegation wished to present a formal proposal to refer the matter to the Committee on the Admission of New Members, the Council would pass to the vote.

The representative of Pakistan declared that he disagreed with the statement of the President that the Security Council could discuss the application without referring it to the Committee. The fact that an item appeared on the agenda of the Security Council, especially if it was an item relating to the admission of new Members, did not mean that it need not go to a committee. Even if it was to go to a committee, it must first appear on the agenda of the Security Council. Therefore, its appearance on the agenda did not signify anything with regard to the question discussed. He maintained that in order not to refer the application to a committee, a positive decision was necessary.

The President replied that "the automatic reference" of applications to the Committee on the Admission of New Members was contrary to all the precedents of the Council. The application of the Democratic Republic of Viet-Nam had been pending since 3 January 1952. The representative of Pakistan had not, as President, felt compelled by the rules of procedure to refer that application to the Committee. That was the best proof available that there was no such practice as "the automatic reference" of applications by the President to the Committee on the Admission of New Members.[29]

The representative of Chile stated that he agreed with the observations made by the representative of Pakistan and that his delegation did not consider itself bound by the precedent which was being established.[30]

The President put the draft resolution set forth in document S/2773 to the vote. The draft resolution was not adopted.[31]

Case 5

The application of Spain for admission to membership in the United Nations was submitted on 23 September 1955. It was included as item 3 of the agenda under

[23] 599th meeting: paras. 179-180.
[24] 599th meeting: para. 181.
[25] 599th meeting: para. 184.
[26] 599th meeting: para. 185.
[27] 599th meeting: para. 186.
[28] 599th meeting: para. 187.

[29] At the 604th meeting on 19 September 1952 (para. 5), the representative of Pakistan said that he saw no inconsistency in the fact that his delegation, in its exercise of the presidency, had not automatically referred certain applications to the Committee. The Council had always made "a clear distinction between matters of which the Security Council is seized and matters which are on the agenda. At that time the Secretary-General had received certain applications, but during the month of April none of those applications was on the agenda. Had such an application been put on the agenda, my delegation, in its exercise of the presidency, would have suggested to the Security Council that such applications should be sent to a committee unless the Security Council decided otherwise. Since those applications were not in the agenda, my delegation could not take such action".

[30] For texts of relevant statements see:
599th meeting: France, para. 196; USSR, para. 191;
603rd meeting: President (Brazil), paras. 74, 88, 100; Chile, paras. 73, 101; Pakistan, paras. 87, 94-96.

[31] 603rd meeting: para. 104.

the general heading "Admission of new Members" at the 701st meeting on 10 December 1955 and discussion continued at the 702nd to 705th meetings on 10, 13 and 14 December. After the Council had failed to recommend admission of Spain in votes taken at its 604th meeting, a recommendation to admit Spain was adopted at the 705th meeting. During these meetings no representative of the Council invoked the provisions of rule 59, nor was any proposal submitted for reference of the application to the Committee on the Admission of New Members.

****4. Applications reconsidered by the Security Council after reference to the Committee**

B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION

****1. Applications referred to the Committee by the President**

2. Applications reconsidered by the Security Council without reference to the Committee

Note: Thirteen pending applications were reconsidered by the Security Council in debates XIII and XIV in 1952 without reference to the Committee. Nineteen pending applications were reconsidered in debate XV in 1955 without such reference.

Part V

PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL

NOTE

By contrast with the period covered in the previous volume of the *Repertoire*, there was little procedural discussion in the proceedings covered by this supplement of draft resolutions listing more than one application.

When voting on a draft resolution listing several applicants, the Council up to the end of 1951 usually voted on each application separately, irrespective of the attitude of the original mover toward such a division. In the course of debates XIII and XIV in 1952, however, two draft resolutions listing a number of applicants were put to the vote as a whole without a previous separate vote on each application. In the second of these cases,[32] although most of the members of the Council indicated support for separate votes on each application listed in the draft resolution in question, and one member of the Council requested such separate votes, the President stated that he was unable to comply with the request under rule 32 in view of the objection of the mover of the draft resolution. The request for separate votes was not pressed and the draft resolution was then put to the vote as a whole. In 1955, the Council, when voting on draft resolutions listing a number of applicants, first voted upon the draft resolutions in parts, but did not consider the vote complete until it had voted on the draft resolutions as a whole. However, in one instance in 1955, when the mover of the proposal objected to a division, voting took place on the draft resolution as a whole.[33]

In so far as concerned the order of voting on individual applications, the Council in 1955 generally voted upon the applications in the chronological order of their submission. In two instances,[34] however, the Security Council voted first on amendments, without regard to the chronological order of submission of the applications of the States listed in the amendments.

Sub-heading 6 in part B, "Consideration of a draft resolution to note the qualifications of an applicant for membership", is an addition to the headings appearing in part V of the corresponding chapter of the previous volume of the *Repertoire*, under "Voting on applications".

[32] See Case 9.
[33] See Case 10, last para.
[34] See Case 7.

****A. DISCUSSION OF APPLICATIONS**

****1. Order of the discussion of applications**

****2. Documentation submitted to the Security Council**

B. VOTING ON APPLICATIONS

****1. Omission of voting on applications when previous position of members is unchanged**

2. Time and order of voting on applications

CASE 6

Debate XIV

At the 590th meeting on 9 July 1952, the Council engaged in discussion of the following agenda:

"Admission of new Members: (*a*) Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission; (*b*) Consideration of resolution 506 (VI) of the General Assembly."

The representative of Greece, pointing out that there were other applications besides the fourteen enumerated in the USSR draft resolution under sub-item (*a*), suggested that the Council make " a close examination of all the applications pending . . . at a date closer to the next session of the General Assembly". He moved that the debate be adjourned until 2 September 1952. The motion was supported by a number of members of the Council. The representative of the USSR opposed the motion, declaring that the applications listed in the USSR resolution did not give rise "to any internal arguments or controversy". The other applications were more controversial and should therefore be post-

poned. He also noted the possibility that the Council would have new problems to attend to by September, with the possible consequence of a further postponement, as well as the possibility of a special session which would consider the question of admission if the Council were to recommend the admission of the applicants listed in the USSR draft resolution.[35]

At the 591st meeting on 9 July 1952, the Council adopted the proposal to postpone consideration of the question until 2 September 1952 by 8 votes in favour, to 1 against, with 2 abstentions.[36]

CASE 7

Debate XV

At the 703rd meeting on 13 December 1955, the Security Council had before it, in addition to other proposals, a joint draft resolution submitted by the representatives of Brazil and New Zealand,[37] providing, *inter alia*, that the Council, having considered separately the applications for membership of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain, should recommend to the Assembly the admission of those countries. The applicant States were listed in the joint draft resolution in the chronological order of the submission of their applications. The representative of China submitted an amendment[38] to add the names of the Republic of Korea and Viet-Nam to this list of applications in that draft resolution.

At the 704th meeting also on 13 December 1955, the President (New Zealand) stated that in accordance with rule 36, the Chinese amendment would be voted upon after the introductory words "having considered separately the applications for membership of", which preceded the list of applicants named in the joint draft resolution, and that the applicants named in the amendment and in the joint draft resolution would be voted upon separately.

The representative of the USSR proposed that the Council decide to vote upon the applicants named in the Chinese amendment in the positions they occupied in the chronological order of submission of applications. The representative of China observed that the voting had nothing to do with the order of filing of the applications. The President declared that he had no power to alter the arrangement in the draft resolution, and, at the request of the representative of the USSR, put the USSR proposal to the vote.[39] The USSR proposal was rejected by 8 votes in favour, to 1 against, with 2 abstentions.[40] The joint draft resolution and the Chinese amendment were then voted upon in the manner indicated by the President.

[35] For texts of relevant statements see:
590th meeting: Greece, paras. 34, 37-38, 56; USSR, paras. 65, 67, 70, 77-78.

[36] 591st meeting: para. 96.

[37] S/3502.

[38] S/3506.

[39] For texts of relevant statements see:
704th meeting: provisional record, President (New Zealand), pp. 11, 16; China, p. 16; USSR, pp. 16-22.

[40] 704th meeting: provisional record, pp. 17-22.

At the 705th meeting on 14 December 1955, the Council had before it a USSR draft resolution[41] providing that the Council, having considered separately the applications for membership of Albania, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos and Spain, should recommend that the Assembly admit those countries to membership. The applicant States were listed in the draft resolution in the chronological order of the submission of their applications. The representative of the United States submitted an amendment[42] to add the name of Japan to the enumeration of applicants in the USSR draft resolution. The President stated that he would put the amendment and the draft resolution to the vote in the same manner as the joint draft resolution and the Chinese amendment had been put to the vote at the previous meeting.[43] The applications listed in the United States amendment and in the draft resolution were then voted upon in the manner indicated by the President.

3. Consideration of a draft resolution recommending the admission of a number of applicant States

CASE 8

Debate XIII

At the 573rd meeting on 6 February 1952, the Council had before it a USSR draft resolution[44] recommending the simultaneous admission of 14 applicant countries. The draft resolution was opposed by other members of the Council on the grounds that it ran counter to the terms of Article 4 of the Charter, as interpreted by the International Court of Justice, in that it made admission of States admittedly fully qualified for membership conditional upon admission of other applicants whose qualifications were doubtful. The representative of the USSR declared that the USSR draft resolution indicated how the Security Council could find a solution to the problem of admission "in the way which is most acceptable, most equitable and most compatible with the Charter, the one based on the principle of treating all fourteen States equally".[45]

The USSR draft resolution was put to the vote as a whole and was rejected. There were 2 votes in favour and 6 against, with 3 abstentions.[46]

CASE 9

Debate XIV

At the 595th meeting on 3 September 1952, in connexion with the question of admission of new Members, the Council continued its consideration of sub-item 2 (*a*) "Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission" as contained in the draft

[41] S/3509.

[42] S/3510.

[43] 705th meeting: provisional record, p. 8.

[44] S/2449/Rev. 1.

[45] 573rd meeting: para. 171.

[46] 573rd meeting: para. 172.

resolution[47] submitted by the representative of the USSR.

The representative of China stated that, since the conditions and qualifications for membership set forth in the Charter were those of individual States and not of a group of States, the Council, in conformity with the Charter, could admit Members only one by one. He therefore requested that, in accordance with rule 32 of the rules of procedure, the names of the fourteen States listed in the USSR draft resolution be put to the vote separately. Should the representative of the USSR object, he added, the resolution should be ruled out of order as being in contradiction to the Charter.

At the 597th meeting on 8 September 1952, the representative of the USSR, rejecting the request of the representative of China to have a separate vote on each of the fourteen applicants named in the USSR draft resolution, stated:

". . . In accordance with the generally accepted meaning of rule 32 of the rules of procedure and with the working practice which has been established since the early days of the Security Council's existence, every representative in the Security Council submits his proposal, defends it and secures a vote on the proposal in the form in which he submitted it. No one is entitled to change the proposal, however much its opponents may desire to do so. That is the force and sense of rule 32."

After the President (Brazil) had declared that he was unable to comply with the request of the representative of China under the terms of rule 32, the representative of China observed:

"The representative of the Soviet Union just stated that my request was illegal and unprecedented. The records of the Security Council show a large number of such precedents. Let us take this question of admission of new Members. Some members of this Council may recall what happened at the 444th meeting of this Council when, faced with a similar proposal of the simultaneous admission of a number of applicants, the representative of the United States moved that a separate vote be taken. The Soviet Union representative then, as now, pronounced such a proposal to be illegal, and on that occasion he formally moved that the United States proposal was out of order. The President on that occasion put that motion to a vote, and the Security Council, by a large majority, voted that the demand for a separate vote was in order . . ."[48]

The President observed that he had made no ruling. He had only made a statement of fact with respect to rule 32, and had not said the Chinese motion was illegal. A member had the right to request a vote in parts and the original mover had the right to object. He then stated that since the representative of China did not insist on a separate vote, he would put the USSR draft resolution to a vote as a whole. The USSR draft resolution was put to the vote as a whole and was rejected. There were 2 votes in favour and 5 against, with 4 abstentions.[49]

Case 10

Debate XV

At the 701st meeting on 10 December 1955, the Security Council had before it, *inter alia*, a request from the General Assembly[50] to the effect that it "consider in the light of the general opinion in favour of the widest possible membership of the United Nations the pending applications for membership of all those eighteen countries about which no problem of unification arises". The representatives of Brazil and New Zealand submitted a joint draft resolution[51] which, referring to the above request of the General Assembly, provided that the Council, having considered separately the applications for membership of eighteen countries listed by name, would recommend to the General Assembly the admission of those countries.

The President (New Zealand), in response to a question by a member of the Council, stated that the joint draft resolution would be voted upon in parts, including separate votes on each of the countries listed, prior to the vote on the paragraph containing the list as a whole and on the draft resolution as a whole.

The representative of the USSR proposed that the General Assembly should act on each recommendation by the Council for admission of an applicant before the Council voted on the succeeding application.[52] At the 703rd meeting on 13 December 1955, the representative of the USSR stated that he would not insist on the procedure he had proposed and accepted the procedure set out in the joint draft resolution. He declared that the joint draft resolution was a single entity, a single recommendation, which was to be considered as such by the General Assembly and should be referred back to the Council for reconsideration if it was amended in any way by the Assembly.

Also at the 703rd meeting, the representative of China submitted an amendment[53] to add the names of the Republic of Korea and the Republic of Viet-Nam to the names listed in the joint draft resolution.

At the 704th meeting on 13 December 1955, the Council voted upon the draft resolution and the Chinese amendment in parts, taking a separate vote on each of the twenty names. The names of four applicants obtained the required majority. The paragraph containing those 4 applicant States was put to the vote as a whole, and was not carried. The President (New Zealand) stated that he would not put the last paragraph nor the resolution as a whole to the vote since there was nothing to recommend to the General Assembly.

In explaining their votes on the paragraph as a whole, a number of representatives stated that they had voted for all the applicants named, but that they had abstained

[47] S/2664, 590th meeting: para. 33.

[48] For texts of relevant statements see:
595th meeting: China, paras. 53-54.
597th meeting: President (Brazil), paras. 10-11, 20, 25; China, paras. 22-23; USSR, paras. 12-13, 19.

[49] 597th meeting: para. 26.

[50] Resolution 918 (X).

[51] S/3502.

[52] S/3483.

[53] S/3506.

or voted against what remained of the paragraph because it had lost all meaning.[54]

At the 705th meeting on 14 December 1955, the representative of the USSR submitted a draft resolution which also referred to the General Assembly resolution of 8 December 1955 on the admission of new Members and provided that the Council, having considered separately the applications for membership of sixteen applicants named in the proposal, would recommend to the General Assembly the admission of those countries.[55] The representative of the United States submitted an amendment[56] to add the name of Japan to the list in the USSR proposal.

The USSR draft resolution and the United States amendment were then voted upon in accordance with the same procedure as had been followed at the previous meeting. After the Council failed to adopt the United States amendment, it approved each of the applications listed in the USSR draft and adopted the draft resolution as a whole.

At the 706th meeting on 15 December 1955, the Council discussed a draft resolution submitted by the USSR recommending to the General Assembly that the Mongolian People's Republic and Japan be admitted at its eleventh session.[57] The representative of the USSR opposed a suggestion made by the representative of France to vote by division on his draft resolution. The USSR draft resolution was accordingly voted upon as a whole, and was not adopted.[58]

4. The question of submission of a draft resolution with a view to voting on an application

****5. Conflict between a proposal to recommend admission and a proposal to postpone voting**

6. Consideration of a draft resolution to note the qualifications of an applicant for membership

CASE 11

Debate XV

At the 706th meeting on 15 December 1955, the representative of the United Kingdom submitted a draft resolution[59] to take note that Japan was fully qualified for membership and to express the hope that it would soon be admitted to the United Nations.

At the 708th meeting on 21 December 1955, the representative of the USSR submitted an amendment[60] to add the name of the Mongolian People's Republic to the United Kingdom draft resolution. This amendment was opposed by other members of the Council, partly on the ground that it ran counter to Article 4 by linking admission of one applicant to that of another. The USSR amendment was rejected by 1 vote in favour, to none against, with 10 abstentions. The United Kingdom representative then requested postponement of the voting on his draft resolution.[61]

[54] For texts of relevant statements see:
701st meeting: provisional record, President (New Zealand), p. 37.
702nd meeting: provisional record, Brazil, p. 3; Iran, p. 5; USSR, p. 7.
703rd meeting: provisional record, USSR, p. 3; China, pp. 7-9.
704th meeting: provisional record, President (New Zealand), p. 33; Peru, p. 34; Turkey, p. 33; United Kingdom, p. 33.

[55] S/3509.

[56] S/3510.

[57] S/3512.

[58] 706th meeting: provisional record, p. 50.

[59] S/3513.

[60] S/3517.

[61] 708th meeting: provisional record, p. 35.

Part VI

THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL

NOTE

The material covered in part VI of the *Supplement* includes five cases; the first one concerns consultations by the permanent members of the Council in response to a request by the Assembly; the second sets forth the discussion in the Council of the terms of a special report; the third case concerns consideration of a new application in accordance with a General Assembly resolution; the fourth relates to the question of the procedure for achieving agreement with the General Assembly on the States to be admitted to membership; and the fifth relates to the question of whether the Council may specify the time at which the Assembly is to act upon its recommendation.

CASE 12

Debate XIV

In the course of discussion at the 590th and 591st meetings on 9 July 1952 of the proposal to postpone consideration of the question of admission,[62] the representatives of Chile and Pakistan, referring to the request in General Assembly resolution 506 A (VI) that the permanent members of the Council confer, submitted a joint draft resolution[63] urging the permanent members to give their earnest attention to that request. This joint draft resolution was not put to the vote because the proposal for adjournment of the debate was adopted, but during the discussion the representatives of some of the permanent members indicated their readiness to hold consultations.

At the 594th meeting on 2 September 1952, when the Council resumed discussion of the membership question, it was informed that the permanent members had met on 21 August but that agreement had not been possible since they had not changed their positions.[64]

CASE 13

Debate XIV

At the 604th meeting on 19 September 1952, the Security Council discussed the question of submitting a special report to the General Assembly in accordance

[62] See Case 6.

[63] S/2694, 591st meeting: para. 25.

[64] 594th meeting: paras. 3-5.

with rule 60 (3) of the provisional rules of procedure, as well as the relationship of such a report to the General Assembly's request under resolution 506 B (VI) that the Council report to the General Assembly at its seventh session on the status of applications still pending. During the discussion, the President (Brazil) suggested that the drafting of the report be entrusted to the Secretariat. The representative of the USSR raised the question of the meaning of the term "applications still pending" in the Assembly resolution. The President stated:

". . . that no reference will be made to applications outside of those which were dealt with by the Council in the various draft resolutions submitted to the Council. The reference to resolution 506 (VI) will only embrace the meetings of the Security Council and the effort made by it to find a basis of agreement, with a notation to the effect that no changes were made in the general situation."

The representative of Chile considered that the course proposed by the President would not fulfil the Assembly's request. The Spanish text of the Assembly's resolution clearly referred to such applications as might be pending when the Security Council reported.

The representative of Greece concurred with the view of the representative of Chile, stating:

". . . We have examined nineteen of the applications still pending. The only ones we have not examined are the applications of the Republic of Korea and of the so-called People's Democratic Republic of Korea. Can we not, in accordance with the third paragraph of rule 60 of the rules of procedure, decide to postpone the consideration of these two applications at once and then make reference to the postponement in the report to the General Assembly?"

The President thereupon observed that a decision of the Council would be necessary and that no draft resolutions had been presented in connexion with those applications.

The representative of Chile stated that the question "of the two applications concerning Korea can be settled without difficulty by stating that the Council has not dealt with them. The point raised in paragraph 1 would thus be met".[65]

The Special Report submitted by the Council stated in part:[66]

"The Security Council did not consider, during its discussion, the applications of the Republic of Korea and of the People's Democratic Republic of Korea."

Case 14

In the case of the application of Spain, which was addressed to the Secretary-General on 23 September 1955,[67] the Security Council did not begin its consideration of the application until after the General Assembly had adopted its resolution of 8 December 1955 requesting the Council to examine the pending applications for membership of "all those eighteen countries about which no problem of unification arises", the eighteen countries in question including, implicitly, Spain. The application of Spain appeared for the first time on the provisional agenda of the Council only at its 701st meeting on 10 December 1955.

Case 15

Debate XV

At the 701st meeting of the Security Council on 10 December 1955, the Council adopted an agenda covering General Assembly resolutions 817 (IX) and 918 (X), as well as the application of Spain. The Council had before it thirteen draft resolutions[68] submitted by China to recommend respectively the admission of Italy, Japan, Spain, the Republic of Korea, the Republic of Viet-Nam, Cambodia, Laos, Portugal, Ceylon, Jordan, Libya, Austria and Ireland.

The representative of the Union of Soviet Socialist Republics submitted eighteen draft resolutions[69] to recommend respectively the admission of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain. Since his delegation considered it essential that the Security Council and the General Assembly should take agreed action on the matter, in accordance with a predetermined plan, he also submitted a draft resolution[70] on the procedure to be followed providing that the Council take a separate decision on each application and, after voting to recommend the first State on the list, examine the next application only after the General Assembly had completed consideration of the Council recommendation on the preceding application.

At the same meeting a joint draft resolution[71] submitted by Brazil and New Zealand provided, following a preambular reference to resolution 918 (X), that the Council, having considered separately the applications of Albania, the Mongolian People's Republic, Jordan, Ireland, Portugal, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon, Nepal, Libya, Cambodia, Japan, Laos and Spain, recommend to the General Assembly the admission of the above mentioned countries.

Introducing the joint draft resolution, the President, speaking as the representative of New Zealand, stated in part:

". . . We cannot ignore the fact that the General Assembly expects the members of the Council to reach an understanding which would permit the immediate admission of all eighteen applicants. Still less can we ignore the fact that, in the absence of such understanding, no candidate is likely to be admitted. Therefore, while the procedure my delegation contemplates is one of a separate vote on each applicant, we believe that there must also be a vote

[65] For texts of relevant statements see:
604th meeting: President (Brazil), paras. 2-3, 18, 26; Chile, paras. 19, 27; Greece, paras. 24-25.

[66] A/2208, G A (VII), Annexes, a.i. 19, p. 1.

[67] S/3441/Rev.1.

[68] S/3468-S/3480.

[69] S/3484-S/3501.

[70] S/3483.

[71] S/3502.

on the group. If, after the separate voting on individual States, the group comprises fewer than eighteen States, we shall then have disregarded the views of an overwhelming majority of Members of the United Nations. This is a fact which my delegation cannot fail to take into account. It follows also that our chances of success would be destroyed as soon as one applicant failed to secure the necessary votes. . . .

". . .

"My delegation does not believe that this resolution can be successfully amended. Nevertheless, for the reasons we have given, we contemplate allowing separate votes on the eighteen applicants. I should say at this juncture that I have listened with great care to the procedure proposed by the representative of the Soviet Union. In my view, the procedure which we propose is capable of achieving everything which the procedure proposed by the Soviet Union is designed to achieve, and will, I think, be more generally acceptable."

In replying at the 702nd meeting on 10 December 1955 to a question by the representative of the USSR concerning the joint draft resolution, the President said that while the Security Council could not impose a procedure on the General Assembly, he could not conceive that the General Assembly would do other than promptly endorse the Council's recommendation by an overwhelming majority.

After some discussion of the question of procedure, in the course of which the representatives of Belgium, Brazil, Iran, Peru and the United Kingdom noted that the joint draft resolution was compatible with the relevant provisions of the Charter in the matter of admission of new Members, the representative of the USSR said at the 703rd meeting on 13 December 1955 that his delegation was bound to take into account the support given to the joint draft resolution by many members of the Council and would not oppose the motion to give that joint draft resolution priority which had been made by the representative of Iran. It was the understanding of the Soviet delegation that that draft resolution:

". . . represents a single entity, a single recommendation, which is to be considered by the General Assembly in that sense. We understand the draft resolution to mean that if the General Assembly amends the recommendation in any way, the Security Council's recommendation would be amended accordingly because it would lose its meaning as an entity and as a single recommendation, and would consequently have to be referred back to the Security Council for reconsideration."

The representative of China noted that the list contained in the second paragraph of the Brazil-New Zealand draft resolution did not include the Republics of Korea and Viet-Nam, which were covered in the series of draft resolutions submitted by China. If that paragraph meant that his own draft resolutions on Korea and Viet-Nam would not be considered and voted upon, he could not support the joint draft resolution. The third paragraph of the joint draft resolution appeared to him not to be necessary at all.

He submitted an amendment[72] to add the names of Korea and Viet-Nam to the list of applications contained in the second paragraph of the Brazil-New Zealand draft resolution.

At the 704th meeting on 13 December 1955, after the Council had decided to give priority in the voting to the draft resolution of Brazil and New Zealand, the President, speaking as the representative of New Zealand, indicated why he could not support the amendment proposed by the representative of China. He stated that while, as the representative of China had indicated, the preamble of the joint draft resolution might be construed as neither approving nor disapproving the General Assembly resolution, the joint draft resolution considered as a whole was intended to give effect to the purpose of the Assembly resolution. He added that:

"If we now add two more to the eighteen countries, and two about which a problem of unification may be said to arise, we shall not be acting in accordance with the request of the General Assembly; we shall be doing something different. The result of doing something different from what the Assembly asked, in my view and in the view of my delegation, would be to diminish our chances of success. That is why, in introducing the draft resolution of Brazil and New Zealand, I expressed the belief that it could not be successfully amended."

The representative of the United States said that he did not believe:

". . . there is a definite purpose in this draft resolution or a definite obligation here to give effect to whatever the General Assembly may have voted. We certainly have the obligation to give it tremendous weight and give it very respectful consideration, but certainly we cannot contend that the Assembly has the right to bind the Security Council any more than the Security Council has the right to bind the Assembly; they are autonomous organs."

The object of the joint draft resolution in his view was to provide an orderly method of voting and an orderly procedure for considering these questions. The amendment offered by the representative of China was entirely appropriate and consistent with his understanding of the joint draft resolution.

The representative of the United Kingdom agreed that the Council should pay the utmost respect to an indication of wishes on the part of the General Assembly. Noting that the Security Council was master of its own procedures and judgements, he said:

". . . it does not seem to me in any way out of line with the responsibilities of these two organs of the United Nations that we here in the Security Council should decide that we ought to consider the amendments, adding the Republic of Korea and the Republic of Viet-Nam to the list of applicant countries. I may recall that there is still outstanding a resolution of the General Assembly of last year asking the Security Council to consider the pending applications for membership, and of course among the latter applications are those of the Republic of Korea and the Republic of Viet-Nam."

[72] S/3508.

The representative of France declared that the Council was entitled to receive amendments to the draft resolutions before it, and to vote upon them, even though such resolutions had not been previously accepted by the Assembly.

The representative of the Union of Soviet Socialist Republics declared that the amendment was intended to obstruct a decision by the Security Council and said that:

> "This is not of course an amendment in the ordinary sense of the word. It is a completely new proposal which radically alters the meaning of the proposal made by Brazil and New Zealand. . . ."[73]

Case 16

Debate XV

At the 705th meeting on 14 December 1955, the representative of the United States submitted a draft resolution[74] to recommend to the Assembly that it admit Japan to the United Nations at its eleventh regular session.

At the 706th meeting on 15 December 1955, the representative of the USSR submitted a draft resolution[75] to recommend to the Assembly that it admit the Mongolian People's Republic and Japan to the United Nations at its eleventh regular session.

The President, speaking as the representative of New Zealand, indicated that he would abstain on both proposals "on constitutional grounds", namely that "the Council is not permitted by the Charter to attach conditions of any kind to its recommendations" in the matter of admission. The representative of Brazil likewise did not regard "the form of the draft resolution" as suitable.

The representative of Peru expressed the view that

> ". . . the Security Council does not function in the same cycles as the Assembly, and is not bound to the Assembly's annual cycle. The Security Council is a continuous entity, without fixed sessions. The chronological factor may be taken into account where the Security Council is concerned, but it is not a consideration of substances. There is no fixed session for the Council, because it functions continuously, whereas the Assembly does function in sessions. When an Assembly adjourns, it can be said to have no jurisdiction until it is convened again. On the other hand it would appear that the Council has this question before it continuously, without a break. Thus the Council is in a position to express an opinion which will be valid, unless it is retracted, until the Assembly's eleventh session. This resolution can obviously be revoked by the Council itself in the light of events before the eleventh session."

The representative of France supported the United States proposal, and did not think that it was "in any way contrary to the constitutional rules".[76]

The United States draft resolution was voted upon in parts. The first part, not including the words "at its eleventh regular session", received 10 votes in favour and 1 against.[77] It was not adopted since the opposing vote was that of a permanent member. The remainder of the draft resolution accordingly was not put to the vote. The USSR draft resolution was voted upon as a whole and was not adopted, there being 1 vote in favour and 10 abstentions.[78]

---

[73] For texts of relevant statements see:
701st meeting: provisional record, President (New Zealand), pp. 37-38.
702nd meeting: provisional record, President (New Zealand), p. 2; Belgium, pp. 8-11; Brazil, pp. 3-4; Iran, pp. 4-5, 17-22; Peru, pp. 26-28; United Kingdom, pp. 23-25.
703rd meeting: provisional record, China, pp. 7-27; USSR, pp. 2-3.
704th meeting: provisional record, President (New Zealand), pp. 2-5; France, p. 9; USSR, pp. 9-10; United Kingdom, pp. 7-8; United States, pp. 6-7.

[74] S/3510.

[75] S/3512.

[76] For texts of relevant statements see:
706th meeting: provisional record, President (New Zealand), p. 22; Brazil, p. 27; France, p. 50; Peru, pp. 34-38.

[77] 706th meeting: provisional record, p. 50.

[78] 706th meeting: provisional record, p. 50.

Chapter VIII

CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

TABLE OF CONTENTS

INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material presented in chapters VIII-XII of the supplement are the same as for the previous volume of the *Repertoire*. That volume should be consulted for a full statement of those principles.

This chapter indicates the chain of proceedings on the substance of each question included within the Report of the Security Council to the General Assembly under the heading: "Questions Considered by the Security Council under its Responsibility for the Maintenance of International Peace and Security". The range of questions covers broadly those which may be deemed to fall under Chapters VI and VII of the Charter. In chapters X, XI, XII of the *Repertoire* is presented ancillary material from the Official Records bearing on relevant Articles of the Charter. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

Chapter VIII, as an outline of the proceedings of the Council in respect of the questions included in its agenda, constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council[1] and with regard to the India-Pakistan question,[2] Appointment of a Governor of the Free Territory of Trieste[3] and the Palestine question,[4] which were included in the Council's agenda before the period under review, in the order of resumption of their consideration by the Council. In respect of each question, there is given at the outset a summary of the case presented to the Council, together with a summary of the contentions made in rebuttal.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volume of the *Repertoire* an analytical table of measures adopted by the Council arranged broadly by types has been included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings adopted in the compilation of this table nor to the inclusion of particular measures under the individual headings.

Much of the activity of the Council in connexion with Chapters VI and VII of the Charter has taken place through the instrumentality of subsidiary organs established to operate in the area of the dispute. As previously, no attempt has been made to reproduce within the *Repertoire*, material relating to the organization and procedures of such subsidiary bodies save where questions relating to their organization and procedure have constituted an aspect of the proceedings of the Council itself.

[1] For a tabulation of the data on submission, see chapter X, part III.

[2] *Repertoire of the Practice of the Security Council 1946-1951*, pp. 325-344.

[3] *Repertoire of the Practice of the Security Council 1946-1951*, p. 314.

[4] *Repertoire of the Practice of the Security Council 1946-1951*, pp. 344-352.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

The entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision in the S/series.

**C. Arrangement, maintenance or prolongation of truce.

D. Establishment and maintenance of an armistice.

Palestine question:
Decision of 29 March 1955 (S/3378), paras. 5-6.
Decision of 30 March 1955 (S/3379).
Decision of 8 September 1955 (S/3432), para. 2.

IV. Measures in connexion with injunctions to be taken by the governments and authorities directly involved in hostilities

**A. Withdrawal of fighting personnel.

B. Demilitarization of an area.

India-Pakistan question:
Decision of 31 January 1952.
Decision of 25 December 1953 (S/2883), para.8.

**C. Delineation of demarcation lines.

**D. Restriction on the introduction of new fighting personnel into the area of hostilities.

**E. Restriction on the importation or furnishing of war materials.

**F. Restriction on the mobilization of men of military age.

**G. Release of political prisoners.

**H. Protection of Holy Places.

**I. Protection of life and property.

J. Freedom of movement and safe conduct of supervision personnel.

Palestine question:
Decision of 8 September 1955 (S/3432), para. 4.

**K. Prevention and punishment of breaches of the truce.

**L. Termination of the exercise of the right of visit, search and seizure.

M. Suspension of works in a demilitarized zone.

Palestine question:
Decision of 27 October 1953 (S/3128), paras. 3-4.

N. Cooperation in preventing infiltration and incidents.

Palestine question:
Decision of 30 March 1955, para. 3.

V. Measures in connexion with injunctions to be taken by other governments and authorities

**A. Prevention of the introduction of fighting personnel.

**B. Prevention of the importation of war materials.

C. Restriction on assistance by Members to one of the authorities involved.

Guatemalan question:
Decision of 20 June 1954, para. 2.

**D. Provision of assistance by Members in circumstances of a breach of the peace.

VI. Measures for settlement

**A. Compliance with purposes and principles of the Charter.

B. Procedures of pacific settlement noted, advised or recommended.

1. Direct negotiations.

(i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 7.

(ii) Palestine question:
Decision: President's statement of 11 November 1954.

2. Good offices, mediation or conciliation.

Palestine question:
Decision: President's statement of 13 January 1955.

C. Provisions bearing on issues of substance, including terms of settlement.

India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 7.

**D. In connexion with the General Assembly.

VII. Measures to promote the implementation of resolutions of the Security Council

**A. Notice of possible action under Chapter VII of the Charter.

B. Establishment or employment of subsidiary organs.

**1. For observation or supervision in connexion with the ending of hostilities.

2. For good offices, mediation or conciliation.

India-Pakistan question:
Decision: Statement of the President (572nd meeting, pp. 8-9) of 31 January 1952 (authorization of the United Nations Representative for India and Pakistan to continue efforts to fulfil his mission).

**3. For the organization of a plebiscite.

**C. Intercession by the President.

D. Endorsement of decisions of subsidiary organs.

(i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), paras. 2, 4.

(ii) Palestine question:
Decision of 30 March 1955 (S/3379).
Decision of 8 September 1955 (S/3432), para. 3.

**E. Time limits fixed for compliance.

F. Reaffirmation of previous decisions.

(i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 1.

(ii) Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), Part B, para. 2; Part C, para. 1.
Decision of 29 March 1955 (S/3378), para. 2.
Decision: President's statement of 19 April 1955.
Decision of 8 September 1955 (S/3432), preamble para. 1.

G. Finding of a violation of a Security Council cease fire injunction and of the obligations of a party.

Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), Part A, para. 1.
Decision of 29 March 1955 (S/3378).

H. Call upon parties to ensure the effective cooperation of local security forces.

Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), Part B, para. 3.

I. Emphasis upon the obligations of parties to cooperate fully with subsidiary organs.

Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), Part C, para. 2.
Decision: President's statement of 11 November 1954.
Decision of 30 March 1955 (S/3379), para. 3.
Decision of 8 September 1955, para. 5.

J. Request to Secretary-General to consider best ways of strengthening subsidiary organs.

Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), part C, para. 3.

K. Expression of censure of retaliatory action and condemnation of attack by armed forces.

Palestine question:
Decision of 24 November 1953 (S/3139/Rev.2), part A, para. 2.
Decision of 29 March 1955 (S/3378), para. 4.

VIII. Measures to ensure further consideration and to ascertain compliance

A. Request for information on the progress of settlement.

1. From the parties.

(i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 9.

(ii) Palestine question:
Decision: President's statement of 11 November 1954.

**2. From the Secretary-General.

3. From the subsidiary organs.

(i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 10.

(ii) Palestine question:
Decision of 24 October 1953 (S/3139/Rev.2) Part C, para. 4.
Decision of 27 November 1953 (S/3128), para. 5.
Decision of 30 March 1955 (3379), para. 4.
Decision of 8 September 1955 (S/3432), para. 6.

**B. Retention of the question by express decision on the list of matters of which the Security Council is seized.

**C. Provision by express decision to consider the matter further.

Part II

THE INDIA-PAKISTAN QUESTION

Decision of 31 January 1952 (572nd meeting): Authorizing the United Nations Representative to continue his efforts and submit his report

At the 570th meeting on 17 January 1952, the Security Council began consideration of the second report dated 18 December 1951 from the United Nations Representative for India and Pakistan,[5] submitted in accordance with paragraph 4 of the Security Council resolution of 10 November 1951. At that meeting the United Nations Representative, in a statement presenting the report, said:[6]

". . . . the United Nations Representative deems that there is no substantial change in the positions of the Governments of India and Pakistan in regard to their main points of difference concerning demilitarization of the State of Jammu and Kashmir on the basis of the draft agreement submitted to them on 7 September 1951, which were set forth in paragraph 60 of the first report of the United Nations Representative [S/2375] . . .

". . .

"The United Nations Representative deems it necessary to emphasize that, from his experience, he believes that any negotiations that could be undertaken by the United Nations to obtain the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949, taking into account the resolutions themselves or following the procedure proposed by the United Nations Representative in the draft plan for agreement submitted to the parties, would find almost unsurmountable obstacles if the circumstances prevailing are the same as now, unless in one way or another agreed solutions are found for the following: (1) a definite period for demilitarization; (2) the scope of demilitarization and quantum of forces that will remain at the end of the period of demilitarization; (3) the day for the formal induction into office of the Plebiscite Administrator."

Consideration of the report, which was continued at the 571st meeting on 30 January 1952, was concluded at the 572nd meeting on 31 January 1952, when the President (France) noted that, with the exception of the representative of the USSR, the Security Council was agreed that "in keeping with the earlier resolutions, the United Nations Representative of India and Pakistan is authorized, without any new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hopes will be final, within two months". In the absence of objection, this was considered to be the sense of the Security Council.[7]

Decision of 23 December 1952 (611th meeting): Urging the parties to enter into negotiations to reach agreement on quantum of forces to remain at the end of the period of demilitarization

In accordance with the President's statement of 31 January 1952, the United Nations Representative held preliminary consultations with the representatives of the Governments of India and Pakistan in Paris and held separate discussions with the parties during his visit to the Indian sub-continent between 29 February and 25 March. In his third report[8] submitted to the Security Council on 22 April 1952, he reviewed the progress of the negotiations and recommended:[9]

"(1) That, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India and Pakistan refrain from taking any action which would augment the present military potential of the forces in the State.

"(2) That the Governments of India and Pakistan, taking into account their agreements under the UNCIP resolutions and their acceptances under the twelve proposals, should:

"(*a*) Continue their determination not to resort to force and to adhere to peaceful procedures; and to follow faithfully their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).

[5] S/2448, *O.R., 7th year, Special Suppl. No. 1*, pp. 1-37.
[6] 570th meeting: paras. 56, 58.
[7] 572nd meeting: paras. 34-35.
[8] S/2611 and Corr. 1, *O.R., 7th year, Special Suppl. No. 2*, pp. 1-19.
[9] S/2611 and Corr. 1, *O.R., 7th year, Special Suppl. No. 2*, pp. 16-17.

"(*b*) Observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 (twelve proposals, paragraph 3).

"(3) That the Governments of India and Pakistan, as a means of further implementing the resolutions of 13 August 1948 and 5 January 1949, should undertake by 15 July 1952 further to reduce the forces under their control in the State of Jammu and Kashmir.

"(4) That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with a view to:

"(*a*) Resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

"(*b*) The general implementation of the UNCIP resolution of 13 August 1948 and 5 January 1949."

By letter dated 29 May 1952,[10] the United Nations Representative informed the President of the Security Council that the negotiations on the question of the State of Jammu and Kashmir had been renewed in agreement with the Governments of India and Pakistan and that he would report at the appropriate moment to the Council on the outcome of this phase of the negotiations. Further, by letter dated 30 July 1952,[11] he informed the President of the Security Council that the two Governments had agreed to a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 25 August,

In his fourth report[12] regarding the negotiations, submitted to the Council on 16 September 1952, the United Nations Representative stated[13] *inter alia:*

"The United Nations Representative holds the view that for reaching an agreement on a plan of demilitarization it is necessary either:

"(*a*) To establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; or

"(*b*) To declare that the forces to remain on each side of the cease-fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the Provisional Clause of the revised proposals."

This report was considered by the Security Council at its 605th to 611th meetings between 10 October and 23 December 1952. At the 611th meeting on 23 December 1952, the Council adopted by 9 votes to none, with 1 abstention, the representative of Pakistan not participating in the vote,[14] a joint draft resolution[15] dated 5 November 1952, submitted by the representatives of the United Kingdom and the United States, as modified by a Netherlands amendment[16] which was accepted by the sponsors of the joint draft resolution. The resolution[17] read as follows:

"*The Security Council,*

"*Recalling* its resolutions of 30 March 1951, 30 April 1951, and 10 November 1951,

"*Further recalling* the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

"*Having received* the third report dated 22 April 1952 and the fourth report dated 16 September 1952 of the United Nations Representative for India and Pakistan;

"*Endorses* the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

"*Notes* with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

"*Notes* that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

"*Urges* the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (S/2783, annex 3) such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, annex 8);

"*Records* its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

[10] S/2649, *O.R., 7th year, Suppl. for April-June 1952*, p. 16.

[11] S/2727, *O.R., 7th year, Suppl. for July-Sept. 1952*, p. 25.

[12] S/2783 and Corr. 1, *O.R., 7th year, Special Suppl. No 2*, pp. 19-48.

[13] S/2783 and Corr. 1, *O.R., 7th year, Special Suppl. No. 2*, p. 33.

[14] 611th meeting: para. 111.

[15] S/2839 and Corr. 1, *O.R., 7th year, Suppl. for Oct.-Dec. 1952*, pp. 54-55.

[16] S/2881, 611th meeting: para. 72.

[17] S/2883, *O.R., 7th year, Suppl. for Oct.-Dec. 1952*, page 66. In connexion with the consideration of the resolution in the draft stage, see for the discussion in the Security Council of the applicable principles of pacific settlement of disputes chapter X, footnote 63.

"*Requests* the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution; and further

"*Requests* the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

By letter dated 23 January 1953,[18] the United Nations Representative informed the President of the Security Council that the Governments of India and Pakistan had agreed to continue the negotiations and to hold a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 4 February. He stated that the negotiations would be resumed "on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949, bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by the UNCIP" but "without prejudice to a further consideration, should that become necessary" of the United Nations Representative's twelve proposals.

In his fifth report[19] regarding the negotiations, submitted to the Security Council on 27 March 1953, the United Nations Representative stated that, in agreement with the representatives of the Governments of India and Pakistan, he had concluded the ministerial conference on 19 February 1953 since he had felt that there was no ground left at that stage on which to continue the conference.[20]

QUESTION OF AN APPEAL TO STATES TO ACCEDE TO AND RATIFY THE GENEVA PROTOCOL OF 1925

Initial proceedings

At the 577th meeting on 18 June 1952, the provisional agenda of the Security Council included the following item relating to a draft resolution submitted[21] on 14 June 1952 by the representative of the USSR: "Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons". With the addition of the words, "Question of an . . ." at the beginning of the title, the item was included in the agenda.[22]

The Security Council considered the question at the 577th to 579th and 581st to 583rd meetings between 18 and 26 June 1952.

At the 577th meeting on 18 June 1952, the President, in his capacity as representative of the USSR, proposed adoption of his previously submitted draft resolution[23] which, stating that differences of opinion existed among statesmen and public figures in various countries concerning the admissibility of using bacterial weapons, and noting that the use of such weapons had been condemned by world public opinion, as expressed in the signing by forty-two States of the Geneva Protocol of 17 June 1925, provided for a decision by the Council to appeal to all States, which had not ratified or acceded to the Protocol, to do so.

At the same meeting, the representative of the United States proposed that the USSR draft resolution should be referred to the Disarmament Commission in accordance with rule 33 of the provisional rules of procedure of the Security Council.[24]

Decision of 26 June 1952 (583rd meeting): Rejection of the USSR draft resolution

At the 583rd meeting on 26 June 1952, the USSR draft resolution was not adopted. There was 1 vote in favour with 10 abstentions.[25]

At the same meeting, the representative of the United States, in view of the decision taken by the Council, withdrew his proposal to refer the USSR draft resolution to the Disarmament Commission, noting that the matter was in any case under discussion in the Commission.[26]

The question remained on the list of matters of which the Security Council is seized.

QUESTION OF A REQUEST FOR INVESTIGATION OF ALLEGED BACTERIAL WARFARE

Initial proceedings

At the 579th meeting on 20 June 1952, the representative of the United States requested that the item "Question of a request for investigation of alleged bacterial warfare" be placed on the provisional agenda for the next meeting.[27]

He requested also that a draft resolution[28] be circulated to the members of the Council. Under this draft resolution, the Security Council, noting the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by United Nations forces and the repetition of those charges by the Government of the USSR in organs of the United Nations; recalling that the Unified Command for Korea had immediately denied the charges and had requested an impartial investigation, would: (1) request the International Committee of the Red Cross to investigate the charges and to report the results to the Council as soon as possible; (2) call upon all governments and authorities concerned to accord to that Committee full co-operation, including the right of entry to and free movement in such areas as the Committee might deem necessary in the performance of its task; (3) request the Secretary-General to

[18] S/2910, *O.R., 8th year, Suppl. for Jan.-March 1953*, p. 26.
[19] S/2967, *O.R., 8th year, Special Suppl. No. 1.*
[20] S/2967, *O.R., 8th year, Special Suppl. No. 1*, p. 13.
[21] S/2663. Also 577th meeting: para. 111.
[22] 577th meeting: paras. 86-89. For consideration of the phrasing of the item on the agenda, see chapter II, Case 16.
[23] S/2663, 577th meeting: para. 111.
[24] 577th meeting: para. 138. For consideration of the proposal to refer the question to the Disarmament Commission, see chapter I, Case 20.
[25] 583rd meeting: para. 6.
[26] 583rd meeting: para. 23.
[27] 579th meeting: paras. 38-39. For preparation of the provisional agenda in connexion with the question, see chapter II, Case 1; for consideration of the inclusion of the question in the agenda, see chapter II, Cases 4 and 5; for consideration of the order of discussion of items on the agenda in connexion with the question, see chapter II, Case 11; for consideration of the question of extending an invitation to the representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea, see chapter III, Case 22.
[28] S/2671, *O.R., 7th year, Suppl. for April-June 1952*, p. 17.

furnish the Committee with such assistance as it might require.

At the 580th meeting on 23 June 1952, the Security Council discussed the adoption of the provisional agenda and at the 584th meeting on 1 July 1952, decided to include the question in its agenda.[29]

The Security Council considered the question at its 584th to 590th meetings between 1 and 9 July 1952.

Decision of 3 July 1952 (587th meeting): Rejection of the United States draft resolution

At the 587th meeting on 3 July 1952, the United States draft resolution was not adopted. There were 10 votes in favour and 1 against,[30] the negative vote being that of a permanent member.

Decision of 9 July 1952 (590th meeting): Rejection of the United States draft resolution

At the same meeting, the representative of the United States submitted a new draft resolution[31] to: (1) conclude, from the refusal of those Governments and authorities making the charges to permit impartial investigation, that these charges must be presumed to be without substance and false; (2) condemn the practice of fabricating and disseminating such false charges, which increased tension among nations and which was designed to undermine the efforts of the United Nations to combat aggression in Korea and the support of the people of the world for these efforts.

At the 590th meeting of 9 July 1952, the United States draft resolution was not adopted. There were 9 votes in favour and 1 against, with 1 abstention,[32] the negative vote being that of a permanent member.

The question remained on the list of matters of which the Security Council is seized.

APPOINTMENT OF A GOVERNOR OF THE FREE TERRITORY OF TRIESTE

(*b*) Letter dated 12 October 1953 from the Permanent Representative of the Union of Soviet Socialist Republics to the President of the Security Council (S/3105)

By letter dated 12 October 1953[33] addressed to the President of the Security Council, the permanent representative of the USSR referred to the statement on the question of Trieste issued by the Governments of the United States and the United Kingdom on 8 October 1953. In connexion with the statement he requested the President to call a meeting of the Security Council to discuss the question of the appointment of a governor of the Free Territory of Trieste. He also enclosed the text of a draft resolution[34] providing that the Council decide: (1) to appoint Colonel Flueckiger as Governor of the Free Territory; (2) to bring the Instrument for the Provisional Regime of the Free Territory into effect forthwith; (3) to establish the Provisional Council of Government of the Free Territory in accordance with the terms of the Treaty of Peace with Italy; (4) to bring the Permanent Statute of the Free Territory into effect within the three months following the appointment of the Governor.

The Security Council discussed the question at the 625th, 628th, 634th, 641st and 647th meetings between 15 October and 14 December 1953.

At each of these meetings, the Security Council decided to postpone the consideration of the question.[35]

Decision of 14 December 1953 (647th meeting): Postponement of consideration pending the outcome of efforts to find a solution

At the 647th meeting on 14 December 1953, the representative of the United States proposed[36] that the Council decide to postpone "further consideration of the Trieste item pending the outcome of the current efforts to find a solution" for this matter.[37]

This proposal was adopted by 8 votes in favour, 1 against, with 1 abstention[38] (one member of the Security Council being absent).

The question remained on the list of matters of which the Security Council is seized.

THE PALESTINE QUESTION

Decision of 24 November 1953 (642nd meeting):

(i) *Finding in the retaliatory action at Qibya taken by the armed forces of Israel a violation of the cease fire provisions of the Security Council resolution of 15 July 1948 and expressing the strongest censure of that action;*

(ii) *Recalling to Israel and Jordan their obligations in connexion with the prevention of infiltration and acts of violence on either side of the demarcation line;*

(iii) *Reaffirming the importance of compliance with obligations, and emphasizing the obligation to co-operate with the Chief of Staff, and requesting the Secretary-General and Chief of Staff to take various steps in connexion with the supervision of compliance with and enforcement of the general armistice agreements.*

[29] 584th meeting: paras. 51-52.
[30] 587th meeting: para. 16.
[31] S/2688, 587th meeting: para. 23.
[32] 590th meeting: para. 17.
[33] S/3105, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, p. 3.
[34] 625th meeting: para. 70.
[35] 625th meeting: para. 87.
628th meeting: para. 133; 634th meeting: para. 89; 641st meeting: para. 101. For consideration of the proposal to adjourn under rule 33 (5) of the provisional rules of procedure, see chapter I, Case 22 (628th meeting).
[36] 647th meeting: para. 3. For observations on the bearing of Article 33, see chapter X, Case 2.
[37] By letter dated 5 October 1954 (S/3301 and Add.1), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia transmitted to the Security Council the text of a Memorandum of Understanding and its annexes concerning practical arrangements for the Free Territory of Trieste, initialled at London on the same date by representatives of their Governments. On 12 October (S/3305), the representative of the USSR informed the Council that his Government took cognizance of that agreement. In a letter dated 17 January 1955 (S/3351), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia reported that the necessary steps had been taken to carry out the arrangements provided in the Memorandum of Understanding.
[38] 647th meeting: para. 43.

By identical letters dated 17 October 1953,[39] the representatives of France, the United Kingdom and the United States requested the President of the Security Council to call an urgent meeting of the Council to consider under "The Palestine question" the matter of tension between Israel and the neighbouring Arab States, with particular reference to recent acts of violence[40] and to compliance with and the enforcement of the General Armistice Agreement. They stated that their Governments believed that prompt consideration of that question by the Security Council was necessary to prevent a possible threat to the security of the area, and in that connexion considered that the Council would, in the first instance, be assisted by a report in person as soon as possible from the Chief of Staff of the Truce Supervision Organization.

At the 626th meeting on 19 October 1953, the Security Council had before it the following provisional agenda:

"The Palestine question:

"(*a*) Letters dated 17 October 1953 from the representatives of France, United Kingdom and United States addressed to the President of the Security Council (S/3109, S/3110 and S/3111)."[41]

The representative of Lebanon expressed his inability to vote on the provisional agenda in its existing form contending that the Council should adopt a particular topic, rather than a letter as its agenda.[42] He formally proposed that after the words "The Palestine question", be added the following words: "Recent acts of violence committed by Israel armed forces against Jordan".[43]

At the same meeting, the Security Council decided to invite the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to appear before the Council as soon as possible.[44]

At the 627th meeting on 20 October 1953, the Council continued its discussion concerning the drafting of the provisional agenda and adopted the following text proposed by the representative of Greece: "The Palestine question: compliance with and enforcement of the General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October: report by the Chief of Staff of the Truce Supervision Organization".[45]

The Security Council considered the question at its 627th, 630th, 632nd, 635th, 637th, 638th, 640th, 642nd and 643rd meetings between 20 October and 25 November 1953.

At the 630th meeting on 27 October 1953, the Chief of Staff of the United Nations Truce Supervision Organization read his report[46] to the Council.

At the 640th meeting on 20 November 1953, the representative of the United States introduced[47] a draft resolution[48] submitted jointly by France, the United Kingdom and the United States.

At the 642nd meeting on 24 November 1953, the representative of Israel* referred[49] to his letter dated 23 November 1953[50] to the Secretary-General in which, on behalf of the Government of Israel, he requested him to convoke, under an obligatory provision of the Armistice Agreement, a conference between the representatives of Israel and Jordan for the purpose of reviewing the Israel-Jordan Armistice Agreement.

The President, speaking as the representative of France, stated that the Israel proposal might lead to satisfactory results for finding means of removing or attenuating some of the basic causes of the recurrent disputes. Therefore, it was necessary to mention the conference proposed by the representative of Israel, in the joint draft resolution. The amendment of the last paragraph of the original draft resolution had that specific object.[51]

At the 642nd meeting on 24 November 1953, the Security Council adopted the revised joint draft resolution by 9 votes in favour, none against, with 2 abstentions.[52] The resolution read as follows:[53]

---

[39] S/3109, S/3110, S/3111, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 6-7.

[40] By letter dated 16 October 1953 (S/3113, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, p. 8) the Envoy Extraordinary and Minister Plenipotentiary of the Hashemite Kingdom of the Jordan to the United States of America informed the President of the Security Council that on 14 October 1953 a battalion scale attack had been launched by Israeli troops on the village of Qibya in the Hashemite Kingdom of Jordan. The bodies of forty-two Arab civilians had been recovered; several more bodies were still under the wreckage. To cover their withdrawal, Israeli support troops had shelled the neighbouring villages of Budrus and Shuqba from positions in Israel. At an emergency meeting on 15 October, the Mixed Armistice Commission by a majority vote had condemned Israel under Article III, paragraphs 2 and 3 of the Armistice Agreement, for the attack by its regular Army on Qibya and Shuqba and for the shelling of Budrus. The Jordan Government felt that the "criminal Israeli aggression" was so serious that it might start war in the area and it was, therefore, of the view that the situation called for immediate and effective action by the United Nations, and especially by those States Parties to the Tripartite Declaration of 25 May 1950.

[41] 626th meeting: p. 1. For consideration of the phrasing of the item on the agenda, see chapter II, Case 18.

[42] 626th meeting: para. 2.

[43] 626th meeting: para. 114.

[44] 626th meeting: para. 147.

[45] 627th meeting: para. 10, 52.

[46] 630th meeting: paras. 10-68.

[47] 640th meeting: para. 1.

[48] S/3139.

[49] 642nd meeting: para. 7.

[50] S/3140, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 58-59. In this letter, the representative of Israel drew the attention of the Secretary-General to article XII of the Israel-Jordan Armistice Agreement. Under that article either of the parties, after the Agreement had been in operation for one year, might call upon the Secretary-General to convoke a conference of representatives of the two parties for purposes stated in that article. Article XII, paragraph 3, went on to say:

"Participation in such conference shall be obligatory upon the parties".

Accordingly, the representative of Israel formally invoked Article XII of the Israel-Jordan Armistice Agreement and submitted to the Secretary-General the following request:

"(*a*) On behalf of the Government of Israel, I have the honour, in accordance with article XII of the Israel-Jordan General Armistice Agreement, to call upon Your Excellency urgently to convoke a conference of representatives of the two parties, namely the Governments of Israel and Jordan, for the purpose of reviewing the Agreement as envisaged in paragraph 3 of the afore-said article . . .

"(*b*) I have the honour to request that this letter be communicated to the President and members of the Security Council . . ."

[51] 642nd meeting: paras. 107-108.

[52] 642nd meeting: para. 128.

[53] S/3139/Rev.2, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 57-58.

"*The Security Council,*

"*Recalling* its previous resolutions on the Palestine question, particularly those of 15 July 1948, 11 August 1949 and 18 May 1951 concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions,

"*Noting* the reports of 27 October 1953 and 9 November 1953 to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

"A

"*Finds* that the retaliatory action at Qibya taken by armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and are inconsistent with the parties' obligations under the General Armistice Agreement and the Charter;

"*Expresses* the strongest censure of that action, which can only prejudice the chances of that peaceful settlement which both parties, in accordance with the Charter, are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future;

"B

"*Takes note* of the fact that there is substantial evidence of crossing of the demarcation line by unauthorized persons, often resulting in acts of violence, and requests the Government of Jordan to continue and strengthen the measures which it is already taking to prevent such crossings;

"*Recalls* to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line;

"*Calls upon* the Governments of Israel and Jordan to ensure the effective co-operation of local security forces;

"C

"*Reaffirms* that it is essential, in order to achieve progress by peaceful means towards a lasting settlement of the issues outstanding between them, that the parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council;

"*Emphasizes* the obligation of the Governments of Israel and Jordan to co-operate fully with the Chief of Staff of the Truce Supervision Organization;

"*Requests* the Secretary-General to consider, with the Chief of Staff, the best ways of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties;

"*Requests* the Chief of Staff of the Truce Supervision Organization to report within three months to the Security Council with such recommendations as he may consider appropriate on compliance with and enforcement of the General Armistice Agreements, with particular reference to the provisions of this resolution and taking into account any agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan."

Decision of 27 October 1953 (631st meeting): Noting the statement of the representative of Israel regarding the undertaking given by his Government concerning the suspension of works on the west bank of the Jordan

By letter dated 16 October 1953,[54] the permanent representative of Syria informed the President of the Security Council that on 2 September 1953 the Israel authorities had started works to change the bed of the River Jordan in the central sector of the demilitarized zone between Syria and Israel with the purpose of diverting the river into a new channel in order to make it flow through territory controlled by the Israel authorities. These acts had been accompanied by military operations, and partial mobilization had been carried out behind the sector in question. The Chief of Staff of the United Nations Truce Supervision Organization in Palestine, in his capacity of Chairman of the Syria-Israel Armistice Commission, in accordance with the provisions of the Syria-Israel General Armistice Agreement, had requested the Israel authorities to call a halt to the operations begun in the demilitarized zone on 2 September 1953.[55] The Israel authorities had refused to comply with this request. This attitude constituted flagrant violation of the General Armistice Agreement between Syria and Israel and was in addition a threat to the peace. The President of the Security Council was requested to convene a meeting of the Council so that the question might be placed on the agenda of the Council and a prompt decision taken.

At the 629th meeting on 27 October 1953, the Security Council had before it the provisional draft agenda which under the general heading: "The Palestine question" listed:[56]

"Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone (S/3108/Rev.1)".

The agenda was adopted[57] and the Security Council considered the question at its 629th, 631st, 633rd, 636th, 639th, 645th, 646th and 648th to 656th meetings between 27 October 1953 and 22 January 1954.

[54] S/3108/Rev.1, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 5-6.

[55] On 23 October 1953, the Chief of Staff of the Truce Supervision Organization forwarded to the Secretary-General, for the information of the Security Council, a report (S/3122, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 32-36) containing the text of a decision he had taken on 23 September 1953, requesting the Israel Government to ensure that the authority which had started work in the demilitarized zone on 2 September 1953 was instructed to cease working in the zone so long as an agreement was not arranged. The report also contained a letter dated 24 September, from the Israel Foreign Minister and comments made thereupon by the Chief of Staff.

[56] 629th meeting: p. 1.

[57] 629th meeting: p. 1.

At the 629th meeting on 27 October 1953, the representative of Pakistan submitted a draft resolution[58] to request Israel to instruct the authority which had started work in the demilitarized zone on 2 September 1953 to cease working in the zone pending the consideration of the question by the Security Council.

At the 631st meeting on 27 October 1953, the representative of Israel* informed the Council that he was empowered to state that the Government of Israel was willing to arrange a temporary suspension of the works in the demilitarized zone for the purpose of facilitating the Council's consideration of the question without prejudice to the merits of the case itself.[59]

The representative of France declared that the statement of the representative of Israel appeared to have rendered pointless the Pakistan draft resolution.[60] He submitted the following draft resolution:[61]

"*The Security Council,*

"*Having taken note* of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"*Desirous* of facilitating the consideration of the question, without, however, prejudicing the rights, claims or position of the parties concerned,

"*Deems* it desirable to that e d that the works started in the demilitarized zone on 2 September 1953 should be suspended during the urgent examination of the question by the Security Council;

"*Notes* with satisfaction the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during that examination;

"*Requests* the Chief of Staff of the Truce Supervision Organization to inform it regarding the fulfilment of that undertaking."

At the same meeting, the Security Council unanimously adopted the French draft resolution.[62]

At the 633rd meeting on 30 October 1953, the President (Denmark) announced receipt of a letter from the Chief of Staff of the Truce Supervision Organization, informing the Council that the works in the demilitarized zone had been stopped at midnight on 28 October.[63]

Decision of 22 January 1954 (656th meeting): Rejection of joint draft resolution submitted by the representatives of France, the United Kingdom and the United States

At the 648th meeting on 16 December 1953, the representative of the United States, on behalf of his own delegation and the delegations of France and the United Kingdom introduced a joint draft resolution.[64]

At the 651st meeting on 21 December 1954, the representative of the United States, on behalf of the three sponsors, submitted an additional paragraph which became paragraph 13 of the revised joint draft resolution.[65]

At the 655th meeting on 21 January 1954, the representative of the United Kingdom introduced a second revision of the joint draft resolution.[66] This revision omitted paragraph 9 of the original draft resolution, which would have called upon the Chief of Staff to maintain the demilitarized character of the zone as defined in paragraph 5 of article V of the Armistice Agreement. Paragraph 11 of the original draft resolution was also revised to specify the interests to be reconciled. The second revised joint draft resolution, after (1) recalling the previous resolution on the Palestine question; and (2) taking into consideration the statements of the representatives of Syria and Israel and the reports of the Chief of Staff, would have had the Council (3) take note of the request made by the Chief of Staff to the Government of Israel on 23 September 1953 to ensure that the authority which started work in the demilitarized zone on 2 September 1953 was instructed to cease work in the zone so long as an agreement was not arranged; (4) endorse this action of the Chief of Staff; (5) recall its resolution of 27 October 1953; (6) declare that, in order to promote the return of permanent peace in Palestine, it was essential that the General Armistice Agreement between Syria and Israel be strictly and faithfully observed by the two parties; (7) remind the parties that under article VII, paragraph 8, of the Armistice Agreement where the interpretation of the meaning of a particular provision of the Agreement other than the preamble and articles I and II was at issue, the Mixed Armistice Commission interpretation was to prevail; (8) note that article V of the General Armistice Agreement gave to the Chief of Staff, as Chairman of the Mixed Armistice Commission, responsibility for the general supervision of the demilitarized zone; (9) call upon the parties to comply with all his decisions and requests in the execution of his authority under the Armistice Agreement; (10) request and authorize the Chief of Staff to explore possibilities of reconciling the Israel and Syrian interests involved in the dispute over the Jordan waters at Banat Ya'coub, including full satisfaction of existing irrigation rights at all seasons, while safeguarding the rights of individuals in the demilitarized zone, and to take such steps in accordance with the Armistice Agreement as he might deem appropriate to effect a reconciliation; (11) call upon the Governments of Israel and Syria to co-operate with the Chief of Staff to this end and to refrain from any unilateral action which would prejudice it; (12) request the Secretary-General to place at the disposal of the Chief of Staff a sufficient number of experts, in particular hydraulic engineers, to supply him on the technical level with the necessary data for a complete appreciation of the project in question and its effect on the demilitarized zone; (13) affirm that nothing in the resolution should be deemed to supersede the Armistice Agreement or change the legal status of the demilitarized zone thereunder; and (14) direct the Chief of Staff to report to the Security Council

[58] S/3125, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 36-37.
[59] 631st meeting: para. 4.
[60] 631st meeting: para. 11.
[61] S/3128, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, p. 37.
[62] 631st meeting: para. 76. For related discussion in connexion with Article 40, see chapter XI, Case 1.
[63] 633rd meeting: para. 1.
[64] S/3151, 648th meeting: paras. 2-18.
[65] S/3151/Rev.1, 651st meeting: para. 3.
[66] S/3151/Rev.2, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 79-80.

within ninety days on the measures taken to give effect to the resolution.

At the 650th meeting on 18 December 1953, the representative of Lebanon stated that he was unable to support the joint draft resolution and submitted a draft resolution.[67] The third paragraph of the preamble recalled (1) the conclusions of the Chief of Staff in paragraph 8 of his report that both on the basis of protection of normal civilian life in the demilitarized zone and of the value of the zone to both parties for the separation of their armed forces, he did not consider that a party should, in the absence of an agreement, carry out in the demilitarized zone work prejudicing the object of the demilitarized zone as stated in article V, paragraph 2, of the General Armistice Agreement, as well as (2) his request to the Israel Government concerning cessation of work in the zone so long as an agreement was not arranged. The operative portion of the draft resolution would have had the Council (1) endorse the action of the Chief of Staff and call upon the parties to comply with it; (2) declare that non-compliance with this decision and continuation of the unilateral action of Israel in contravention of the Armistice Agreement was likely to lead to a breach of the peace; and (3) request and authorize the Chief of Staff to endeavour to bring about an agreement between the parties concerned and call upon the latter to co-operate with the Mixed Armistice Commission and the Chief of Staff in reaching such an agreement.

At the 655th meeting on 21 January 1954, the representative of Lebanon submitted a draft resolution[68] to (1) endorse the actions of the Chief of Staff as described in his report of 23 October 1953; (2) request the Chief of Staff to explore possibilities of bringing about a reconciliation between the parties to the dispute and to report to the Council on the results of his efforts within ninety days; and (3) decide to remain seized with this item and keep it under consideration.

At the 656th meeting on 22 January 1954, the revised three-Power draft resolution was not adopted. There were 7 votes in favour and 2 against (one vote against being that of a permanent member), with 2 abstentions.[69] No action was taken on the draft resolutions submitted by the representative of Lebanon.

Decision of 29 March 1954 (664th meeting): Rejection of draft resolution submitted by the representative of New Zealand

By letter dated 28 January 1954,[70] the representative of Israel requested the Security Council to include in its agenda for urgent consideration the following item:

"Complaint by Israel against Egypt concerning:

"(*a*) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal;

"(*b*) Interference by Egypt with shipping proceeding to the Israeli port of Elath on the Gulf of Aqaba."

In an explanatory memorandum dated 29 January 1954,[71] the representative of Israel stated that the Egyptian blockade practices constituted violations of the Security Council resolution of 1 September 1951[72] and of the Egypt-Israel General Armistice Agreement.

By letter dated 3 February 1954,[73] the representative of Egypt requested that the following item be included in the same agenda for urgent consideration:

"Complaint by Egypt against Israel concerning 'violations by Israel of the Egyptian-Israeli General Armistice Agreement at the demilitarized zone of El Auja'."

At the 657th meeting on 4 February 1954, the Council had before it a provisional agenda which, under the general heading, "The Palestine question", listed the Israel complaint only. The representative of the United Kingdom moved that the Council adopt the provisional agenda and that it decide upon the inclusion of the Egyptian complaint after it had received an explanatory memorandum on the substance and urgency of the proposed item.[74] The representative of Lebanon moved that the provisional agenda be amended to include also the complaint submitted by Egypt.[75] Upon the proposal of the representative of the United States,[76] the Security Council adopted an amended agenda which included both the complaint of Israel and that of Egypt, and agreed that the two items should be considered consecutively.[77]

The Council considered the complaint submitted by Israel at its 657th to 664th meetings between 4 February and 29 March 1954. The complaint submitted by Egypt has not been taken up.

At the 662nd meeting on 23 March 1954 the representative of New Zealand introduced a draft resolution to note with grave concern that Egypt had not complied with the Security Council resolution of 1 September 1951, to call upon Egypt in accordance with its obligations under the Charter to comply therewith, and to consider that the complaint concerning interference with shipping to the port of Elath should in the first instance be dealt with by the Mixed Armistice Commission.[78]

At the 664th meeting on 29 March 1954, the draft resolution was not adopted. There were 8 votes in favour and 2 against (the vote against being that of a permanent member), with 1 abstention.[79]

---

[67] S/3152, 650th meeting: para. 53.

[68] S/3166, 655th meeting : para. 83. For the proceedings prior to the submission of the draft resolution, see chapter I, Case 13.

[69] 656th meeting: para. 135.

[70] S/3168, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 1.

[71] S/3168/Add.1, *O.R., 9th year, Suppl. for Jan.-March 1954*, pp. 2-5.

[72] S/2322, 558th meeting: para. 5.

[73] S/3172, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 5.

[74] 657th meeting: para. 8.

[75] 657th meeting: para. 18.

[76] 657th meeting: para. 46.

[77] 657th meeting: para. 114. For communication of the provisional agenda in connexion with the question, see chapter II, Case 3; for consideration of the scope of items on the agenda in relation to the scope of discussion, see chapter II, Case 14.

[78] S/3188/Corr.1, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 44. For consideration of contentions concerning Article 25 advanced in connexion with discussion of the binding force of the resolution of 1 September 1951, see chapter XII, Case 3.

[79] 664th meeting: para. 69.

Decision of 4 May 1954 (670th meeting): Concurrent consideration of complaints submitted by Lebanon and Israel

By letter dated 1 April 1954,[80] the representative of Lebanon submitted, on behalf of the Hashemite Kingdom of the Jordan, the following complaint for urgent consideration:

"Flagrant breach of article III, paragraph 2, of the General Armistice Agreement between Israel and the Hashemite Kingdom of the Jordan by the crossing of the demarcation line by a large group of military-trained Israelis who planned and carried out the attack on Nahhalin Village on March 28-29, 1954 . . ."

By letter dated 5 April 1954,[81] the representative of Israel requested that the following item be included in the agenda of the Council for urgent consideration:

"Complaints by Israel against Jordan concerning the repudiation by Jordan of its obligations under the General Armistice Agreement . . . "

At the 665th meeting on 8 April 1954, the Council had before it a provisional agenda which, under the general heading "The Palestine question", included the complaints submitted by Lebanon and Israel as sub-items 2 (*a*) and 2 (*b*), respectively. The representative of the United Kingdom suggested that the two sub-items be discussed concurrently[82] while the representative of Lebanon proposed that they be considered consecutively.[83]

The Council discussed the question of the procedure to be followed in dealing with the two items at the 665th to 670th meetings between 8 April and 4 May 1954.

At the 670th meeting on 4 May 1954, the Council, by 8 votes in favour, 2 against, and 1 abstention adopted a Brazilian-Colombian proposal[84] to adopt the agenda, to hold a general discussion in which reference might be made to any or all of the items on the agenda, and not to commit itself, at that stage, to the separate or joint character of its eventual resolution or resolutions.

Decision of 12 May 1954 (671st meeting): Adjournment

At the 670th meeting on 4 May 1954, after the adoption of the agenda, the President (United Kingdom) invited the representative of Jordan and the representative of Israel to the Security Council table.

The representative of Jordan made a statement in the course of which he stressed the importance to his Government of a separate discussion ending in an independent resolution by the Council on the Nahhalin incident which formed the subject of the complaint.[85]

The representative of Israel inquired whether, in inviting the representative of Jordan to the Council for the purpose of presenting a complaint against Israel, the Council had satisfied itself whether the Government of Jordan had given, or would give, assurances, under Article 35 (2) of its acceptance in advance of the obligations of pacific settlement provided in the Charter.[86]

At the same meeting, the representative of Lebanon submitted a draft resolution[87] to express the strongest censure and condemnation of the attack on Nahhalin, to request Israel to pay compensation, and to call upon the Members of the United Nations to apply, in accordance with Article 41, such measures against Israel as they deemed necessary to prevent the repetition of such actions and the aggravation of the situation.

At the 671st meeting on 12 May 1954, before inviting the representatives of Jordan and Israel to the table, the President suggested that the Council should take up the question raised by the representative of Israel at the preceding meeting. In this connexion, he reviewed the previous practice of the Council relating to the assumption of obligations by non-member States invited to the Council table.[88]

The Council adopted by 9 votes in favour and none against, with 2 abstentions, a motion made by the representative of France to adjourn the meeting.[89]

The Council has held no further meetings on this subject.

Decision of 11 November 1954 (685th meeting): Statement by the President summing up the general trend of the discussion

By letter dated 28 September 1954,[90] the representative of Israel informed the President of the Security Council that an Israel cargo vessel, the *Bat Galim*, had been seized by the Egyptian authorities at the entrance to the Suez Canal. In protesting this act, he demanded that the ship, its crew and its cargo be released forthwith. On 4 October 1954, the representative of Israel by another letter[91] requested that the Council give further consideration to his Government's earlier complaint,[92] which read: "Complaint by Israel against Egypt concerning (*a*) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal".

By letters dated 29 and 30 September and 7 October 1954,[93] respectively, the representative of Egypt informed the President of the Council that the Egyptian authorities had arrested the crew of the *Bat Galim* after the vessel, without any provocation, had opened fire on Egyptian fishing boats within Egyptian territorial waters, and that Egypt had lodged a complaint before the Mixed Armistice Commission.

The Council discussed this question at the 682nd to 685th meetings between 14 October 1954 and 11 November 1954.

At the 682nd meeting on 14 October 1954, after statements had been made by the representatives of

[80] S/3195, *O.R., 9th year, Suppl. for April-June 1954*, p. 1.
[81] S/3196, *O.R., 9th year, Suppl. for April-June 1954*, p. 2.
[82] 665th meeting: paras. 11, 24.
[83] 665th meeting: para. 28. For consideration of the scope of items on the agenda in relation to the scope of discussion, see chapter II, Case 15.
[84] 670th meeting: paras. 2, 63-68, 73.
[85] 670th meeting: paras. 92-127.
[86] 670th meeting: paras. 147-149. See also chapter III, Case 24.
[87] S/3209, 670th meeting: para. 168.
[88] 671st meeting: paras. 7-17.
[89] 671st meeting: para. 20.
[90] S/3296.
[91] S/3300, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, pp. 1-2.
[92] See above, under *Decision of 29 March 1954*.
[93] S/3297/Corr.1, *O.R., 9th year, Suppl. for July-Sept. 1954*, p. 47; S/3298, S/3302, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, pp. 7, 9.

Israel* and Egypt*, the Council agreed, upon the proposal of the representative of Brazil, to defer consideration of the matter pending the receipt of a report from the Mixed Armistice Commission.[94]

Following consideration by the Council of a message[95] from the Chief of Staff of the United Nations Truce Supervision Organization that, in view of procedural objections raised by the Egyptian delegation, the Mixed Armistice Commission had been unable to discharge its duties, the President, at the 685th meeting on 11 November 1954, made the following statement summarizing the position of the Council:

"The Council considers that it is for the Chairman of the Mixed Armistice Commission to decide the order of importance of the questions considered by the Commission, and consequently to determine the order in which they shall be examined.

"The Council thinks that it would be advisable for the Chairman, in making that evaluation, to bear in mind that the Council has been seized of the *Bat Galim* incident and decided at its meeting of 14 October 1954 (682nd meeting) to defer the consideration of the matter pending receipt of the Mixed Armistice Commission's report. The Council consequently desires that the Chairman should give the consideration of this incident priority over that of other, less important, incidents, and that the Commission should consider the incident with great care and do everything possible to transmit its report to the Security Council without delay—that is to say, before the end of the month.

"The Council appeals to both parties to assist the Chairman of the Commission by conforming to the decision which he gives and expediting the consideration of their dispute by the Commission.

"The President of the Security Council will advise the Chief of Staff of the Truce Supervision Organization of the foregoing, and will see that the records of the Council's meetings of 14 October and 3 and 11 November 1954 are transmitted without delay to the Chairman of the Mixed Armistice Commission to inform him of the feeling of members of the Council."

The President stated that if the Council felt that he had interpreted its views as accurately as possible, he would write to the Chief of Staff of the Truce Supervision Organization in the terms he had used.[96]

Decision of 13 January 1955 (688th meeting): Statement by the President summing up the general trend of the discussion

At the 686th meeting on 7 December 1954 the Council had before it a report dated 25 November 1954 by the Chief of Staff of the Truce Supervision Organization.[97] The Council also had before it a letter dated 4 December 1954[98] from the representative of Egypt. The report of the Chief of Staff contained an account of the consideration of the Egyptian complaint regarding the *Bat Galim* by the Egypt-Israel Mixed Armistice Commission, which had adopted an Israel draft resolution that the complaint was unfounded. The letter from the representative of Egypt informed the President of the Council that owing to insufficient evidence the Egyptian judicial authorities had set aside the charges against the members of the crew of the *Bat Galim*, who would be released on the conclusion of the necessary formalities. The Egyptian Government was prepared to release the seized cargo immediately.

At the 688th meeting on 13 January 1955, the President (New Zealand), no draft resolution having been introduced in the Council, summed up the general trend of the discussion as follows:[99]

"In addition to the statements of the parties, we have heard statements from eight members of the Council. Although not all members of the Council have spoken, and although it must be recognized that the representative of Iran has limited himself to the *Bat Galim* incident, it is evident that most representatives here regard the resolution of 1 September 1951 as having continuing validity and effect, and it is in this context and that of the Constantinople Convention that they have considered the *Bat Galim* case.

"In so far as steps have been taken by Egypt towards a settlement—for example, the release of the crew and the announcement by the Egyptian Government of its willingness to release the cargo and the ship itself—these steps have been welcomed by representatives round this table. Hope has been expressed that a continued attitude of conciliation on both sides will speedily bring about an agreement on the arrangements for the release of the ship and the cargo.

"It has been suggested by the representative of Peru that, if this is desired by the parties, the Chief of Staff of the Truce Supervision Organization might be prepared to extend his good offices to expedite the conclusion of such arrangements. I have no doubt that, if requested by the parties, he would be prepared to do this."

Decision of 29 March 1955 (695th meeting):

Condemning the attack by Israel regular army forces against Egyptian regular army forces in the Gaza Strip

Decision of 30 March 1955 (696th meeting):

Requesting the Chief of Staff of the Truce Supervision Organization to continue his consultation with the parties on measures to preserve security in the area of the demarcation line

By letters dated 1 and 2 March 1955,[100] respectively, the representative of Egypt informed the President of the Security Council of an attack by Israel armed forces against Egyptian armed forces in the Gaza Strip and requested him to call a meeting of the Council as a matter of urgency to consider the following complaint:

[94] 682nd meeting: paras. 181-182.
[95] S/3309, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, pp. 10-11.
[96] 685th meeting: paras. 7-17.
[97] S/3323, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, pp. 30-43.
[98] S/3326, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, p. 44.
[99] 688th meeting: paras. 98-101.
[100] S/3365, S/3367, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 32-33.

"Violent and premeditated aggression committed on 28 February 1955 by Israel armed forces against Egyptian armed forces inside Egyptian-controlled territory near Gaza . . . in violation of *inter alia* article I, paragraph 2, and article II, paragraph 2, of the Egyptian-Israeli General Armistice Agreement."

By letter dated 3 March 1955,[101] the representative of Israel requested the President to place on the agenda of the Council the following item:

"Complaint by Israel of continuous violations by Egypt of the General Armistice Agreement and of resolutions of the Security Council, to the danger of international peace and security . . ."

At the 692nd meeting on 4 March 1955, the Council adopted the agenda including the two complaints, which were considered consecutively at this and four subsequent meetings ending on 30 March.

At the same meeting, the Security Council expressed the desire to continue the examination of the item after the receipt of a written or a personal report of the Chief of Staff of the United Nations Truce Supervision Organization.[102] The Chief of Staff submitted his report[103] in person to the Security Council at its 693rd meeting on 17 March 1955.

At the 695th meeting on 29 March 1955, the representatives of the United Kingdom, France and the United States submitted a joint draft resolution[104] dealing with the Gaza incident.

At the same meeting, the Council unanimously adopted[105] the joint draft resolution, which read as follows:

"*The Security Council,*

"*Recalling* its resolutions of 15 July 1948, 11 August 1949, 17 November 1950, 18 May 1951 and 24 November 1953,

"*Having heard* the report of the Chief of Staff of the United Nations Truce Supervision Organization and statements by the representatives of Egypt and Israel,

"*Noting* that the Egyptian-Israeli Mixed Armistice Commission on 6 March 1955 determined that a 'prearranged and planned attack ordered by Israel authorities' was 'committed by Israel regular army forces against the Egyptian regular army force' in the Gaza strip on 28 February 1955,

"1. *Condemns* this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter;

"2. *Calls again upon* Israel to take all necessary measures to prevent such actions;

"3. *Expresses* its conviction that the maintenance of the General Armistice Agreement is threatened by any deliberate violation of that agreement by one of the parties to it, and that no progress towards the return of permanent peace in Palestine can be made unless the parties comply strictly with their obligations under the General Armistice Agreement and the cease-fire provisions of its resolution of 15 July 1948."

At the 696th meeting on 30 March 1955, the Council had before it another draft resolution[106] submitted jointly by France, the United Kingdom and the United States concerning the general question of easing the situation along the armistice demarcation line between Egypt and Israel.

At the same meeting, the draft resolution was adopted unanimously.[107]

It read as follows:

"*The Security Council,*

"*Taking note* of those sections of the report [S/3373] by the Chief of Staff of the United Nations Truce Supervision Organization which deal with the general conditions on the armistice demarcation line between Egypt and Israel, and the causes of the present tension,

"*Anxious* that all possible steps shall be taken to preserve security in this area, within the framework of the General Armistice Agreement between Egypt and Israel,

1. *Requests* the Chief of Staff to continue his consultations with the Governments of Egypt and Israel with a view to the introduction of practical measures to that end;

2. *Notes* that the Chief of Staff has already made certain concrete proposals to this effect;

3. *Calls upon* the Governments of Egypt and Israel to co-operate with the Chief of Staff with regard to his proposals, bearing in mind that, in the opinion of the Chief of Staff, infiltration could be reduced to an occasional nuisance if an agreement were effected between the parties on the lines he has proposed;

4. *Requests* the Chief of Staff to keep the Council informed of the progress of his discussions."

Decision of 19 April 1955 (698th meeting): Statement by the President of the consensus of the Council

By letter dated 4 April 1955,[108] the representative of Israel requested urgent consideration by the Council of the following item:

"Complaint by Israel against Egypt concerning repeated attacks by Egyptian regular and irregular armed forces and by armed marauders from Egyptian-controlled territory against Israel armed forces and civilian lives and property in Israel, to the danger of the peace and security of the area and in violation of the General Armistice Agreement and the resolutions of the Security Council . . ."

[101] S/3368, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 33-34.
[102] 692nd meeting: para. 68.
[103] S/3373, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 35-94.
[104] S/3378, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 95-96.
[105] 695th meeting: para. 114.
[106] S/3379, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 96.
[107] 696th meeting: p. 32.
[108] S/3385, *O.R., 10th year, Suppl. for April-June 1955*, pp. 1-3.

The Council considered this complaint at the 697th and 698th meetings on 6 and 19 April 1955, respectively.

At the 697th meeting on 6 April 1955, the Council, upon the proposal of the representative of the United Kingdom, decided to postpone further discussion of the matter pending the receipt of a report from the Chief of Staff of the Truce Supervision Organization.[109]

At the conclusion of the 698th meeting on 19 April 1955, the President (USSR) stated[110] the consensus of opinion of the Council to be that there was no need for any new action by the Council on the question under discussion, inasmuch as the facts brought to the Council's notice and the possible measures to avert frontier incidents along the demarcation line between Egypt and Israel were fully covered in the resolutions of 29 and 30 March 1955. He appealed to the parties to co-operate sincerely to give full effect to those resolutions.[111]

Decision of 8 September 1955 (700th meeting): Calling upon the parties to take all steps necessary to bring about order and tranquillity in the area of the Egypt-Israel demarcation line

By letter dated 7 September 1955,[112] the representatives of France, the United Kingdom and the United States requested that the Security Council consider the following item:

"The Palestine question: Cessation of hostilities and measures to prevent further incidents in the Gaza area."

The three representatives explained that the discontinuance of the talks initiated by the Chief of Staff of the Truce Supervision Organization in accordance with the resolution of 30 March 1955, and the recent outbreak of violence in the Gaza area made it imperative that an unconditional cease-fire be maintained in full force and that concrete measures be taken urgently by Egypt and Israel to prevent further incidents and to bring about order and tranquillity in the area.

A joint draft resolution to this effect accompanied the letter.

The Council, which considered this item at its 700th meeting on 8 September 1955, also had before it a letter dated 6 September[113] from the representative of Egypt concerning the observance by Egypt of the cease-fire proposed by the Chief of Staff of the United Nations Truce Supervision Organization, and an Israeli armed attack at Khan Yunis in the Gaza area. It also had before it a letter dated 6 September 1955[114] from the representative of Israel containing the reply of his Government to the proposed cease-fire.

At the same meeting, the joint draft resolution was adopted unanimously.[115] It read as follows:

"*The Security Council*,

"*Recalling* its resolution of 30 March 1955 (S/3379),

"*Having received* the report of the Chief of Staff of the Truce Supervision Organization (S/3430),

"*Noting* with grave concern the discontinuance of the talks initiated by the Chief of Staff in accordance with the above-mentioned resolution,

"*Deploring* the recent outbreak of violence in the area along the Armistice Demarcation Line established between Egypt and Israel on 24 February 1949,

"1. *Notes* with approval the acceptance by both parties of the appeal of the Chief of Staff for an unconditional cease-fire;

"2. *Calls upon* both parties forthwith to take all steps necessary to bring about order and tranquillity in the area, and in particular to desist from further acts of violence and to continue the cease-fire in full force and effect;

"3. *Endorses* the view of the Chief of Staff that the armed forces of both parties should be clearly and effectively separated by measures such as those which he has proposed;

"4. *Declares* that freedom of movement must be afforded to United Nations Observers in the area to enable them to fulfill their functions;

"5. *Calls upon* both parties to appoint representatives to meet with the Chief of Staff and to co-operate fully with him to these ends; and

"6. *Requests* the Chief of Staff to report to the Security Council on the action taken to carry out this resolution."

THE THAILAND QUESTION

Initial proceedings

By letter dated 29 May 1954,[116] addressed to the President of the Security Council, the acting permanent representative of Thailand brought to the attention of the Council, in conformity with Articles 34 and 35 (1) of the Charter, a situation which, in the view of his Government, represented a threat to the security of Thailand, the continuance of which was likely to endanger the maintenance of international peace and security. Large-scale fighting had repeatedly taken place in the immediate vicinity of Thai territory and there was a possibility of direct incursions of foreign troops. He brought the situation to the attention of the Security Council to the end that the Council might provide for observation under the Peace Observation Commission.

At the 672nd meeting on 3 June 1954, the Security Council included the question in the agenda.[117]

The Council considered the question at its 672nd, 673rd and 674th meetings between 3 and 18 June 1954.

[109] 697th meeting: paras. 81, 83. For the report of the Chief of Staff, see S/3390, *O.R., 10th year, Suppl. for April-June 1955*, p. 6.

[110] 698th meeting: paras. 149-150.

[111] A further appeal to the parties to co-operate fully in the prompt implementation of the Council's resolution of 30 March 1955 was contained in a letter (S/3406) dated 7 June 1955, which the President (United States) addressed to the members of the Council. Copies of the letter were sent to the representatives of Egypt and Israel and the Secretary-General. S/3406, *O.R., 10th year, Suppl. for April-June 1955*, p. 27.

[112] S/3432.

[113] S/3431.

[114] S/3433.

[115] 700th meeting: para. 133.

[116] S/3220, *O.R., 9th year, Suppl. for April-June 1954*, p. 10.

[117] 672nd meeting: para. 17. On the inclusion of the question in the agenda, see chapter II, Case 9.

Decision of 18 June 1954 (674th meeting): Rejection of the draft resolution submitted by the representative of Thailand

At the 673rd meeting on 16 June 1954, the representative of Thailand*, who was invited by the President (United States) to the Council table, submitted a draft resolution[118] to request the Peace Observation Commission to establish a sub-commission of from three to five members, with authority: (1) to dispatch observers to Thailand; (2) to visit Thailand if necessary; (3) to make such reports and recommendations as it deemed necessary to the Peace Observation Commission and to the Security Council; and (4) if the Sub-Commission were of the opinion that it could not adequately accomplish its mission without observation or visit to States contiguous to Thailand, to report to the Commission or to the Council for the necessary instructions.

At the same meeting, the President, speaking as the representative of the United States, requested under rule 38 of the provisional rules of procedure, that the draft resolution be put to the vote at the appropriate time.[119]

At the 674th meeting on 18 June 1954, the draft resolution submitted by the representative of Thailand was not adopted. There were 9 votes in favour and 1 against (the negative vote being that of a permanent member) with 1 abstention.[120]

The question remained on the list of matters of which the Security Council is seized.

THE GUATEMALAN QUESTION

Initial proceedings

By cablegram dated 19 June 1954,[121] the Minister for External Relations of Guatemala requested the President of the Security Council urgently to convene a meeting in order that the Council, in accordance with Articles 34, 35 and 39 of the Charter, might take the measures necessary to prevent the disruption of peace and international security in that part of Central America and also to put a stop to the aggression in progress against Guatemala. It was stated in the cablegram that Guatemala had made representations to the Government of Honduras, requesting it to restrain and control expeditionary forces which had been preparing to invade Guatemalan territory from Honduras. Notwithstanding those requests, the expeditionary forces had captured various Guatemalan posts on 17 June and had advanced about fifteen kilometres inside Guatemalan territory. On 19 June, aircraft coming from the direction of Honduras and Nicaragua had dropped bombs on fuel stocks in the port of San José, and attacked Guatemala City and other towns, machine-gunning Government and private buildings and bombing military bases. The cablegram also referred to "aggressor Governments and international provocateurs" responsible for such outrages and acts of aggression and to "the policy of encircling and boycotting" Guatemala, which had been pursued "by United States leaders". It was further stated that the facts cited in the Guatemalan appeal "clearly prove that open aggression has been perpetrated by the Governments of Honduras and Nicaragua at the instigation of certain foreign monopolies whose interests have been affected by the progressive policy" of the Government of Guatemala.

The cablegram was placed on the provisional agenda of the 675th meeting on 20 June 1954. The agenda was adopted.[122]

After the adoption of the agenda, the President invited the representatives of Guatemala, Honduras and Nicaragua to participate in the discussion.[123]

The representative of Guatemala* stated that Guatemala had been invaded by expeditionary forces forming part of an "unlawful international aggression" which was the outcome of a vast international conspiracy against his country. The matter had been brought to the Security Council so that the latter might carry out its task of preventing a war which might spread and of preserving world peace and security. On behalf of his Government, the representative of Guatemala made two requests: First, that "an observation commission should be sent to Guatemala to ask questions, to investigate, and to listen to the diplomatic corps". It was the desire of the Guatemalan Government that the Security Council should in the first place send a warning to the Governments of Honduras and Nicaragua, calling upon them to apprehend the exiles and mercenaries who were invading Guatemala from bases of operations in their territories. Secondly, the Guatemalan Government requested that an observation commission of the Security Council should be constituted in Guatemala, and in other countries if necessary, to verify through an examination of the documentary evidence, the fact that the countries accused by Guatemala had connived at the invasion.[124]

The representative of Guatemala stated that the Peace Committee of the Organization of the American States had met the previous day, but the Guatemalan Government, in exercise of its option as a member of that Organization, had officially declined to allow the Organization of American States and the Peace Committee to concern themselves with the situation.[125]

The representatives of Honduras* and Nicaragua* both stated that the matter should be dealt with by the Organization of American States.[126]

The representative of Brazil, drawing attention[127] to Chapter VIII of the Charter, and particularly to Article 52 (3), introduced a joint draft resolution[128] sponsored by Brazil and Colombia, to refer the complaint of the Government of Guatemala to the Organiza-

[118] S/3229, 673rd meeting: para. 10. With regard to participation, see chapter III, Case 5. For relations of the Council with the Peace Observation Commission, see chapter VI, Case 6. For discussion relevant to Article 34, see chapter X, Case 5.

[119] 673rd meeting: para. 57.

[120] 674th meeting: para. 71.

[121] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.

[122] 675th meeting: p. 1.

[123] 675th meeting: para. 2. See chapter III, Case 6.

[124] 675th meeting: paras. 6, 10, 43-46.

[125] 675th meeting: para. 60.

[126] 675th meeting: paras. 63, 65.

[127] 675th meeting: para. 67.

[128] S/3236, 675th meeting: para. 69. For constitutional considerations advanced in connexion with this resolution, see chapter X, Cases 4, 6, 7, and chapter XII, Case 4.

tion of American States for urgent consideration, and to request the latter to inform the Council "as soon as possible, as appropriate, of the measures it has been able to take on the matter".

The representative of Colombia referred to the obligation under Article 33 of the Charter to resort to regional agencies or arrangements. He pointed out that "this Article must be read in conjunction with Article 52, paragraph 2 of which says that every effort must be made to achieve pacific settlement of local disputes through such regional arrangements or agencies before referring them to the Security Council". He stressed that the provisions of Article 52 (2) "impose on all members the duty to apply first to the regional organization". This was not "a right which can be renounced because the States which signed the Charter undertook this obligation".[129]

The representative of France proposed addition of a final paragraph to the Brazilian-Colombian joint draft resolution, to call, without prejudice to such measures as the Organization of American States might take, for the immediate termination of any action likely to cause further bloodshed and request all States Members of the United Nations to abstain in the spirit of the Charter from giving assistance to any such action.[130]

The representative of France also stated that he had no particular country in mind in submitting this amendment.[131]

The amendment was accepted by both the sponsors of the joint draft resolution.[132]

The representative of Guatemala, after clarifying that he had not sought to impute connivance either to the people or to the Government of the United States,[133] declared that Articles 33 and 52 were inapplicable since the case was not a dispute but "an outright act of aggression". The request of the Government of Guatemala was based on Articles 34, 35 and 39, which gave his country the "unchallengeable right to appeal to the Security Council". Under these Articles, the Council could not deny Guatemala "its right of direct intervention by the Council, not intervention through a regional organization", which was safeguarded by Article 52 (4).[134]

Decision of 20 June 1954 (675th meeting): Rejection of the Brazilian-Colombian joint draft resolution

At the 675th meeting on 20 June 1954, the Brazilian-Colombian joint draft resolution as amended by the representative of France was not adopted. There were 10 votes in favour and one against[135] (the negative vote being that of a permanent member).

Decision of 20 June 1954 (675th meeting): Calling for the termination of any action likely to cause bloodshed and requesting all Members of the United Nations to abstain from rendering assistance to any such action

The representative of France re-introduced his amendment as a separate draft resolution[136] reading:

"*The Security Council,*

"*Having considered* on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"*Calls* for the immediate termination of any action likely to cause bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from rendering assistance to any such action."

At the 675th meeting on 20 June 1954, the draft resolution submitted by the representative of France was adopted unanimously.[137]

Decision of 25 June 1954 (676th meeting): Rejection of the provisional agenda

At the 676th meeting on 25 June 1954, the provisional agenda read:[138]

"1. Adoption of the agenda.

"2. Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council and letter dated 22 June 1954 from the representative of Guatemala addressed to the Secretary-General."

The President (United States) drew attention to several communications, including a letter dated 22 June 1954[139] from the representative of Guatemala requesting an urgent meeting of the Council and stating that the resolution adopted on 20 June 1954 had not been complied with, and that due to the reasons therein specified, the Organization of American States could not take action on the question which was under the "full jurisdiction" of the Security Council.

The Council also had before it a cablegram dated 23 June 1954[140] from the Chairman of the Inter-American Peace Committee of the Organization of American States, informing the Council that the Committee had received a Nicaraguan proposal to establish a committee of inquiry to proceed to Guatemala, Honduras and Nicaragua, and that by unanimous decision Guatemala had been so informed and asked to agree to the proposed procedure.

In response to a proposal that the representative of Guatemala be invited to the Council table, the President ruled that it would not be in order to invite the representative of Guatemala, Honduras and Nicaragua until after the adoption of the agenda. The ruling of the President was maintained by the Council, a challenge having been rejected.[141]

---

[129] 675th meeting: paras. 72-73.
[130] 675th meeting: para. 77.
[131] 675th meeting: para. 78.
[132] 675th meeting: paras. 82, 84.
[133] 675th meeting: para. 98.
[134] 675th meeting: paras. 101-104, 190.
[135] 675th meeting: para. 194.
[136] 675th meeting: para. 200.
[137] 675th meeting: para. 203.
[138] 675th meeting: p. 1. For discussion on the adoption of the agenda, see chapter II, Case 22.
[139] S/3241, *O.R., 9th year, Suppl. for April-June 1954*, pp. 14-15.
[140] S/3245, *O.R., 9th year, Suppl. for April-June 1954*, p. 16.
[141] 676th meeting: paras. 31-63. For consideration of inclusion of the question in the agenda, see chapter II, Case 20; for proceedings regarding the retention and deletion of the item from the agenda, see chapter II, Case 21; for consideration of the invitation to the representatives of Guatemala, Honduras and Nicaragua, see chapter III, Cases 20, 25.

In the discussion on the adoption of the agenda, the representatives of Brazil and Colombia, with the support of the President, in his capacity as representative of the United States, after referring to the inter-American system in which they participated, contended that since the Organization of American States had already taken the question under consideration, and since the Inter-American Peace Committee of that regional organization was proposing to send a fact-finding committee to the scene of the conflict, the Security Council should not adopt the provisional agenda and should rather wait until it received the report of the fact-finding committee.[142] The representative of the USSR, in opposing these views, referred to the Guatemalan assertion that the decision of the Council calling for a halt to aggression had not been complied with, and stated that the Council was in duty bound to adopt further measures to ensure the fulfilment of that decision. He also stated that since the representative of Guatemala had objected to having the Organization of American States deal with the question, the Council could not, under the provisions of the Charter, impose a procedure for settlement to which one of the parties involved objected.[143]

At the same meeting, the provisional agenda was rejected by a vote of 4 in favour and 5 against, with 2 abstentions.[144]

The question remained on the list of matters of which the Security Council is seized.[145]

QUESTION OF ALLEGED INCIDENT OF ATTACK ON A UNITED STATES NAVY AIRCRAFT

Initial proceedings

By letter dated 8 September 1954,[146] the representative of the United States informed the Security Council that on 4 September a United States Navy aircraft, on a peaceful mission over high seas, had been attacked without warning by two MIG-type aircraft with Soviet markings. The plane had been destroyed and not all survivors had been recovered. The United States Government had protested to the Government of the USSR and reserved all rights to claim damages. Believing that the incident was of a type which might endanger international peace and security, the United States requested an early meeting of the Council to consider the matter.

After inclusion of the question on the agenda[147] at the 679th meeting on 10 September 1954, the representative of the United States, after recounting the circumstances of this and earlier attacks by Soviet aircraft on United States planes, stated that, while, in the absence of a negotiated settlement, his government believed cases of this kind could be best resolved by the judicial process of the International Court of Justice, the refusal of the Soviet Government to respond to that reasonable proposal had made it essential to lay the problem before the Security Council in order by discussion there to prevent a repetition of such incidents.[148]

The representative of the USSR contested the account of these incidents given by the representative of the United States, and asserted that in each case there had been violation by United States aircraft of rules and standards of international law, such as violations of Soviet air space. He attributed the incidents to the policy pursued by the United States military authorities and the State Department, a policy which had nothing in common with the peaceful assurances made by the representative of the United States.[149]

At the 680th meeting on 10 September 1954, the President, speaking as the representative of Colombia, stated that he would have favoured, as one of the means of solution, an investigation of the incident in accordance with Article 34 of the Charter.[150]

The representative of the USSR remarked that he could not see how Chapter VI of the Charter, and Article 34 in particular, could have any bearing on the incident brought to the attention of the Council. Such an incident could not seriously be considered, in his opinion, as capable of creating a threat to international peace and security. He would, therefore, reject any proposals based on the premise that the incident fell within the jurisdiction of the Security Council.[151]

At the close of the 680th meeting, the President stated[152] that the list of speakers was exhausted and that the Council would be reconvened if and when any delegation so requested.[153]

QUESTION OF HOSTILITIES IN THE AREA OF CERTAIN ISLANDS OFF THE COAST OF CHINA

Initial proceedings

By letter dated 28 January 1955,[154] addressed to the President of the Security Council, the representative

[142] 676th meeting: paras. 11-27, 64-83, 165-181.

[143] 676th meeting: paras. 138-151, 155-162.

[144] 676th meeting: para. 195. For consideration of the invitation to the representative of Guatemala at the 676th meeting, see chapter III, Case 23.

[145] By letter dated 27 June 1954 (S/3256), the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General copies of various notes and information concerning the Committee's itinerary to Guatemala, Honduras and Nicaragua; by cablegram dated 5 July 1954 (S/3262) the Chairman of the Inter-American Peace Committee notified the Secretary-General that Guatemala, Honduras and Nicaragua had informed the Committee that the dispute between them had ceased to exist; by cablegram dated 9 July 1954 (S/3266), the Minister of External Relations of Guatemala informed the President of the Security Council that peace and order had been restored in his country and the *Junta de Gobierno* of Guatemala saw no reason why the Guatemalan question should remain on the agenda of the Security Council; by letter dated 8 July 1954 (S/3267) the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General a copy of a report of the Committee on the dispute between Guatemala, Honduras and Nicaragua, and copies of all communications exchanged between the Committee and the parties concerned.

[146] S/3287, *O.R., 9th year, Suppl. for July-Sept. 1954*, p. 35.

[147] 679th meeting: para. 25. On the inclusion of the question in the agenda, see chapter II, Case 10.

[148] 679th meeting: paras. 38-39.

[149] 679th meeting: para. 70.

[150] 680th meeting: para. 63.

[151] 680th meeting: paras. 75-78, 87.

[152] 680th meeting: para. 128.

[153] The Security Council subsequently received the texts of diplomatic notes exchanged between the Governments of the United States and the USSR on various incidents referred to in the Council's discussion (S/3288, 10 September 1954; S/3295, 27 September 1954; S/3304, 12 October 1954; S/3308, 25 October 1954; and S/3391, 13 April 1955).

[154] S/3354, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 27.

of New Zealand requested, in the light of his Government's concern for the maintenance of international peace and security, that an early meeting of the Security Council be called to consider the question of the occurrence of armed hostilities between the People's Republic of China and the Republic of China in the area of certain islands off the coast of the mainland of China. As a result of these hostilities, a situation existed, the continuance of which was likely to endanger the maintenance of international peace and security.

By letter dated 30 January 1955,[155] addressed to the President of the Security Council, the representative of the Union of Soviet Socialist Republics requested that the Security Council be convened at once to consider the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China. It was stated in the letter that the intervention of the United States in the internal affairs of China and the extension of acts of aggression against the People's Republic of China were aggravating tension in the Far East and increasing the threat of a new war. In such circumstances, it was the duty of the Security Council to put an end to the acts of aggression by the United States against the People's Republic of China and to its intervention in the internal affairs of China.

A draft resolution transmitted with the letter proposed that the Council, considering that the unprovoked armed attacks on Chinese towns and coastal areas carried out by armed forces controlled by the United States, constituted aggression against the People's Republic of China in violation of the obligations assumed by the United States under international agreements concerning Taiwan and other Chinese islands, and noting that they constituted intervention in the internal affairs of China, a source of tension in the Far East, and a threat to peace and security in the area, (1) condemn those acts of aggression; (2) recommend that the Government of the United States take immediate steps to put an end to them and to its intervention in the internal affairs of China; (3) recommend that the Government of the United States immediately withdraw all its naval, air and land forces from the island of Taiwan and other territories belonging to China; (4) urge that no military action be permitted in the Taiwan area by either side, so that evacuation from the islands in that area of all armed forces not controlled by the People's Republic of China might be facilitated.

The Security Council after discussing the adoption of the provisional agenda at its 689th and 690th meetings on 31 January 1955, included in its agenda the item proposed by the representative of New Zealand as well as the item proposed by the representative of the USSR; it also decided to conclude its consideration of the New Zealand item before taking up the USSR item.[156]

The Security Council considered the New Zealand item at its 690th and 691st meetings on 31 January and 14 February 1955.

Decisions of 31 January 1955 (690th meeting): To invite a representative of the People's Republic of China to attend the Council discussion, and to defer further consideration of the question

At the 690th meeting on 31 January 1955, the President, in his capacity as the representative of New Zealand, proposed that the Council invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of the New Zealand item and to ask the Secretary-General to convey this invitation to that Government.[157] The proposal was approved by 9 votes in favour and 1 against, with 1 abstention.[158]

A motion for adjournment of the discussion until a later date was then submitted by the representative of Belgium. It was adopted by 10 votes in favour and 1 against.[159]

On 4 February 1955, the Secretary-General circulated to the members of the Security Council an exchange of cablegrams between himself and the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China.[160] In a cablegram dated 3 February 1955, the latter informed the Secretary-General that the People's Republic would not be able to send a representative to take part in the discussion of the New Zealand item, and would have to consider all decisions taken by the Council concerning China as illegal and null and void. It could agree to participate in the Council's deliberations only for the purpose of discussing the draft resolution submitted by the USSR, and only when its representative attended in the name of China and the other occupant of China's seat had been expelled.

Decision of 14 February 1955 (691st meeting): Rejection of the USSR motion to proceed to the consideration of the item proposed by the USSR delegation

At the 691st meeting on 14 February 1955, the representative of the United Kingdom, commenting on the cablegram of the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China, suggested that

> "... the Council should not today seek to push matters further forward. It was right that we should meet to consider the reply from Peking to our invitation. But, having done this, the wisest course for us to take now, in the view of my Government, is to adjourn without taking any further decision. The problem itself will, of course, remain under the constant and anxious consideration of the members of this Council."[161]

---

[155] S/3355, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 27-28.

[156] 690th meeting: paras. 111-113. On the inclusion of the matter in the agenda, see chapter II, Case 6; on order of discussion of items on the agenda, see chapter II, Case 13; on proceedings regarding the retention and deletion of items from the agenda, see chapter II, Case 24.

[157] 690th meeting: para. 116. For consideration of the proposal to invite a representative of the Central People's Government of the People's Republic of China, see chapter III, Case 21. In connexion with specific duties conferred upon the Secretary-General, see chapter I, part IV, Note, p. 11.

[158] 690th meeting: para. 143.

[159] 690th meeting: para. 149.

[160] S/3358, *O.R., 10th year, Suppl. for Jan.-March 1955*, pp. 29-31.

[161] 691st meeting: para. 35.

The representative of the United States declared:

". . . We shall continue our consultations with the members of the Council in an effort to bring about a cessation of hostilities. Until those are completed, therefore, we can adjourn the meeting, subject to the call of the President."[162]

The representative of the USSR proposed,[163] on the premise contested by other members of the Council that consideration of the New Zealand item had been completed,[164] that the Security Council:

". . . shall decide to pass to the consideration of the following agenda item entitled 'The question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China'."

The USSR proposal was rejected by 1 vote in favour and 10 against.[165]

[162] 691st meeting: para. 66.
[163] 691st meeting: para. 97.
[164] 691st meeting: para. 109.
[165] 691st meeting: para. 134.

Chapter IX

DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS

NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review, no decision has been taken by the Council in the exercise of other functions and powers under the Charter.[1]

[1] With the exception of decisions concerning the relations of the Security Council with other organs of the United Nations arising from Article 12, 93 (2), 97 and 109 of the Charter. For these decisions, see chapter VI and in chapter I, see Case 25.

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

TABLE OF CONTENTS

INTRODUCTORY NOTE

As in the previous volume of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Council directed to the text of Articles 33-38 or Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion regarding the juridical problem of their relation to the provisions of the Charter. For a guide to the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate sub-headings of the Analytical Table of Measures adopted by the Security Council.[1]

The material in this chapter constitutes only part of the material relevant to the examination of the operation of the Council under Chapter VI of the Charter, since the procedures of the Council reviewed in chapters I-VI, where they relate to the consideration of disputes and situations, would fall to be regarded as integral to the application of Chapter VI of the Charter. Chapter X is limited to presenting the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question require to be examined within the context of the chain of proceedings on the question presented in chapter VIII.

[1] Chapter VIII, part I.

Chapter VI of the Charter. Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. 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 shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

NOTE

During the period covered by this supplement, the prior efforts to seek a peaceful solution made by States submitting a situation to the Security Council have been indicated in their initial communications, though Article 33 has not been expressly cited in any of them.[2]

The scope of the obligation imposed by Article 33 (1) has been the subject of consideration in connexion with the problem of the appropriate stage at which a dispute should become the proper concern of the Council. The principle has been advanced that, before any intervention by the Council, the means of settlement in Article 35 (1) should all have been exhausted by the parties.[3] Other statements have questioned whether Article 33 (1) implies an obligation of exhaustive recourse to the means of peaceful settlement enumerated therein when an act of aggression rather than a dispute was the subject of complaint.[4] In this connexion, the statement has been made that the provision for resort to regional agencies or arrangements contained in Article 33 must be read in conjunction with Article 52 (2).[5]

In connexion with an agreement concluded pursuant to an order issued by the Council under Article 40 of the Charter, there has been discussion of the question of the extent to which Article 33 required the Council when dealing with a dispute between the parties to the agreement to apply the principle of mutual consent in seeking a settlement.[5a]

On one occasion in connexion with an item which had been on the agenda of the Security Council since 1947, proposals that the Council refrain from discussion of the question for a further period while direct negotiations between the parties continued, were supported by an appeal to the provisions of Article 33 (2).[6]

CASE 1.[7] THE TUNISIAN QUESTION: In connexion with decision of 14 April 1952 not to adopt the provisional agenda

[*Note:* Discussion arose concerning the bearing of Article 33 on the question of including the item in the agenda. Inclusion of the question was opposed on the ground that a debate in the Council would hamper negotiations in progress which Article 33 required the Security Council to foster. Inclusion of the question was favoured on the ground that this would promote negotiations between the parties as required by Article 33 and would enable the Security Council to assist the parties in keeping their negotiations going. A draft resolution to include the question in the agenda while postponing consideration of it for the time being was rejected as was the provisional agenda.]

At the 574th meeting on 4 April 1952, the Security Council had before it letters[8] dated 2 April 1952, from the representatives of eleven Asian-African Member

[2] Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen in explanatory notes to their letters dated 2 April 1952, S/2579, S/2581, S/2575, S/2580, S/2574, S/2582, S/2576, S/2577, S/2583, S/2578, S/2584 (*O.R., 7th year, Suppl. for April-June 1952*, pp. 9-15), in connexion with the Tunisian question. United States, in connexion with question of alleged incident of an attack on a United States navy aircraft, 679th meeting, paras. 38-39. For references to prior efforts in a letter submitting a question designated as an act of aggression: Guatemala in cablegram dated 19 June 1954 in connexion with the Guatemalan question, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.

[3] See statements by Brazil, France, Netherlands, Turkey, United Kingdom, United States in connexion with the Tunisian question, Case 1.

[4] See statement by Guatemala[a] in connexion with the Guatemalan question, Case 4.

[5] See statement by Colombia in connexion with the Guatemalan question, Case 4. For statements on the effect of Article 52 (4), see Case 6.

[5a] See statements by USSR and the United Kingdom in connexion with the Palestine question, Case 3.

[6] See statements by Colombia, France, Greece in connexion with the Appointment of a Governor of the Free Territory of Trieste, Case 2.

[7] For texts of relevant statements see:
574th meeting: Brazil, paras. 95, 102; France, paras. 33-34;
575th meeting: President (Pakistan), paras. 84-87; China, paras. 32-33; Greece, para. 42; Netherlands, paras. 63-64; Turkey, para. 68; United Kingdom, paras. 8-9, 12; United States, paras. 15, 18;
576th meeting: Chile, paras. 40-41; Netherlands, paras. 58-63.

[8] S/2574, S/2575, S/2576, S/2577, S/2578, S/2579, S/2580, S/2581, S/2582, S/2583, S/2584, *O.R., 7th year, Suppl. for April-June 1952*, pp. 9-15. On the inclusion of the question in the agenda, see chapter II, Case 8.

States bringing, under Article 35 (1), the situation in Tunisia to the attention of the Council.

In opposing the inclusion of the question in the agenda, the representative of France stated "that the agreement reached between the French Government and the Bey" of Tunisia had "put the problem on the road to solution", and that the Council should not, therefore, "include in its agenda a question and a problem which no longer exists".

The representative of Brazil stated:

"In voting for the inclusion of the item in our agenda, the Brazilian delegation is not prejudging the merits of the case, nor even the competence of the Security Council to deal with this particular matter; neither can a favourable vote by Brazil be construed as expressing an opinion on the opportuneness of a debate on the Tunisian question. As a matter of cold fact, we do not feel that a protracted discussion on Tunisia would serve any useful purpose at the present stage of affairs, when the means have not been exhausted for reaching a solution by negotiation, inquiry, mediation, conciliation, arbitration, or other peaceful means provided for in Article 33 of the Charter. It is, moreover, our deep-seated conviction that the United Nations should not be overburdened with questions which may eventually prove capable of being solved through direct negotiations between the parties concerned. My delegation will therefore be quite receptive to any motion or proposal towards the postponement of consideration of this item, after its inclusion in the agenda of the Security Council."

He further stated that the Council should

". . . forego any action which might hamper the utilization of the means provided in Article 33 of the Charter for the peaceful settlement of disputes. The task of the Security Council is to seek to facilitate and to pave the way for solutions rather than to impose them in a manner which might eventually prove inconsistent with the principles and purposes of the Charter."

At the 575th meeting on 10 April 1952, the representative of the United Kingdom remarked that in view of the desire of the French Government to negotiate with Tunisia, and of its concrete suggestions for a plan of reforms which would lead that country towards internal autonomy, "even if a debate in the Council were conducted with the utmost restraint on all sides", it was doubtful whether the Council "could assist in promoting a peaceful settlement". Aside from other legal considerations, he opposed the inclusion on the agenda of "a matter which is still the subject of peaceful negotiation".

The representative of the United States declared that it was clear that under the Charter the parties to a controversy were "obliged to seek a solution by negotiations" and that ". . . the over-riding objective of the Security Council must be to foster agreement through negotiation between the parties themselves . . ."

The representative of China observed that in all disputes of this kind which the Council had handled so far its first objective had been

". . . to bring the two parties together so that negotiations might be renewed and continued, with only so much assistance on the Council's part as has been necessary to keep negotiations going and to remove, wherever possible, obstacles to the successful conclusion of the negotiations . . ."

For this reason it would be best to include the matter in the agenda and "then proceed immediately to take measures in the form of good offices or conciliation".

The representative of the Netherlands, after stating that the Council was "not a court but a political body with a responsibility, first of all, to try and promote peaceful solutions", continued:

". . . in the opinion of my Government the primary responsibility of the Security Council for the maintenance of international peace and security does not necessarily mean that intervention of the Council is at all times and under all circumstances the best way to promote agreement between parties at issue. We believe that in the present case all avenues to settle the matter directly between the parties themselves have not yet been explored or exhausted."

The representative of Turkey felt that it would have been easier for the Security Council to vote in favour of the inclusion of the item if "the spirit embodied in Article 33 had been invoked". The Turkish Government was not of opinion that all the peaceful means of solution stipulated in Article 33 had been exhausted and believed that "direct negotiations between the French and the Tunisians . . . can bring positive solutions" to the question before the Council.

The President, speaking as the representative of Pakistan, asserted that there were no negotiations actually taking place between the parties which could be jeopardized by a Council debate on the matter.

At the 576th meeting on 14 April 1952, the representative of Chile submitted to the Council a draft resolution[9] to include the question in the agenda "on the understanding that such action does not imply any decision regarding the competence of the Council to consider the substance of the question", and "to postpone consideration of the communications referred to for the time being". In explaining his proposal, he stated that this postponement would give the French Government time "to go forward with the negotiations said to be now under way". This suspension of the discussion should also be understood "as not prejudicing the Council's right to deal with the matter at any time, if serious events should occur which prompt any member to request such action".

The representative of the Netherlands opposed the procedure proposed in the Chilean draft resolution on the grounds that priority

". . . always must be given to possibilities of direct settlement between the responsible parties involved. The Council should be careful not to make such methods of direct settlement more difficult by premature debates or interventions . . ."

Since the parties directly concerned seemed now to be ready to examine new ways of finding a solution, he

[9] S/2600, 576th meeting: paras. 40-41, 103. On the postponement of consideration of the question, see chapter II, Case 19.

believed that "nothing should be done by this Council to hinder those efforts". The procedure suggested by the Chilean draft resolution "could still create a disturbing influence in the atmosphere of goodwill which is indispensable for the direct negotiations between the responsible parties".

At the same meeting, the Chilean draft resolution failed of adoption. There were 5 votes in favour and 2 against, with 4 abstentions.[10]

The provisional agenda was likewise not adopted. There were 5 votes in favour, 2 against, with 4 abstentions.[11]

CASE 2.[12] APPOINTMENT OF A GOVERNOR OF THE FREE TERRITORY OF TRIESTE:[13] In connexion with decision of 20 October 1953 to postpone discussion until 2 November 1953

[*Note:* A proposal under rule 33 (5) of the provisional rules of procedure to postpone discussion of the question until 2 November 1953 in order to await the outcome of negotiations between the States concerned was supported by appeal to Article 33 (2). In opposition to this view, it was stated that Article 33 (2) called for the Council to act, and not to remain idle. The Council adopted successive procedural motions to postpone consideration of the question to fixed dates, and finally decided to postpone consideration pending the outcome of current efforts to find a solution.[14]]

At the 628th meeting on 20 October 1953, the representative of Colombia, after referring to joint efforts undertaken by the Foreign Ministers of France, the United Kingdom and the United States to bring about a lasting settlement of the problem of Trieste, stated that in view of the "diplomatic exchanges" currently taking place "in the various capitals concerned", the Security Council should not enter into a debate on the draft resolution[15] submitted by the representative of the USSR to appoint a governor of the Free Territory of Trieste. He proposed that in accordance with rule 33 (5) of its rules of procedure, the Council should postpone the discussion of this question until the early part of November.

The representative of France, in supporting this proposal, quoted the provisions of Article 33 of the Charter. He added:

> ". . . the French, United Kingdom and United States Governments have publicly and officially announced their intention of seeking a peaceful settlement to the situation through diplomatic negotiations and proposals made to the two parties chiefly concerned, Italy and Yugoslavia. But to this end an international climate must develop around those negotiations which is free and clear of futile polemics, and I think that certain speakers who have preceded me are absolutely justified in the desire they have expressed that the Security Council shall refrain from all debate which could exert only an unfavourable influence on the successful progress of these negotiations while these attempts at conciliation and negotiation are being worked out. In refraining for ten or fifteen days from any debate on the question, the Security Council would merely be tacitly applying Article 33, paragraph 2 . . ."

The representative of the USSR declared that "Article 33 . . . requires us to do something, to take action, not to remain idle and inactive". The means of settlement referred to in Article 33 (2) were the negotiations dealt with in Article 33 (1). The negotiations which were going on were not negotiations among the twenty-one signatories of the Treaty of Peace with Italy, but among a more limited group. Their object, moreover, was not to ensure the observance of the Treaty, an aim which the Council was obligated to seek to achieve. Accordingly, the question must be considered in the Security Council and agreement reached there on the appointment of a governor.

At the same meeting, the proposal that the discussion of the question be postponed to 2 November 1953 was adopted by 9 votes in favour and 1 against, with 1 abstention.[16]

At the 634th meeting on 2 November 1953, the representative of Greece moved, under rule 33 (5) of the rules of procedure of the Council, that the discussion of the question be again postponed for three weeks. He stated:

> "It is, I submit, the duty of this Council, in the discharge of its primary responsibilities, not to tamper with the normal process of negotiations between the parties mainly interested for the purpose of reaching a settlement which can only strengthen peace and security in the area concerned."

In opposing this proposal, the representative of the USSR invoked Article 34 of the Charter and stated that the consultations to which reference had been made should not keep the Council from carrying out its duty to promote a greater respect for peace and international security.

At the same meeting, the proposal of the representative of Greece was adopted by 9 votes in favour and 1 against, with 1 abstention.[17]

At the 641st meeting on 23 November 1953, on the proposal of the representative of the United States, the Council postponed consideration of the question until the week of 8-15 December 1953, with the proviso that the exact date of the meeting be set by the President.

There were 9 votes in favour and 1 against, with 1 abstention.[18]

---

[10] 576th meeting: para. 121.

[11] 576th meeting: para. 122.

[12] For texts of relevant statement see:
628th meeting: Colombia, paras. 1-4; France, para. 88; USSR, paras. 106-108, 111;
634th meeting: Greece, paras. 10-11, 13; USSR, para. 42;
641st meeting: USSR, paras. 10, 16; United States, paras. 5-6;
647th meeting: USSR, paras. 9, 21; United States, paras. 2-3.

[13] This question had been included in the agenda at the 143rd meeting on 20 June 1947. For the earlier proceedings see the previous volume of the *Repertoire*, p. 314.

[14] The Security Council was subsequently notified of the outcome of negotiations regarding the question of the Free Territory of Trieste. [See S/3301 and Add.1, *O.R., 9th year, Suppl. for Oct.-Dec. 1954*, p. 2; S/3305, *O.R., 9th year, Suppl. for Oct.-Dec. 1954* p. 9; S/3351, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 25.]

[15] S/3105, 625th meeting: para. 70.

[16] 628th meeting: para. 133.

[17] 634th meeting: para. 89.

[18] 641st meeting: para. 101.

At the 647th meeting on 14 December 1953, the representative of the United States proposed "that the Council decide at this time to postpone further consideration of the Trieste item pending the outcome of the current efforts to find a solution for this important matter".

The representative of the USSR remarked that this proposal was actually one for the indefinite postponement of the discussion of the Trieste problem, and opposed it as meaning that the Security Council was "simply being left out of this question".

At the same meeting, the proposal of the representative of the United States was adopted by 8 votes in favour and 1 against, with 1 abstention (one member of the Security Council being absent).[19]

CASE 3.[20] THE PALESTINE QUESTION: In connexion with a draft resolution to authorize the Chief of Staff of the Truce Supervision Organization, in his capacity as Chairman of the Israel-Syrian Mixed Armistice Commission, to explore possibilities of reconciling the interests involved in the dispute; voted upon and not adopted

[*Note:* In opposition to the draft resolution it was contended that it ignored the fundamental Charter principle of mutual consent set forth in Article 33. In reply it was asserted that the question before the Council was not an ordinary dispute between two states to which Article 35 might be applicable.]

At the 629th meeting on 27 October 1953, the Security Council began consideration of a complaint[21] by Syria against Israel concerning work on the west bank of the river Jordan in the demilitarized zone. Syria contended that the Israel Development Project was likely to affect the status of the demilitarized zone and required the consent of both parties to the General Armistice Agreement. Israel maintained that the project was consistent with the Armistice Agreement subject to the provision of safeguards for certain recognized private rights.

At the 648th meeting on 16 December 1953, the Council had before it a joint draft resolution,[22] submitted by the representatives of France, the United Kingdom and the United States to authorize the Chief of Staff of the Truce Supervision Organization, in his capacity as Chairman of the Israel-Syrian Mixed Armistice Commission, to explore possibilities of reconciling the interests involved in the dispute. At the 656th meeting on 22 January 1954, the representative of the USSR opposed the revised joint draft resolution on the ground *inter alia* that it failed to express the principle of mutual consent. He declared:

"... I must protest against an interpretation of the position, nature and meaning of the demilitarized zone which leads to the assumption that the Chief of Staff is the master there and that the parties concerned have no authority and should not even take any effective part in the matter.

"The position cannot be regarded as normal; it does not comply with the basic principle of the status of the demilitarized zone and the purposes for which the demilitarized zone was established. No unilateral action can be taken by the Chief of Staff or by either of the parties, especially if there are grounds for expecting any complications.

"At this point, however, I consider that we have just such a case. We have a Mixed Armistice Commission and we have a Chief of Staff. The two parties are represented in the Mixed Armistice Commission. It appears perfectly normal and natural to allow those parties to settle the problem by mutual agreement.

"I believe that this would also fully comply with our Charter, because the Charter itself states that the parties should achieve the settlement of disputes by their own efforts, while the Security Council's duty is to promote the pacific settlement of disputes and to assist parties which take action in accordance with Article 33 of the United Nations Charter. It is directly stated in that article that the parties must 'first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration ...' and so on.

"Surely none of the things I have mentioned can take place without mutual consent. ...

"... if there is no reference to mutual consent or to this important principle, then of course I could never and shall never support any paragraph which would violate such an important political principle. This is also a legal principle, because it is a fundamental principle of international law.

"... if the draft resolution is adopted it will leave this dispute quite unsettled by the Security Council, and that is unacceptable because the Council has no right to delegate the settlement of a dispute between two parties to anyone except those parties themselves ..."

In replying to the foregoing observations, the representative of the United Kingdom declared:

"... This question in a way is *sui generis*. It is not an ordinary dispute. It is a dispute which arises out of an action which it is proposed to take in the demilitarized zone, and this in its turn, of course, raises questions directly connected with the General Armistice Agreement between Israel and Syria, and it is with these questions arising out of the General Armistice Agreement that the Council is concerned, and also, consequently, with the position of the Chief of Staff who, under the General Armistice Agreement, has had great authority conferred upon him ..."

At the same meeting, the joint draft resolution was put to the vote. There were 7 votes in favour and 2 against, with 2 abstentions. The draft resolution was not adopted, one of the negative votes being that of a permanent member of the Council.[23]

[19] 647th meeting: para. 43.

[20] For texts of relevant statements see:
656th meeting: USSR, paras. 41-85; United Kingdom, paras. 86-92.

[21] S/3108/Rev.1, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 5-6.

[22] S/3151/Rev.2, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 79-80.

[23] 656th meeting: para. 135.

CASE 4.[24] THE GUATEMALAN QUESTION: In connexion with a draft resolution to refer the question to the Organization of American States for urgent consideration, voted upon and not adopted

[*Note:* In support of the draft resolution, it was contended that Article 33, which was to be taken in conjunction with Article 52 (2), made it obligatory before appealing to the Security Council to apply to the regional organization. In opposition to this view, it was contended that Article 33 was not applicable to a complaint of aggression.]

In a cablegram dated 19 June 1954[25] to the President of the Security Council, the Minister for External Affairs of Guatemala stated that "expeditionary forces" from the direction of Honduras and Nicaragua had invaded Guatemalan territory, and that open aggression was being perpetrated against it. An urgent meeting of the Council was requested in order that, in accordance with Articles 34, 35 and 39, "it may take the measures necessary to prevent the disruption of peace and international security . . . and also to put a stop to the aggression in progress against Guatemala".

At the 675th meeting on 20 June 1954, the Council had before it a joint draft resolution[26] submitted by the representatives of Brazil and Colombia to refer the question to the Organization of American States for urgent consideration and to request the Organization of American States to inform the Security Council, as soon as possible, on the measures it had been able to take in the matter.

The representative of Colombia, in support of the joint draft resolution, stated that under Article 33,

> ". . . the parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, must seek a solution to it and in that connexion mention is made of resort to regional agencies or arrangements. This Article must be taken in conjunction with Article 52, paragraph 2 of which says that every effort must be made to achieve pacific settlement of local disputes through such regional arrangements or agencies before referring them to the Security Council."

In opposing the draft resolution, the representative of Guatemala* considered that Article 33 was "completely inapplicable to Guatemala's case", since "Guatemala has no dispute" either with "Honduras, or with Nicaragua, or with any other State". He stated:

> ". . . This Article would be operative in any kind of dispute, but not in the case of an aggression or an invasion; not when open towns are being machine-gunned . . . to create panic. I would ask you to take Article 33 into consideration from this point of view. The Security Council cannot compel the parties to settle their disputes by this means, for in this case there are no parties and there is no dispute."

After referring to Article 52 (2), and stating that "for the same reasons, this Article is not applicable", and that Guatemala "cannot achieve a pacific settlement with Honduras and Nicaragua because we have no dispute with them", the representative of Guatemala further stated that Guatemala had "officially renounced" any intervention in this matter by the Organization of American States, since it "cannot go to a regional organization to discuss a dispute which does not exist". He added:

> ". . . We recognize the effectiveness of that organization; we have the greatest respect for it and are members of it, but we consider that under Articles 33 and 52, precisely, that organization ceases to be effective when an invasion is already in progress, when aggression has been committed against my country . . .
>
> "I should like to ask you to give your attention to these facts, no aspect of which is such as to allow the Council to avoid direct intervention . . ."

At the same meeting, the joint draft resolution submitted by the representatives of Brazil and Colombia was not adopted. There were 10 votes in favour and 1 against (the vote against being that of a permanent member).[27]

[24] For texts of relevant statements see:
675th meeting: Colombia, para. 72; Guatemala*, paras. 101-104, 189. For consideration of the provisions of Article 52 in connexion with the question, see chapter XII, Case 4.

[25] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.

[26] S/3236, 675th meeting: para. 69. See chapter VIII, p. 47.

[27] 675th meeting: para. 194.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

The two case histories entered in part II of this chapter are those in which issues have arisen relating to Article 34 of the Charter.[28] In connexion with the Thailand question, in which the initial communication invoking Article 35 (1) asserted the existence of a situation of the nature referred to in Article 34, it was contended that the Security Council was required to take precautionary measures of observation when requested to do so by a Member State which alleged that it had reasonable ground to fear the existence of a threat to its security.[29] In connexion with the Guatemalan question, which involved a formal request to the Security Council to establish machinery of investigation under Articles 34 and 35 in respect of an asserted act of aggression, there was discussion of the limitations, if any, by reason of Article 52 on the Security Council's power to undertake an investigation under Article 34.[30]

[28] For a case history bearing on the question of the relation between Articles 32 and 34, see chapter III, Cases 23 and 28.

[29] See Case 5.

[30] See Case 6.

CASE 5.[31] THE THAILAND QUESTION: In connexion with draft resolution providing for observation under the Peace Observation Commission; failed of adoption

[*Note:* In the communication[32] from the representative of Thailand submitted to the Council in conformity with Articles 34 and 35 (1), the request was made that the Council provide for observation under the Peace Observation Commission by requesting the latter to establish a subcommission with authority to dispatch observers to Thailand and to consider whether observation was also necessary "in States contiguous to Thailand". In support of the draft resolution, it was stated that a Member State could not be denied such a precautionary measure. In opposition to the draft resolution, it was stated that no facts or evidence had been brought before the Council to justify the request.]

At the 672nd meeting on 3 June 1954, the representative of Thailand* stated that his Government had brought to the attention of the Security Council a situation which represented a threat to the security of Thailand, the continuance of which was likely to endanger the maintenance of international peace and security. Although until then his country had not been directly attacked, the situation in territories bordering Thailand had become so explosive and tension so high that a very real danger existed that fighting might spread to Thailand and the other countries of the area and foreign troops effect direct incursions into Thai territory. He added that:

". . . when a threat to peace begins to appear, it is the duty of Members to call the attention of the Organization to the existence of such a threat . . . my Government is of the opinion that . . . the problem of a threat to the peace should be the concern of all Members of the Organization and should not be considered as a problem particular to a certain country or group of countries . . .

"Consequently . . . my Government is confident that if this great international body takes into consideration this problem, it will not fail to produce certain deterring effects upon those who may be bent upon disturbing the peace of the area . . .

"I do not think any objection can be raised by anyone to the general proposition that the United Nations requires an adequate system of observation if it is to function most effectively to prevent outbreaks of violence. That general thesis is embodied in section B of the General Assembly 'Uniting for peace' resolution (377 A (V)) which established the Peace Observation Commission . . ."

At the 673rd meeting on 16 June 1954, the representative of Thailand submitted for the consideration of the Council the following draft resolution:[33]

"*The Security Council,*

"*Noting* the request of Thailand,

"*Recalling* General Assembly resolution 377 (V) (Uniting for peace), part A, section B, establishing a Peace Observation Commission which could observe and report on the situation in any area where there exists international tension, the continuance of which is likely to endanger the maintenance of international peace and security,

"*Taking into consideration* the legitimate apprehensions entertained by the Government of Thailand in regard to its own security, caused by a condition of international tension in the general region in which Thailand is located, the continuance of which is likely to endanger international peace and security,

"*Requests* the Peace Observation Commission to establish a sub-commission composed of not less than three nor more than five members, with authority:

"(*a*) To dispatch as soon as possible, in accordance with the invitation of the Thai Government, such observers as it may deem necessary to Thailand;

"(*b*) To visit Thailand if it deems it necessary;

"(*c*) To consider such data as may be submitted to it by its members or observers and to make such reports and recommendations as it deems necessary to the Peace Observation Commission and to the Security Council. If the sub-commission is of the opinion that it cannot adequately accomplish its mission without observation or visit also in States contiguous to Thailand, it shall report to the Peace Observation Commission or to the Security Council for the necessary instructions."

Commenting on the draft resolution of Thailand, the representative of New Zealand stated:

"There can be no doubt about the right of a Member of this Organization to bring to the attention of the Security Council a situation which, in its opinion, constitutes a threat to its territorial integrity. In such circumstances, an appeal by a Member of the United Nations for precautionary measures is not something which can be ignored or put aside . . ."

The existence of a state of tension in the general area of Thailand was a matter of great concern to the Government of New Zealand. Therefore, it gave

". . . its emphatic support to the establishment of a sub-commission which can endeavour to determine and evaluate the facts concerning the state of tension reported by the Government of Thailand . . ."

The President, speaking as the representative of the United States, supported the appeal of Thailand and requested, under rule 38 of the rules of procedure, that at the appropriate time the draft resolution be voted upon.

At the 674th meeting on 18 June 1954, the representative of France, in supporting the draft resolution of Thailand, stated:

". . . The fact that a Member of the United Nations has reasonable grounds for believing that such a threat exists or fears that it might arise in the near future should be sufficient to oblige all members of the Council, even those who consider that belief unfounded or that fear premature, to take into consideration

[31] For texts of relevant statements see:
672nd meeting: Thailand*, paras. 22-23, 41-43;
673rd meeting: President (United States), para. 57; New Zealand, paras. 16, 23; Thailand*, para. 11.
674th meeting: France, para. 15; USSR, paras. 19, 47, 56.

[32] S/3220, *O.R., 9th year, Suppl. for April-June 1954*, p. 10.

[33] S/3229, 673rd meeting: para. 10.

the relevant application, for which the sponsor alone is responsible. Without prejudging the question of the justification of Thailand's fears, we cannot refuse to accord that State the precautionary measure which its Government requests, the implementation of which on Thai territory cannot in any way aggravate the tension existing in that area."

The representative of the USSR, in opposing the draft resolution, remarked that the restoration of peace in Indo-China was being considered at the time by the Geneva Conference at which the permanent members of the Council were participating. He stated that:

". . . the matter which has been put before the Security Council has nothing to do with the security of Thailand . . .

". . . there is no evidence either in the statement the representative of Thailand made in introducing his draft resolution or in the draft resolution itself that there is any threat to Thailand from any direction whatsoever . . ."

He further stated:

"Observers are only sent at times when and to places where the flames of war are really blazing and where there is a likelihood that the war will spread rather than be localized or ended. Consequently . . . the idea of sending observers to Thailand, after a struggle of national liberation has been going on for seven years and at a time when tangible progress has already been made towards the attainment of a peaceful settlement of the Indo-China question, is wrong . . ."

At the same meeting, the draft resolution submitted by the representative of Thailand failed of adoption. There were 9 votes in favour and 1 against, with 1 abstention (the negative vote being that of a permanent member of the Council).[34]

CASE 6.[35] THE GUATEMALAN QUESTION: In connexion with a request to the Security Council for the despatch of an observation commission to investigate the situation brought to the attention of the Council by the Government of Guatemala: decisions of 20 and 25 June 1954

[*Note:* The representative of Guatemala presented an "official request" by his Government that "an observation commission" be sent by the Council to make inquiries in Guatemala and "in other countries if necessary". The representatives of Brazil and Colombia presented a draft resolution based on Chapter VIII of the Charter to refer the Guatemalan complaint to the Organization of American States and to request the latter to inform the Security Council on the measures it had been able to take in the matter. The question arose whether the Security Council was not obligated itself to undertake the investigation. The joint draft resolution was supported as consistent with the Security Council's primary responsibility on the ground that the regional organization was best equipped to ascertain the facts. It was opposed as based on inapplicable provisions of the Charter and as contrary to Article 34 which gave the complainant state a right to appeal to the Security Council to investigate a situation of aggression, a right safeguarded by Article 52 (4). The joint draft resolution was not adopted. The Council by unanimous vote called for the immediate termination of any action likely to cause bloodshed and requested all Members of the United Nations to abstain from rendering assistance to any such action. At the next meeting, the Council was informed of a report from the Inter-American Peace Committee concerning measures taken by it to initiate an investigation on the spot. Before the vote on the adoption of the agenda, there was discussion of the question whether the Council should resume its consideration of the item or await a report from the Inter-American Peace Committee. The agenda was not adopted.]

By cablegram[36] to the President of the Security Council dated 19 June 1954, the Minister for External Relations of Guatemala requested an urgent meeting of the Security Council in order that, in accordance with Articles 34, 35 and 39 of the Charter "it may take measures necessary to prevent the disruption of peace and international security . . . and also to put a stop to the aggression in progress against Guatemala".

At the 675th meeting on 20 June 1954, the representative of Guatemala*, after submitting to the Security Council his Government's outline of the situation, formally requested that an observation commission of the Security Council be constituted in Guatemala, and in other countries if necessary, to verify through an examination of the documentary evidence, the fact that the Governments of Honduras and Nicaragua "have connived at the invasion" of Guatemala territory by mercenary troops. The representative of Guatemala also explained to the Council that his Government had "merely notified the Peace Committee of the Organization of American States of the invasion, but has asked it to adopt no position until the Security Council has taken action".

A joint Brazilian-Colombian draft resolution[37] based on the provisions of Chapter VIII of the Charter, to refer the question to the Organization of American States and to request it to report "as soon as possible" to the Council "on the measures it has been able to take on the matter" was supported by the representative of France with the observation that,

". . . in referring Guatemala's request to the Inter-American Peace Committee as a matter of urgency the Security Council will not be unloading its responsibilities on that committee; for it is requesting the committee to report on the conclusions it reaches after carrying out its inquiry. On those conclusions . . . it will rest with the Security Council to take its final decision."

[34] 674th meeting: para. 71.

[35] For texts of relevant statements see:
675th meeting: Brazil, paras. 67-68, 205; Colombia, paras. 72-73, 206; France, para. 75; Guatemala*, paras. 43, 46, 103-104, 184, 191; New Zealand, para. 214; USSR, para. 173; United States, paras. 75, 170;
676th meeting: Brazil, paras. 14-15, 27; Denmark, paras. 131-134; New Zealand, paras. 126-127; USSR, para. 59; United Kingdom, paras. 88, 90, 92; United States, paras. 174, 178.

[36] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13, See chapter VIII, p. 44.

[37] S/3236, 675th meeting: para. 69. See chapter VIII, p. 47.

The joint draft resolution was opposed by the representative of Guatemala on the ground, *inter alia*, that "under the terms of Article 34 my Government has an unchallengeable right to appeal to the Security Council". He declared that Article 34 empowered the Council to investigate any dispute or situation. While the Guatemalan case was not a dispute for which reason Articles 33 and 52 were not applicable, it was a situation and, under both Article 34 and Article 35, the Security Council could not deny to Guatemala "its right of direct intervention by the Council, not intervention through a regional organization".

The President, speaking in his capacity as representative of the United States, stated that the draft resolution did not seek to relieve the Council of responsibility; "it just asks the Organization of American States to see what it can do to be helpful". In this connexion he quoted Article 52 (2).

The representative of the USSR observed in reply that the last paragraph of Article 52, earlier paragraphs of which had been invoked in support of the joint draft resolution, provided that the Article in no way impaired the application of Articles 34 and 35, which imposed on the Council "a definite obligation to act".

The proviso concerning Article 34 contained in paragraph 4 of Article 52 was likewise invoked by the representative of Guatemala to support the contention that

> ". . . under the Charter, the Security Council is bound by a duty, which it cannot disregard, to investigate this situation which my country, in exercise of the right conferred on it by the Charter, has brought to the notice of the Security Council . . ."

Following the rejection of the draft resolution, as amended,[38] the Council unanimously adopted the draft resolution submitted by the representative of France[39] calling for the immediate termination of any action likely to cause bloodshed and requesting all Members of the United Nations to abstain from rendering assistance to any such action.

In the explanation of vote that followed, several representatives expressed the view that the Organization of American States remained free to take any measure it might deem appropriate to deal with the situation with its own machinery. Thus, the representative of New Zealand stated:

> ". . . I consider that the Organization of American States still has jurisdiction in this matter and can still investigate and report to us the facts as it finds them to be."

At the 676th meeting on 25 June 1954, the provisional agenda of the Security Council included in addition to the cablegram of 19 June, a letter[40] dated 22 June 1954 from the representative of Guatemala to the Secretary-General requesting an urgent meeting of the Council on the ground that the decision adopted by the Council on 20 June had not been complied with by other States Members "thus creating a situation covered by Article 35 of the Charter, which takes precedence over any different unilateral definition". It was further stated in the letter that the Council "retains full jurisdiction in the matter, because Article 52, paragraph 4, of the Charter makes the obligations of the Council under Articles 34, 35 and 39 imperative". The letter concluded with an enumeration of the reasons for which "the Organization of American States by strict standards of international law cannot take action".

The Council also had before it a cablegram,[41] dated 23 June 1954, from the Chairman of the Inter-American Peace Committee informing the Council that on that date the Committee had unanimously decided to inform the Government of Guatemala of a proposal by the representative of Nicaragua, supported by the representative of Honduras, to set up a committee of inquiry, and had expressed the hope that it would agree to the proposed procedure.

The representative of Brazil stated that a fact-finding committee "composed of both diplomats and military men from Argentina, Brazil, Cuba, Mexico and the United States" was expecting the official agreement of the Government of Guatemala to proceed to that country in accordance with the decision of the Inter-American Peace Committee. However, he added, "even if the Guatemalan Government does not choose to co-operate with the Inter-American Peace Committee, that Organization had already been seized of the matter and was bound to go into it in order to fulfil its obligations". In his view, therefore, the Security Council should not proceed to deal with the question and should rather wait for the report of the fact-finding committee of the regional organization. Consequently, he would vote against the adoption of the agenda.

The representative of the USSR stated that the consequence of the proposal that the agenda should not be adopted and that the consideration of the Guatemalan question should be postponed would be that the Council would not consider the request of a Member State which had been attacked. He added:

> ". . . Thus, the Security Council, one of the principal organs of United Nations, responsible for the maintenance of peace and security, and for taking measures to put an end to aggression, will not comply with the request of a Member of the United Nations that the Council should examine the question and take suitable action . . ."

In the view of the representative of the United Kingdom, the situation in Guatemala appeared *prima facie* to be "one that cannot be dismissed without any investigation, as a purely internal matter". However, the Council could not "at the moment . . . take any further action in this matter without more facts at its disposal". To establish the facts concerning the complaint of Guatemala, the Inter-American Peace Committee which was not precluded from dealing with the question by the Security Council's decision of 20 June 1954 should, through its fact-finding committee, "make a constructive contribution" by observing what was happening in the two countries against which the allegation had been made and conveying the necessary information, as soon as possible, to the Council.

[38] 675th meeting: para. 194.
[39] 675th meeting: para. 203.
[40] S/3241, *O.R., 9th year, Suppl. for April-June 1954*, pp. 14-15.
[41] S/3245, *O.R., 9th year, Suppl. for April-June 1954*, p. 16.

The representative of New Zealand welcomed the decision of the Organization of American States to establish a fact-finding committee and expressed confidence that the Council would be kept fully informed of the activities of that committee in accordance with Article 54 of the Charter. He referred to the undertaking in the cablegram[42] from the Chairman of the Inter-American Peace Committee "to furnish the Security Council with what will be in effect a full report of the investigation". He desired that, following the adoption of the agenda, the Security Council should note the action taken by the Organization of American States and then adjourn.

The representative of Denmark, in agreeing with the position of the representative of New Zealand, observed that his Government had been of the view "that it might well have been appropriate for the United Nations itself to investigate this matter, or in some way associate itself with any investigation to be undertaken by other means". In consideration, however, of the provisions of Chapter VIII of the Charter, and of the practice of the Inter-American system, he would not oppose the procedure suggested by the Inter-American Peace Committee. He wished the matter placed on the agenda to hear if the representative of Guatemala had any new information or new proposals to offer. If nothing new emerged, the question should be adjourned until the results of the examination undertaken by the Committee were brought before the Council.

The representative of the USSR stressed the point that the provisions of the Charter relating to the prevention of aggression prevailed over regional arrangements and, in that connexion, observed that Article 52 (4) of the Charter stipulated that it in no way impaired the application of Article 34 and 35.

The President, speaking as the representative of the United States, observed that the Government of Guatemala claimed to be the victim of aggression, and had asked for an investigation. "It is entitled to have the facts brought to light; the procedures for doing that are clearly established within the Organization of American States". Guatemala, Honduras, and Nicaragua had all applied to the Inter-American Peace Committee of that Organization, which had decided to send a fact-finding committee to the area of controversy. However, Guatemala had "attempted to interrupt this wholesome process". Because the Committee felt that it was "inconceivable that Guatemala will obstruct the very investigation for which it has been clamouring for days" it was preparing to proceed to the area of controversy.

While the United States did not deny "the propriety of this danger to the peace in Guatemala being brought to the attention of the Security Council in accordance with Article 35 of the Charter", it was bound by its undertakings contained in Article 52 (2) of the Charter and in article 20 of the charter of the Organization of American States to oppose consideration by the Council "of this Guatemalan dispute", until the matter had first been dealt with by the Organization of American States.

At the same meeting, a vote was taken on the adoption of the agenda. The agenda was rejected by 5 votes to 4, with 2 abstentions.[43]

[42] S/3245, *O.R., 9th year, Suppl. for April-June 1954*, p. 16.

[43] 676th meeting: para. 195.

Part III

APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

The nine questions[44] relating to the maintenance of international peace and security newly admitted to the agenda of the Security Council during the period under review have been brought to its attention by Members of the United Nations.[45]

The Security Council has continued the consideration of three questions which had been included in its agenda before the period under review, namely, the India-Pakistan question, which was submitted to the Security Council by India on 30 July 1947,[46] the Palestine question, referred to the Security Council by the General Assembly on 2 December 1947,[47] and the appointment of a governor of the Free Territory of Trieste, submitted by the United Kingdom on 13 June 1947.[48]

Submission by Members of the United Nations

Members of the United Nations submitting questions to the Security Council have in most instances done so through a communication addressed to the President of the Security Council. In two instances, both involving members of the Security Council, the submission was effected through a letter to the Secretary-General enclosing a draft resolution with a request for its circulation to the members of the Council and a request for inclusion of an appropriate item in the provisional agenda for the meeting at which the question was proposed to be considered.[49]

In four instances Members submitting questions to the Security Council indicated in an initial communica-

[44] In one instance, the Council has included in its agenda two items submitted by different Member States relating to the same state of facts; see Tabulation: entries 7 and 9.

[45] See Tabulation: Sections B, C.

[46] See *Repertoire of the Practice of the Security Council 1946-1951*, chapter X, part III, Tabulation: Section B, entry 14, p. 405.

[47] See *Repertoire of the Practice of the Security Council 1946-1951*, chapter X, part III, Tabulation: Section F, entry 24, p. 408. Complaints of alleged violations of the Armistice Agreements were subsequently considered as sub-items of "the Palestine question". See request of France, the United Kingdom and the United States, 626th meeting: paras. 113-114; 628th meeting: paras. 52-53; Syrian complaint, 629th meeting: p. 1; Israel and Egyptian complaints, 657th meeting: paras. 46, 86, 114. See, however, the statement of the representative of Israel and its reference to Articles 34 and 35 (1), 697th meeting: p. 2.

[48] See *Repertoire of the Practice of the Security Council 1946-1951*, chapter X, part III, Tabulation: Section H, entry 27, p. 409.

[49] See Tabulation: entries 2 and 3.

tion that they were acting in accordance with Article 35 (1);[50] in one of these instances Article 35 (1) was invoked in conjunction with Article 34;[51] in another it was invoked in conjunction with Articles 34 and 39.[52] In the other submissions of questions for consideration by the Council no Charter Article was referred to in the initial communication. In their initial communications or in the documents accompanying them, States have indicated more or less explicitly the action requested of the Council as well as the nature of the question.

In no instance have Members submitted a question to the Council as a dispute;[53] in three instances questions were expressly described in the initial communications as situations.[54] In four instances questions were submitted by States directly involved.[55]

As already noted above, Article 39, together with Articles 34 and 35, was invoked in one instance in an initial communication which described the question submitted as one of "open aggression".[56] On another occasion a Member submitted a question as an act of aggression without adverting to Article 35.[57]

The absence of any clearly discernible distinction in the chain of proceedings of the Council consequent upon the invocation of Article 39 at the time of submission is reflected in the uniform mode of treatment adopted for all questions in chapter VIII of the *Repertoire*. Chapter VIII should be consulted for evidence of the extent to which, in the practice of the Council, the chain of proceedings is governed by the terms of the initial communication.

[50] In connexion with the Tunisian question, with the question of Morocco, with the Thailand question, and with the Guatemalan question, see Tabulation: entries 1, 4, 5 and 8.

[51] In connexion with the Thailand question, see Tabulation: entry 5.

[52] In connexion with the Guatemalan question, see Tabulation: entry 8.

[53] In this connexion, see in this chapter, Case 4 above.

[54] Tabulation: entries 1, 5 and 7. In connexion with the Guatemalan question, the representative of Guatemala in a communication dated 22 June 1954 calling for a second urgent meeting of the Council, described the alleged failure to comply with the Security Council resolution of 20 June 1954 as "creating a situation covered by Article 35 of the Charter". S/3241, *O.R., 9th year, Suppl. for April-June 1954*, p. 14.

[55] Tabulation: entries 3, 5, 6 and 8.

[56] Tabulation: entry 8.

[57] Tabulation: entry 9.

States not Members of the United Nations

While no question has been submitted to the Security Council during the period under review by a State not a Member of the United Nations, Article 35 (2), *inter alia*, was the subject of discussion in connexion with the consideration of a sub-item of the Palestine question which concerned a complaint submitted on behalf of a non-Member State by a Member State. The question which arose concerned the conditions to be laid down by the Council for the participation of the non-Member State in its discussions.[58]

Procedural Consequences of Submission under Article 35

Questions have been submitted to the Security Council by means of communications addressed to the President of the Security Council or, exceptionally, by means of communications addressed to the Secretary-General containing a request for the circulation of a draft resolution together with a request for inclusion of the matter in the provisional agenda of a meeting.[59] Such communications have been dealt with in accordance with rules 6-9 of the provisional rules of procedure. Material relating to the application of rules 6-9 is contained in chapter II of the *Supplement*. Material on the practice of the Security Council in the implementation of Article 35 at the stage of adoption of the agenda will be found in chapter II, part III.

The Council has not, in respect of any of the questions submitted for its consideration during the period under review, considered whether to accept the designation of a question contained in the initial communication. The distinction between a "dispute" and a "situation" was adverted to by the complaining State in its statement to the Council in one instance.[60]

[58] See in this supplement, chapter III, Case 24.

[59] See Tabulation: entries 2, 3. Regarding the application of rule 7, see in this supplement, chapter II, Case 1.

[60] See, in this chapter, Case 4, above.

Tabulation of questions submitted to the Security Council (1952-1955)

**SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

Question	*Submitted by*	*States involved*	*Articles invoked as basis for submission*	*Description of question in letter of submission*	*Action requested of the Security Council*	*References*
1. Tunisian question	Indonesia, Egypt, Iraq, Pakistan, Saudi Arabia, Afghanistan, India, Burma, Iran, Philippines, Yemen 2 April 1952	France	35 (1)	". . . the situation in Tunisia seriously . . . endangers the maintenance of international peace and security . . ."	". . . taking the necessary measures provided by the Charter to put an end to the present situation."	S/2574, S/2584, *O.R., 7th year, Suppl. for April-June 1952*, pp. 9-15
2. Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacteriological weapons	USSR 14 June 1952	". . . all States which have not yet acceded to or ratified their accession to the Geneva Protocol."	None	None	USSR draft resolution: "To appeal to all states . . . which have not yet ratified or acceded to the Protocol . . signed at Geneva on 17 June 1925, to accede to and ratify the said Protocol."	S/2663 and 577th meeting: para. 111
3. Question of a request for investigation of alleged bacterial warfare	USA 20 June 1952	USSR	None	None	USA draft resolution: "Requests the International Committee of the Red Cross . . . to investigate the charges . . ."	579th meeting: pp. 8-9 and S/2671, *O.R., 7th yr., Suppl. for April-June 1952*, p. 17
4. Question of Morocco	Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Yemen 21 August 1953	France	35 (1)	". . . the international friction and the danger to international peace and security which has arisen by the unlawful intervention of France in Morocco and the overthrow of its legitimate sovereignty."	". . . to investigate . . . and to take appropriate action under the Charter."	S/3085, *O.R., 8th year, Suppl. for July-Sept. 1953*, p. 51

Question	Submitted by	States involved	Articles invoked as basis for submission	Description of question in letter of submission	Action requested of the Security Council	References
5. Thailand question	Thailand 29 May 1954	Thailand*	34 and 35 (1)	". . . a situation which . . represents a threat to the security of Thailand the continuance of which is likely to endanger the maintenance of international peace and security."	". . . observation under the Peace Observation Commission."	S/3220, *O.R., 9th year, Suppl. for April-June 1954*, p. 10
6. Question of alleged incident of attack on a United States Navy aircraft	USA 8 September 1954	USSR	None	". . . this incident is of a type which might endanger international peace and security . . ."	". . . to consider this matter."	S/3287
7. Question of hostilities in the area of certain islands off the coast of the mainland of China	New Zealand 28 January 1955	People's Republic of China and the Republic of China	None	". . . a situation exists, the continuance of which is likely to endanger international peace and security."	". . . to consider this matter."	S/3554, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 27

* It was stated in the communication of 29 May 1954 that "large-scale fighting has repeatedly taken place in the immediate vicinity of Thai territory".

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACH OF THE PEACE OR ACTS OF AGGRESSION

Question	Submitted by	States involved	Articles invoked as basis for submission	Description of question in letter of submission	Action requested of the Security Council	References
8. Guatemalan question	Guatemala 19 June 1954	Guatemala, Honduras, Nicaragua	34, 35, 39	". . . open aggression has been perpetrated . . ."	". . . in accordance with Articles 34, 35 and 39 . . . it [the Security Council] may take the measures necessary to prevent the disruption of peace and international security . . . and also to put a stop to the aggression in progress against Guatemala."	S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13
9. Question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan and other islands of China	USSR 30 January 1955	USA People's Republic of China	None	"The intervention of the United States of America in the internal affairs of China and the recent extension of acts of aggression by the United States against the People's Republic of China in the area of Taiwan (Formosa) are aggravating tension in the Far East and increasing the threat of a new war."	". . . to take immediate steps to put an end to the acts of aggression by the United States against the People's Republic of China and to its intervention in the internal affairs of China."	S/3355, *O.R., 10th year, Suppl. for Jan.-March 1955*, p. 27

**Section D. Questions submitted by States not Members as disputes

**Section E. Questions submitted by States not Members as threats to the peace, breaches of the peace or acts of aggression

**Section F. Questions submitted by the General Assembly

**Section G. Questions submitted by the Secretary-General

**Section H. Questions submitted by the Council of Foreign Ministers

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL

NOTE

It was noted in the previous volume of the *Repertoire* that the issues arising in the cases entered in part IV of chapter X of that volume related only in minor degree to the real import of the provisions of Articles 36-37 in the working of the Council. In the period presently under review, material to throw light on that relationship is even more scant by reason of the absence of sustained discussion of the connexion between the appropriateness of measures to be adopted by the Council and the provisions of Articles 36-37.

The impingement of the obligations of States to have recourse to the machinery of pacific settlement provided by regional organizations on the competence of the Council and on the appropriateness of intervention by the Council has given rise to discussion of the role of the Council in relation to such regional organizations. In this connexion, the retention of matters on the agenda has constituted a significant issue as a step indicative of the concern of the Council with t' e progress and outcome of the operation of the machinery of pacific settlement provided by the regional organization.[61] In this context, the question of the appropriate stage for the active resumption by the Council of its consideration of a question on the list of matters has been the subject of sustained discussion in the light of Article 36.[62]

The consideration of steps for the pacific settlement of disputes has, in consonance with the stress laid on the need to base the action of the Council on the promotion of agreement between the parties, centered on the encouragement by the Council of such agreement.[63] On certain occasions, question has arisen as to the bearing of Article 36 on the course to be taken by the Council in circumstances of complaint concerning non-compliance with earlier Council decisions asserted to be binding under Article 25.[64] Also relevant in this connexion is the material bearing on the exercise by the Council of its powers under Chapter VI of the Charter to promote agreement between the parties, with a view to ensuring continued compliance with previous decisions ordering them to cease hostilities.[65]

Article 36 (2) was invoked in one case when a proposal was made that the Security Council should refer the question under consideration to a regional agency.

During the consideration of the Palestine question when the problem of the binding force of a previous decision of the Security Council was under discussion, a representative raised objection to the draft resolution on the ground that it sought to impose a decision upon one of the parties in disregard of the procedures of Chapter VI and especially of Article 36 which more properly applied to the case under consideration. For this discussion see chapter XII, case 3.

CASE 7.[66] THE GUATEMALAN QUESTION: In connexion with draft resolution to refer the question to the Organization of American States, voted upon and rejected on 20 June 1954. Also in connexion with discussion on adoption of the agenda: rejected on 25 June 1954

[*Note:* The draft resolution based on Articles 33 and 52 (2) was opposed on the ground that Guatemala objected to the referral to the Organization of American States. Article 36 (2) was invoked against the adoption of this draft resolution. It was not adopted. The Council then adopted unanimously a decision calling for the immediate termination of any action likely to cause bloodshed. At the next meeting, the Council had before it a report of Guatemala that the Council decision had not been complied with, together with a communication of the Inter-American Peace Committee advising the Council that it was dealing with the question in accordance with the procedures of the regional organization. Article 36 (2) was again invoked and the Council was requested to take further measures. The provisional agenda was not adopted.]

At the 675th meeting on 20 June 1954, the Security Council had before it a cablegram[67] from the Minister for External Relations of Guatemala requesting that, in accordance with Articles 34, 35 and 39, the Council "take measures to prevent the disruption of the peace and international security . . . and also to put a stop

[61] Material on procedure regarding the retention of questions on the list of matters is entered in chapter II, part IV. For substantive discussion regarding the retention of questions on the agenda, see chapter II, Cases 23 and 24.

[62] See Case 7 below.

[63] During the debate on the India-Pakistan question the following observations were made concerning the role of the Security Council. It was asserted by the representative of the United Kingdom that the duty of the Council was to use its best endeavours to promote a settlement by reasoned negotiations and compromise between the parties. The representative of the United States enumerated the principles on which the Council should seek to assist the parties to carry out their Charter obligations as follows: Because a lasting political settlement must be an agreed settlement, the Security Council, he felt, would welcome any agreement to settle the dispute reached by the parties on any basis consistent with the principles of the Charter. The role of the Security Council was to assist the parties in seeking to reach agreement. The draft resolution offered to the parties an opportunity to arrive, by their negotiations, at a settlement of the final issue standing in the way. The Security Council, finally, should indicate its views on the positions taken by its representative. The representative of the Netherlands stressed the efforts which had been made by the Council to explore every avenue that might facilitate agreement. The representative of China stressed the point that in its consideration of the question the Security Council had a single objective: to help India and Pakistan to solve it. [For texts of relevant statements see: 606 th meeting: United Kingdom, paras. 13, 16, 18; 607th meeting: United States, paras. 6-11, 40-41; 611th meeting: China, para. 79; Netherlands, para. 28; United Kingdom, paras. 31-32, 42, 57.]

[64] See chapter XII, Case 3.

[65] See, in chapter VIII, under the Palestine question.

[66] For texts of relevant statements see:

675th meeting: Colombia, para. 72; Guatemala*, paras. 60, 189; USSR, paras. 146, 148-149; United States, paras. 156-157;

676th meeting: Brazil, para. 27; Colombia, paras. 69-70; Denmark, para. 131; USSR, paras. 151, 157-158.

[67] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.

to the aggression in progress against Guatemala". The Council also had before it a draft resolution,[68] jointly submitted by Brazil and Colombia, concerning the referral of the question to the Organization of American States. The joint draft resolution noted that Guatemala had also dispatched a similar communication to the Inter-American Peace Committee, an agency of that Organization. The draft resolution further invoked the provisions of Chapter VIII of the Charter, and also requested the regional organization to report back to the Council.

The representative of Guatemala* declared in his initial statement that his Government "exercising the option which is open to the Organization's members . . . officially declined to allow the Organization of American States and the Peace Committee to concern themselves with this situation".

In support of the joint draft resolution, the representative of Colombia stated that Article 33 taken in conjunction with Article 52 (2) of the Charter made it imperative for Guatemala to resort first to the regional organization, in this case, the Organization of American States.

In opposing the proposal for referral to the Organization of American States, the representative of the USSR remarked that "the attempt is being made to settle the question in a procedural way, to oblige one of the parties to comply with procedure which it is not willing to accept". He continued:

". . . Article 36 of the Charter prohibits the adoption of such a decision . . .

"But one of the parties has rejected this procedure. That means that adoption of the Brazilian-Colombian draft resolution would be a violation of Article 36, paragraph 2. The Soviet delegation therefore considers that the draft resolution is inadmissible . . ."

The President, speaking as the representative of the United States, pointed out that the charges brought before the Council by Guatemala, "are indeed serious and certainly warrant urgent examination". However, he added, "the question arises as to where the situation can be dealt with most expeditiously and effectively". It appeared to his Government that the situation should be dealt with on an urgent basis, in the first instance, by an appropriate agency of the Organization of American States. In support of this view he mentioned "the very fact that the Government of Guatemala, as a member of the inter-American system, has already requested that the Organization of American States take action".

In this respect, the representative of Guatemala stated that his Government "has not referred the essential feature of the matter to the Organization of American States. It has merely notified the Peace Committee of the Organization of American States of the invasion, but has asked it to adopt no position until the Security Council has taken action".

The joint draft resolution was not adopted. There were 10 votes in favour and 1 against (that of a permanent member).[69]

The Council then adopted unanimously a French draft resolution[70] calling for "the immediate termination of any action likely to cause bloodshed" and requesting all States members to abstain from rendering assistance to any such action.

At the 676th meeting on 25 June 1954, the provisional agenda of the Council included a cablegram[71] dated 23 June from the Chairman of the Inter-American Peace Committee reporting that establishment of a commission of enquiry to deal with the Guatemalan complaint was waiting on a favourable reply from Guatemala.

The discussion on the adoption of the agenda centred on whether the Council should, before proceeding with the consideration of the question, wait for the report which, after its enquiry, the regional organization would submit to the Council, in accordance with Article 54 of the Charter.

The representative of Colombia, after referring to the provision of Article 33 concerning resort to regional agencies, stated:

"Among the procedures which parties must adopt to settle disputes likely to endanger the maintenance of international peace and security, Article 36, paragraph 2, provides that the Security Council should take into consideration any procedures for the settlement of disputes which have already been adopted by the parties. Among these procedures are those adopted by the American States; in this connexion, Article 37 provides that when a dispute endangering peace and security is referred to the Security Council, the Council must decide whether to take action under Article 36 which, as has been stated, contains a reference to regional systems, or whether to use another procedure."

The representative of the USSR invoked Article 36 to support the view that

". . . we cannot forcibly adopt a procedure of settlement to which one of the parties objects. Article 36 must be obeyed, and the Security Council should consider, not whether or not to place on the agenda a question which is already there, but what measure it should take to put an end to aggression in Guatemala. Guatemala does not object to an observation commission being sent to the spot, but it wants the Security Council to send there a commission of inquiry which should submit a report and propose measures for restoring peace and putting an end to aggression."

And after referring to the "demands made here by the Government of Guatemala", he further stated:

". . . I must once again draw attention to Article 36 . . . according to Article 36, the Security Council may adopt only such a procedure for the settlement of a dispute as is acceptable to the two parties. Here we have the victim of aggression, which is really the principal party. We should value its opinion more highly than that of the others; we are bound to take

[68] S/3236, 675th meeting: para. 69. See chapter VIII, p. 119.
[69] 675th meeting: para. 194.
[70] 675th meeting: paras. 200, 203.
[71] S/3245, *O.R., 9th year, Suppl. for April-June 1954*, p. 16.

it into account and to help the victim of aggression by restoring peace and security in that country.

"This country declared that it did not accept the referral of the dispute to the Organization of American States for consideration, and requested that it should be dealt with by the United Nations through the Security Council. From this point of view, therefore, no procedure can be adopted which would prevent the examination of this question by the Security Council, for that would constitute a violation of Article 36 of the Charter."

The provisional agenda was not adopted. There were 5 votes in favour and 4 against, with 2 abstentions.[72]

---

[72] 676th meeting: para. 195.

Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER

TABLE OF CONTENTS

INTRODUCTORY NOTE

Chapter XI does not constitute a review of the action of the Security Council under Chapter VII of the Charter. In principle it presents the instances in the proceedings of the Council in which proposals placed before the Council have evoked discussion regarding the application of Chapter VII.[1]

Chapter VII of the Charter: Action with respect to threats to the peace, breaches of the peace, and acts of aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measure shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

[1] For observations on the method adopted in the compilation of this chapter see: *Repertoire of the Practice of the Security Council 1946-1951*, Introductory Note to Chapter VIII. II. Arrangements of Chapters X-XII, p. 296.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLES 39-40 OF THE CHARTER

NOTE

During the period under review, there has been no discussion in the Security Council of Article 39 in connexion with any question. In connexion with the Palestine question, there was on one occasion discussion concerning the bearing of Article 40 on a proposal before the Council.

The corresponding chapter of the previous volume of the *Repertoire* contained a number of case histories derived from the proceedings on the Palestine question and bearing upon discussion of Articles 39-40 in connexion with provisional measures proposed in or adopted by the Council. In the period under review, the Council has again been concerned with calls upon the parties to cease fighting and to comply with their obligations under the General Armistice Agreements. It has on occasion taken decisions condemning particular actions as violations of the previous resolutions invoking Article 40, or as breaches of the Armistice Agreements concluded pursuant to directives issued by it under Article 40, and of the obligations of the parties under the Charter. In none of these proceedings, however, has the Council engaged in discussion of Articles 39 and 40. As a guide to the steps taken by the Council in these respects, reference should be made to the Analytical Table of Measures in chapter VIII as well as to part II of that chapter setting forth the chain of proceedings in connexion with the Council's consideration of the Palestine question.

During the period under review, the only explicit invocation of Article 39 in the submission of a question to the Security Council was that in the cablegram from the Minister for External Affairs of Guatemala requesting the President of the Security Council urgently to convene a meeting in order that the Council might take the measures necessary to prevent the disruption of peace and international security and also to put a stop to the aggression in progress against Guatemala. The tabulation in part III of chapter X lists instances of the submission of other questions in which language derived from Article 39 was employed.[2]

[1] See chapter X, p. 143.

CASE 1.[3] THE PALESTINE QUESTION: In connexion with the Syrian complaint[4] against Israel concerning the work on the West bank of the River Jordan in the Demilitarized Zone; adoption of a draft resolution noting the statement of the representative of Israel

[*Note:* Complaint having been made of the refusal of the Government of Israel to comply[5] with a request from the Chief of Staff of the Truce Supervision Organization in respect of certain work in the Demilitarized Zone alleged to be in violation of the Syrian-Israel General Armistice Agreement, question arose whether a decision of the Council taking note of a statement by the representative of Israel regarding an undertaking by his Government to suspend the works in question was to be regarded as resting on Article 40 of the Charter.]

At the 629th meeting on 27 October 1953, following the inclusion of the Syrian complaint in the agenda, the representative of Pakistan stated that before the Council heard the parties and considered the matter on the merits, it might be a wise precaution to endorse the request of the Chairman of the Mixed Armistice Commission and to request Israel to suspend the work accordingly. He submitted a draft resolution to that effect.[6]

In reply to a query from the representative of the United Kingdom concerning the Article of the Charter on which this proposal was based, the representative of Pakistan declared that

> ". . . in view of the fact that hostilities were brought to a close on the basis of an agreement, a breach of which is alleged and has, *prima facie*, so far as the documents submitted to the Security Council indicate, taken place, Article 40 of the Charter is clearly applicable . . ."

[3] For texts of relevant statements see:
629th meeting: Pakistan, paras. 5, 40; United Kingdom, para. 17;
631st meeting: France, paras. 36, 50, 63; Greece, paras. 47, 64; Israel*, paras. 4, 53; USSR, paras. 59-60.

[4] S/3108/Rev.1, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 5-6.

[5] S/3122, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 23-36.

[6] S/3125, *O.R., 8th year, Suppl. for Oct.-Dec. 1953*, pp. 36-37.

When the Council resumed consideration of the question at the 631st meeting, the representative of Israel* stated that he was

". . . empowered to state that the Government of Israel is willing to arrange such a temporary suspension in the demilitarized zone for the purpose of facilitating the Security Council's consideration of this question."

The representative of France observed that the statement by the representative of Israel appeared to have rendered pointless the draft resolution submitted by the representative of Pakistan, and proposed to take note of the undertaking given by the Israel delegation in the following draft resolution.[7]

"*The Security Council,*

"*Having taken note* of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"*Desirous* of facilitating the consideration of the question, and without prejudice to its merits,

"*Deeming* it desirable to that end that the works should be suspended pending the examination of the question by the Security Council,

"*Takes note* with satisfaction of the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during the examination of the question;

"*Requests* the Chief of Staff of the Truce Supervision Organization to supervise the implementation of this undertaking."

The representative of Greece wondered whether it would not be better to mention the wording of Article 40 of the Charter in the second paragraph as follows:

"*Desirous* of facilitating the consideration of the question, without however prejudicing the rights, claims or position of the parties concerned."[8]

The representative of France agreed with the suggestion made by the representative of Greece and thought it would be most useful to include in the draft resolution the terms used in Article 40.

The representative of Israel stated that, although his delegation had no objection to the words concerning "the rights, claims or position of the parties", as suggested by the representative of Greece, he assumed it was not the intention of the representative of Greece to suggest that Article 40 of the Charter in itself was juridically applicable to the position which the Council was discussing.

The representative of the USSR stated that, since in the draft resolution submitted by the representative of France the Security Council made no recommendation whatsoever, it seemed to him "that from both a legal and a logical standpoint a reference to Article 40 is not only unnecessary, but even impossible". Article 40 in fact stated that "the Security Council may 'call upon the parties concerned' to comply with provisional measures. But although the Security Council may 'call upon' the parties", this was not what the French representative proposed. In his draft resolution, "he did not propose to 'call upon' Israel to take any action, but to take note of the undertaking given by the Israel Government". The USSR representative therefore thought "that a reference to Article 40 would not be legally justified".

The representative of France said that he wished to reassure the representative of the USSR that the text which he had prepared made no reference to Article 40 of the Charter. The fact that the text contained some of the words used in Article 40 should in no way be taken to mean that the draft resolution would be adopted in application of that Article.

The representative of Greece declared that he did not intend to have any reference to Article 40 inserted in his proposal.

The draft resolution, submitted by the representative of France, as amended, was put to the vote and adopted unanimously.[9]

[7] 631st meeting: para. 36.
[8] 631st meeting: para. 47.
[9] 631st meeting: para. 76.

Part II

**CONSIDERATION OF THE PROVISIONS OF ARTICLE 41 OF THE CHARTER

Part III

**CONSIDERATION OF THE PROVISIONS OF ARTICLES 42-47 OF THE CHARTER

Part IV

**CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER[10]

[10] For references to Article 51 in its bearing on Article 25, see Chapter XII, Case 3.

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

TABLE OF CONTENTS

INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.[1]

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 (7) OF THE CHARTER

Article 2 (7) of the Charter

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CASE 1.[2] THE QUESTION OF MOROCCO: In connexion with a request of 21 August 1953 to include the question of Morocco in the agenda of the Security Council.[3]

[*Note:* It was requested that the Security Council should investigate the international friction and the danger to international peace and security which had arisen because of the intervention of France in Morocco and to take appropriate action under the Charter. Objection was raised that Article 2 (7) of the Charter prevented the Security Council from considering the question. The provisional agenda was not adopted.]

By letter dated 21 August 1953,[4] the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand and Yemen requested the President of the Security Council under Article 35 (1) of the Charter, to call an urgent meeting of the Security Council to investigate the international friction and the danger to international peace and security which had arisen by the unlawful intervention of France in Morocco and the overthrow of its legitimate sovereign and to take appropriate action under the Charter.

At the 619th meeting on 26 August 1953, the representative of France, opposing the adoption of the provisional agenda, stated that the French Government denied that either the General Assembly or the Security Council were in any way competent to intervene in France's relationship with the Empire of Morocco. It found support for its views in the terms of Article 2 (7) of the Charter. Though Morocco had remained legally a sovereign State, it had by the Treaty of Fez of 1912 transferred to France the exercise of its external sovereignty. Any matter

> ". . . covered by the treaty of protectorate falls in essence, and by the very terms of the treaty, within the national jurisdiction of France. In virtue of Article 2, paragraph 7, of the Charter the United Nations cannot deal with such a matter; and in the present case the Security Council can only acknowledge its own lack of competence by refusing to place on its agenda discussion of the item submitted by the fifteen delegations of the African and Asian group."

Before falling essentially within the national competence of France by virtue of that treaty, Moroccan internal affairs fell no less essentially within the national competence of Morocco. If, therefore,

> ". . . the United Nations should claim the right to intervene in such matters, it would commit a double violation of Article 2, paragraph 7, of the Charter."

The request of the fifteen delegations, the representative of France contended further, was also inadmissible because the grounds on which it was made did not exist. The request was based on Article 35 of the Charter. However, there was no dispute between the French Government and the Sherifian Government. Even if such a dispute existed the Security Council would not be competent under Article 2 (7) to consider it.

The representative of Pakistan stated that in his view, Article 2 (7) had been

---

[1] For observations on the method adopted in compilation of this chapter see : *Repertoire of the Practice of the Security Council 1946-1951*, Introductory Note to chapter VIII. II. Arrangements of chapters X-XII, p. 296.

[2] For texts of relevant statements see:
619th meeting: France, paras. 5-6, 25-31; Lebanon, paras. 104-108; Pakistan, paras. 40-43; 49-50;
620th meeting: United Kingdom, paras. 19-23; United States, para. 10;
621st meeting: President (China), paras. 88-89; USSR, paras. 59-64;
622nd meeting: Pakistan, paras. 67-68;
623rd meeting: President (Colombia) paras. 7-9, 11-12, 29; Chile, paras. 36-37.
624th meeting: President (Colombia), paras. 12-13; Pakistan, paras. 3-8;

[3] On the inclusion of the question in the agenda, see chapter II, Case 8.

[4] S/3085, *O.R., 8th year, Suppl. for July-Sept. 1953*, p. 51.

". . . over-taxed in its use. The fact is conveniently ignored that Article 2, paragraph 7, is meant to operate within the framework of the Charter . . .

". . . The important words in this Article are: 'essentially within the domestic jurisdiction of any State'. What is the meaning of 'domestic jurisdiction'? Surely the word 'domestic' restricts the idea of wider jurisdiction, that is to say, authority in a wide sense. It draws a distinction between a matter's being within the jurisdiction of a State and its being within the domestic jurisdiction of that State. A matter, therefore, to be within the domestic jurisdiction of a State, must be, first, one that pertains to the affairs of the subjects and the territories of that State; and, secondly, one over which that State has powers of direct legislation.

"So far as the first point is concerned, the subjects and territories of Morocco are not as yet a part of France, and, so far as the second point is concerned, it has been judicially determined on the highest authority that France does not have jurisdiction to legislate in respect of Morocco . . ."

The representative of Pakistan referred to the judgment of the International Court of Justice[5] of 27 August 1952 and stated that

". . . It cannot therefore be claimed that the internal affairs of Morocco are 'essentially' within the domestic jurisdiction of France, and therefore Article 2, paragraph 7, cannot be invoked to bar an investigation by the Security Council of the serious situation in Morocco."

The representative of Pakistan stated further that the Act of Algeciras of 1906, to which thirteen States were parties, and which was still binding and operative, safeguarded the sovereignty and independence of the Sultan. Under this Act, Morocco was a sovereign State. It was true that the Treaty of Fez placed certain limitations on the powers of the Sultan of Morocco and accorded certain authority to the Government of France, but these limitations were subject to the Act of Algeciras.

Moreover, the consideration of the question of Morocco by the General Assembly and the adoption by the latter of resolution 612 (VII), "establishes the fact that the matter is not within the domestic jurisdiction of France under Article 2, paragraph 7, of the Charter".

The representative of Lebanon stated that the following facts were indicative that the events in Morocco were not purely local, but had distinct international aspects: (1) the Treaty of Fez eliminated the purely local character of the question; (2) according to the Act of Algeciras at least twelve States were concerned with any fundamental change in Morocco; and the deposition of the Sultan was certainly a fundamental change and had clear international implications; (3) the judgment of the International Court of Justice of 27 August 1952; and (4) the important fact that the General Assembly had deemed itself competent at its seventh session to deal with the Moroccan issue.

[5] *Case concerning rights of nationals of the United States of America in Morocco, judgment of August 27th, 1952: I.C.J. Reports 1952*, p. 176.

At the 620th meeting on 27 August 1953, the representative of the United States declared that the line of reasoning that the objections of the sixteen nations to events in Morocco constituted international friction and therefore empowered the Security Council to investigate to see whether continuance of the situation was likely to endanger international peace "would make it possible always to break down the distinction between matters of domestic and international concern".

The representative of the United Kingdom stated that the chief characteristic of the special relationship of Morocco to France under the Treaty of Fez was the fact that the sole and entire conduct of the external affairs of Morocco was vested in France. The effect, internationally, of this relationship was necessarily to place the relations between France and Morocco on the domestic plane; they were as much on the domestic plane as were the relations between two states of a federal union or between a federal government and a constituent state. It followed, therefore,

". . . that a difference between France and Morocco, if any should exist, would not have any international character. Accordingly, it could not lead to international friction, nor is it likely to endanger the maintenance of international peace and security."

The opening words of Article 2 (7) clearly showed that, far from being subject to other provisions of the Charter, it was "an overriding stipulation".

At the 621st meeting on 31 August 1953, the representative of the USSR stated that the Treaty of Fez and the Act of Algeciras did not prevent the United Nations from considering the situation in Morocco. Their right to consider questions connected with the situation there also derived from Chapter XI of the Charter.

At the 623rd meeting on 2 September 1953, the President, speaking as the representative of Colombia, said that the judgment of the International Court of Justice of 27 August 1952 dealt only with questions of taxation and jurisdiction of Moroccan courts in cases in which a United States citizen or protegé was defendant and not with questions relating to Morocco's sovereignty in external affairs. Therefore, any argument based on that judgment could not be invoked at this juncture. General Assembly resolution 612 (VII) merely expressed the hope that France would continue to fulfil its obligations under Articles 73 and 74 of the Charter. In no case could that resolution be interpreted to mean that Morocco had resumed the right to exercise sovereignty in external matters which it had ceded by the Treaty of Fez to France. The Security Council could not consider the Moroccan question without violating Article 2 (7). Morocco retained its full sovereignty in domestic matters; if it did not retain that domestic sovereignty it would not constitute a State separate from France. Morocco was entitled to follow its own domestic policy in complete independence and it would be able to do so only if the Security Council did "not interfere in its domestic affairs".

At the 624th meeting on 3 September 1953, the representative of Pakistan stated that it was wrong to say

that the internal troubles of Morocco created by France, were within the domestic jurisdiction of France and that, therefore, Article 2 (7) of the Charter was applicable. In his view this provision of the Charter was not applicable for this very reason, namely, that the subject concerned internal happenings in Morocco, fomented by another State, which was a Member of the United Nations.

At the 624th meeting on 3 September 1953, the agenda was not adopted.[6]

[6] 624th meeting: para. 45.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER

Article 24 of the Charter

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for this discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

CASE 2.[7] THE PALESTINE QUESTION: In connexion with the New Zealand draft resolution of 1 September 1951; voted upon and rejected on 29 March 1954

[*Note:* Consideration of the complaint by Israel of continued Egyptian interference with shipping proceeding to Israel through the Suez Canal, in violation of the Security Council resolution of 1 September 1951, gave rise to discussion as to whether Article 24 empowered the Council to deal with a violation of the Constantinople Convention of 1888 guaranteeing the free navigation of the Suez Canal.]

At the 662nd meeting on 23 March 1954, the representative of Egypt* raised the question whether the Council's competence had been invoked in the New Zealand draft resolution in accordance with the terms of the Charter. He questioned whether it was within the jurisdiction of the Security Council to discuss the question of freedom of navigation through the Suez Canal. Observing that the representative of New Zealand had referred to himself as the representative of a maritime power, the representative of Egypt asked whether the representatives meeting in the Security Council were really the representatives of States answering to particular descriptions:

". . . In my view, the members present are the representatives of their governments. But the governments of those members, the States which are the members of the Security Council, represent, not themselves, but the United Nations. They are there as agents. They work for the Organization as a whole. On that point, Article 24 of the Charter is explicit . . .

"The Council does not act on behalf of the governments which send representatives to the Security Council. It acts on behalf of the whole international community represented in the United Nations. The five great Powers, it is true, represent the five great Powers. They are permanent members. But whom do they represent as permanent members? They certainly do not represent the United States, the United Kingdom, France, the Soviet Union and China. They are there because they bore the heaviest burden in winning the war. And they are there to bear the heaviest burden in maintaining the peace. They hold their seats in that capacity, not in their capacities as the United Kingdom, the United States, France, the Soviet Union or China. There can be no doubt about that. In the Security Council they have a special capacity.

"The representative of New Zealand, however, states:

"'I would add that for maritime nations—countries which, like my own, depend on their overseas trade for their prosperity and indeed their existence . . .'

"And he refers to the measures taken by Egypt in the Suez Canal. Maritime Powers? Very well. But do not come to the Security Council in that capacity. Maritime Powers? Suez Canal? Freedom of navigation? Excellent. You have an instrument—the 1888 Convention regulating the freedom of shipping in the Suez Canal. That is the document you should appeal to. That is the international instrument you should bring into operation. Article 8 of that Convention states:

"'The agents in Egypt of the signatory Powers of the present Treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the Canal, they shall meet on the summons of three of their number under

[7] For texts of relevant statements see:
662nd meeting Egypt*, paras. 46-47; Lebanon, para. 57;
663rd meeting: France, para. 34; United Kingdom, paras. 21-24;
664th meeting: USSR, paras. 52-55.

the presidency of their *doyen*, in order to proceed to the necessary verifications. They shall inform the Khedival Government of the danger which they may have perceived, in order that that Government may take proper steps to ensure the protection and the free use of the Canal.'

"It is article 8 which you should bring into operation, not the Security Council. Apply to the signatories' representatives in Cairo. You are perfectly entitled to complain of obstacles to the free passage of shipping through the Canal. I believe you know that the signatories are France, Germany, Austria-Hungary, Spain, Great Britain, Italy, the Netherlands, Russia and the Ottoman Empire. These countries exist. They even have successors. Their number is increasing. You can easily find any of these countries. You can find three to call together the signatories' representatives in Cairo. Take your complaint to them. But to raise the question of free passage through the Suez Canal in the Security Council is wrong. It is completely at variance with Article 24 of the United Nations Charter."

In this position the representative of Egypt was supported by the representative of Lebanon who made full reservations about the propriety or impropriety of raising the issue of maritime interests in the Security Council. At the 663rd meeting on 25 March 1954, the representative of the United Kingdom declared that the representative of Egypt had oversimplified the question since the maritime aspect of the issue was connected with two other reasons which affected the Security Council very directly. The first was the claim of one of the parties to the Armistice Agreement to make unfettered use at its discretion of belligerent rights and the second was the effect of the action by the Government of Egypt on the Council's authority in regard to Palestine.

At the same meeting, the representative of France observed that the Council was not primarily concerned with the validity of any particular article of the Constantinople Convention.

". . . The Security Council has not, under the Charter, any special competence to examine alleged infringements of obligations assumed under a particular treaty. The Council is not necessarily competent to deal with a case merely by virtue of the fact that an international treaty is involved. Its essential function is to remove threats to the peace . . ."

At the 664th meeting on 29 March 1954, the representative of the USSR stated:

"I cannot overlook that the question of shipping in the Suez Canal and of the observance of the 1888 Convention, which is before the Security Council, calls for the special consideration of this question by all the parties to the convention. However, only some of the States parties to that convention are represented in the Security Council, and they constitute a minority of all those who signed the convention.

". . .

"By what warrant, then, does the Security Council in its present composition assume the right to settle problems which it is not competent to settle even within the meaning of the 1888 Convention, though this constitutes the basis of all the arguments advanced, of the 1951 resolution and of all the positions stated here with regard to Egypt?"

At the 664th meeting, the New Zealand draft resolution failed of adoption. There were 8 votes in favour and 2 against, with one abstention. One vote against was that of a permanent member.[8]

[8] 664th meeting: para. 69.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

NOTE

Discussion regarding Article 25 arose in one case only in connexion with the question of the binding force of a previous resolution of the Security Council.

Article 25 of the Charter

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

CASE 3.[9] THE PALESTINE QUESTION: In connexion with the New Zealand draft resolution concerning compliance with a previous Council resolution: voted upon and failed of adoption on 29 March 1954.

[*Note:* Consideration of the complaint by Israel of continued Egyptian interference with shipping proceeding to Israel, in violation of the Security Council resolution of 1 September 1951, gave rise to a discussion as to

[9] For texts of relevant statements see:
658th meeting: Egypt*, para. 162; Israel*, paras. 4-5, 97-100, 112-113;
659th meeting: Egypt*, paras. 65, 135-136;
661st meeting: Egypt*, paras. 68-70, 107-110; Israel*, para. 133;
662nd meeting: Egypt*, paras. 42, 46-47; New Zealand, paras. 16-18;
663rd meeting: Denmark, paras. 12-13; Egypt*, para. 155; France, paras. 34-35, 41; Lebanon, paras. 62-65; United Kingdom, paras. 27-28; United States, paras. 2-6;
664th meeting: President (Turkey), para. 67; Brazil, para. 16; China, para. 6; Colombia, para. 22; Egypt*, para. 155; France, paras. 113-115; USSR, paras. 37, 42-43, 46, 48-52, 55-56, 96.

whether that resolution was of the nature of a decision referred to in Article 25 and, consequently, whether Egypt was under an obligation to comply therewith. The New Zealand draft resolution which called upon Egypt, in accordance with its obligations under the Charter, to comply with the earlier resolution failed of adoption.]

At the 658th meeting on 5 February 1954, the representative of Israel*, in requesting that the Security Council confirm and reinforce its decision of 1 September 1951, which had called upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods, emphasized the authority of the Council as the final arbiter of disputes arising out of the armistice agreement concluded in pursuance of a Council resolution. This authority had been recognized by the parties when they signed the General Armistice Agreement.

He added:

"It is clear from this fact and from our Charter that in such matters affecting international peace and security as the rights of war or hostile acts, decisions taken by the Council, such as that handed down on 1 September 1951, possess a far greater legal and moral force than do the resolutions of any other international body. A grave moment will be reached in the history of the Security Council if this precedent for total defiance of its will becomes more firmly established."

The representative of Israel suggested that the continuation by Egypt of a hostile act, based on the assertion of a state of war, in prolonged and deliberate defiance of a Security Council resolution, clearly created the kind of situation to which the enforcement measures laid down in Chapter VII of the Charter should properly apply.[10]

At the 659th meeting on 15 February 1954, the representative of Egypt* stated that the Security Council, in adopting the resolution of 1 September 1951, had based it on considerations other than the essentially legal aspects of the case. Quoting the statement of the representative of Egypt made at the 558th meeting, he stressed that Egypt had accepted that resolution with the reservation that the question "was not closed and that the decision did not rest on fixed and final foundations." It was, therefore, beside the point to state that Egypt was acting in a manner incompatible with the resolution of 1 September 1951.

At the 661st meeting on 12 March 1954, the representative of Egypt continued his statement. He declared that, by adopting the resolution of 1 September 1951, the Security Council had disregarded the undeniable right of a sovereign State to self-defence which was explicitly safeguarded in Article 51. What the Charter forbade was acts of aggression and not a legitimate exercise of the right of visit and search after an armed struggle. The representative of Egypt stated further:

"In establishing the collective security system the Charter formulates these two principles: first, member States are entitled to exercise the right of self-defence individually and collectively; and secondly, the individual or collective right of self-defence may not be overriden in favour of the Security Council except in so far as the States concerned are so well protected by the resources available to the Security Council that the abandonment of their right of self-defence will not harm them."

In the case before the Security Council attention must be directed to "Israel's aggression complex" and the situation could not be dealt with by resolutions like that of 1 September 1951. The Council was not established to judge legislative policy or to pass upon the legislative competence of Member States. The Council, having been established to ensure international security and to promote the establishment of a lasting peace, could and should deal only with acts which constituted threats to that peace and security.

Replying to the representative of Egypt, the representative of Israel contended that his Government was "quite certain—absolutely certain" that the injunction in paragraph 5 of the resolution of 1 September 1951 "is binding upon Egypt and Israel as an authoritative and final verdict within the framework of the Armistice Agreement".

At the 662nd meeting on 23 March 1954, the representative of New Zealand, in introducing his draft resolution[11] stressed that it was directed primarily to the issue of non-compliance with the 1951 resolution. He recalled the statement of principle contained in that resolution which denied the assertion of active belligerency, and the finding that Egypt's practice of interfering with the passage through the Suez Canal of goods destined for Israel was an abuse of the right of visit, search and seizure and could not be justified on the ground of self-defence. He stated further that the resolution of 1 September 1951 had been legally and properly adopted by the Council. Under the Charter it was "the clear duty of all Members of the Organization to observe the resolutions of this Council". Therefore, the argument that Egypt was entitled to disregard the terms of the resolution of 1 September 1951 by reason of a reservation entered at the time of its adoption could not be accepted.

The representative of Egypt, commenting on the draft resolution submitted by the representative of New Zealand, stated that, like the resolution of 1 September 1951, it took no account of the legal character of the conflict submitted to the Council. Was the Council's competence in fact invoked in the draft resolution in accordance with the terms of the Charter? Was it really within the jurisdiction of the Council to discuss the question of freedom of navigation through the Suez Canal? The provision relevant to this matter was contained in article 8 of the Constantinople Convention regulating the freedom of shipping in the Suez Canal, and this provision, not the Security Council, should be brought into operation. To raise the question of free

[10] On a previous occasion, when Israel informed the Security Council of the detention by Egyptian authorities of a Greek merchant vessel carrying Israel cargo, the first affirmation was made that this was an act of non-compliance with the Security Council resolution in contravention of Article 25. (S/3093, *O.R., 8th year, Suppl. for July-Sept. 1953*, p. 73.)

[11] S/3188/Corr. 1, *O.R., 9th year, Suppl. for Jan.-March 1954*, p. 44. See chapter VIII, p. 31.

passage through the Suez Canal in the Security Council was "completely at variance" with Article 24 of the Charter.

At the 663rd meeting on 25 March 1954, the representative of the United States contended that the question before the Council was one of compliance with its decision. Throughout the history of the Palestine question, the United Nations had sought a peaceful settlement of many complicated problems arising out of the Palestine conflict. The parties directly concerned in these problems had an equal duty to respect and to make every reasonable effort to give effect to the combined judgment of the United Nations, whether expressed in the Security Council or in the General Assembly, or other competent organs.

The representative of Denmark stated that there was no reservation to Article 25 of the Charter. The obligation to accept and carry out the decisions of the Security Council was not limited to such decisions as a Member agreed with or considered legal. All Member States in ratifying the Charter had agreed to a limitation of their sovereignty. If the Council accepted the view that a Member State which disagreed with one of its decisions by calling it illegal was not bound by the decision, the work of the Council would become chaotic.

The representative of France stated, with reference to the Egyptian argument concerning the Constantinople Convention of 1888, that the Security Council had not, under the Charter, any special competence to examine alleged infringements of obligations assumed under a particular treaty. The Council was not necessarily competent to deal with a case merely by virtue of the fact that an international treaty was involved. Its essential function was to remove threats to the peace. Its competence became operative only if such threats existed in circumstances and under conditions referred to in Articles 33 *et seq.* of the Charter. The dispute before the Council concerned the application of the Armistice Agreement signed by Israel and Egypt in 1950 of which the Security Council was guardian. The representative of France stated further that the draft resolution submitted by the representative of New Zealand, in so far as it called upon Egypt to comply with the resolution of 1 September 1951 was manifestly based on Article 25 of the Charter.

At the 664th meeting on 29 March 1954, the representative of Brazil stated that the representative of Egypt, in declaring that his country had not conformed to the Council's resolution of 1 September 1951, had invoked Egyptian sovereignty. But it was in exercise of that very sovereignty that Member States had decided to abide by the provisions of the Charter.

The representative of Colombia stated that Colombia had not been a member of the Security Council on 1 September 1951 when the Council adopted the resolution on the Suez Canal, but he believed that his country was bound by Article 25 of the Charter to support it and that the resolution should be respected and implemented, since the Council's function under the Charter was to maintain international peace and security and it might be assumed that its actions were directed solely towards that end.

The representative of the USSR contended that the draft resolution submitted by the representative of New Zealand, in fact, contained nothing related to the settlement of the Palestine question. It merely referred to the resolution of 1951 and to obligations to comply with that resolution. The representative of the USSR declared that he would disregard the general question of the conditions in which any resolution might be regarded as legal. He remarked that it could not be so regarded in all conditions and stated that, after listening to the statements of the representatives supporting the New Zealand draft resolution, he had reached the conclusion that they were disregarding the impossibility of settling international problems by the method "of imposing upon one of the parties a decision which, moreover, has been stated by that party to be absolutely unacceptable from the outset". Chapter VI, especially in Article 36, stressed the need to take special measures for the settlement of disputes between the interested parties. Among the methods recommended in Chapter VI there was no such method as that of imposing on one party "a decision which is contrary to and completely disregards the will, wishes and interests of the other party". It would be, therefore, more correct to use the normal and generally accepted method of international law and the Charter, and it would be "far more desirable for the Security Council to appeal to both parties to take steps to settle their difference on this question by means of direct negotiations. The Charter itself imposes on us the duty to make such an attempt".

The representative of France stated that it was true that the Charter called for direct negotiations, and that that was generally a preliminary stage in any dispute. But the Security Council was aware how far it would have been desirable and how difficult it had been proving to attempt direct negotiation. Referring to the resolution of 1 September 1951 as "a legally-adopted resolution", the representative of France declared that it seemed to be "absolutely contrary to the provisions of the Charter, most particularly Article 25", that if a resolution were not applied by the parties it should be abandoned.

Replying to the representative of France the representative of Egypt stated that Article 25 was not applicable to the resolution of 1 September 1951, since it had not been adopted, in the words at the end of Article 25, "in accordance with the Charter".

The President, speaking as the representative of Turkey, stated that "in the absence of a conciliatory settlement between the parties, the Council is left with no alternative but to request compliance with its previous resolutions".

At the 664th meeting on 29 March 1954, the New Zealand draft resolution was not adopted. There were 8 votes in favour and 2 against, with one abstention. One vote against was that of a permanent member.[12]

[12] 664th meeting: para. 69.

Part IV

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

NOTE

In consequence of the obligation placed by the Charter upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Security Council has been drawn during the period from 1952 to 1956 to the following communications, which have been circulated by the Secretary-General to the representatives of the Council, but have not been included on the provisional agenda:

1. *Communications from the Chairman of the Council of the Organization of American States*

(i) Dated 10 January 1955: transmitting a resolution adopted by the Council at the request of the Government of Costa Rica, which had stated that it was convinced that an attack was imminent on its frontier with Nicaragua[13]

(ii) Dated 12 January 1955: transmitting a resolution adopted at a special session of the Council on 11 January[14]

(iii) Dated 13 January 1955: transmitting the text of the resolution adopted by the Council on 12 January[15]

(iv) Dated 19 January 1955: transmitting the texts of four communications received from the fact-finding Committee, together with a resolution adopted by the Council on 14 January[16]

(v) Dated 17 January 1955: transmitting four communications about the situation from the fact-finding Committee and from Governments of Member States, as well as two resolutions adopted by the Council on 16 January[17]

(vi) Dated 18 February 1955: transmitting the report of the fact-finding Committee[18]

(vii) Dated 28 February 1955: transmitting four resolutions adopted by the Council on 24 February concerning Costa Rica and Nicaragua[19]

(viii) Dated 8 September 1955: transmitting a report to the Council submitted by the Special Committee established by a resolution of the Council of 24 February 1955 and a resolution adopted by the Council on 8 September 1955[20]

2. *Communications from the Chairman of the Inter-American Peace Committee*

(i) Dated 7 January 1952: transmitting the records of the special session of the Committee held on 25 December 1951, including the text of a declaration signed by the Government of Cuba and the Dominican Republic[21]

(ii) Dated 2 February 1954: transmitting the text of the Committee's conclusions in the case submitted to it by Colombia on 17 November 1953;[22]

(iii) Dated 27 June 1954: transmitting copies of various notes and information concerning the itinerary of the Committee to Guatemala, Honduras and Nicaragua[23]

(iv) Dated 5 July 1954: transmitting information that Guatemala, Honduras and Nicaragua informed the Committee that the dispute between themselves has ceased to exist[24]

(v) Dated 8 July 1954: transmitting a report of the Committee on the dispute between Guatemala, Honduras and Nicaragua and copies of all communications exchanged between the Committee and the parties concerned[25]

**3. *Communications from the Secretary-General of the Organization of American States*

4. *Communications from States parties to disputes or situations*

(i) Dated 5 January 1952: Dominican Republic transmitting the text of the declaration signed by the Dominican Republic and Cuba before the Inter-American Peace Committee on 25 December 1951[26]

(ii) Dated 25 January 1952: Cuba, transmitting "necessary rectifications" to the document listed under (i)[27]

(iii) Dated 31 January 1952: Dominican Republic, making statements "in rectification" of the document listed above under (ii)[28]

(iv) Dated 15 April 1953: Guatemala, requesting if necessary a statement annexed to the letter be placed on the agenda of the Security Council for the record[29]

(v) Dated 9 July 1954: Guatemala informing the President of the Security Council that peace and order had been restored in Guatemala and that there was no reason why the question of Guatemala should remain on the agenda of the Security Council[30]

[13] S/3344.
[14] S/3345.
[15] S/3348.
[16] S/3347.
[17] S/3349.
[18] S/3366, S/3366/Add.1.
[19] S/3395.
[20] S/3438.
[21] S/2494.
[22] S/3176.
[23] S/3256.
[24] S/3262.
[25] S/3267.
[26] S/2480.
[27] S/2495.
[28] S/2511.
[29] S/2988.
[30] S/3266.

In addition to the circulation to the representatives on the Council of these communications, it has been the practice to include summary accounts of the disputes or situations referred to in them in the Reports of the Security Council to the General Assembly.[31]

[31] See Report of the Security Council to the General Assembly, 1951-1952 (*G.A.O.R., 7th session, Suppl. No. 2*), p. 61; Report of the Security Council to the General Assembly, 1952-1953 (*G.A.O.R., 8th session, Suppl. No. 2*), p. 29; Report of the Security Council to the General Assembly 1952-1953 (*G.A.O.R., 9th session, Suppl. No. 2*), p. 65; Report of the Security Council to the General Assembly, 1954-1955 (*G.A.O.R., 10th session, Suppl. No. 2*), p. 27.

Chapter VIII of the Charter. Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term "enemy state" as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CASE 4.[32] THE QUESTION OF GUATEMALA: In connexion with decision of 20 June 1954: rejection of the draft resolution submitted by the representatives of Brazil and Colombia, referring the complaint of the Government of Guatemala to the Organization of American States; and in connexion with decision of 25 June 1954: non-adoption of the provisional agenda.

[*Note:* At the 675th meeting on 20 June 1954, the Security Council had before it a draft resolution submitted by the representatives of Brazil and Colombia to refer the complaint of Guatemala, requesting the Council to take the measures necessary "to prevent the disruption of peace and international security in this part of Central America and also to put a stop to the aggression in progress against Guatemala", to the Organization of American States and to request the Organization of American States to inform the Security Council on the measures it had been able to take in the matter. The draft resolution was not adopted. At the 676th meeting the provisional agenda was not adopted. In the proceedings of the Council the main

[32] For texts of relevant statements see:

675th meeting: President (United States), paras. 157, 170; Brazil, paras. 67-68; Colombia, paras. 72-73; France, paras. 198-201; Guatemala*, paras. 6, 10, 43-46, 60, 102-104, 189-190; Honduras*, para. 63; New Zealand, paras. 93-95; Nicaragua*, para, 65; Pakistan, para. 130; USSR, paras. 110, 118, 120, 144-145, 148, 173, 184; United Kingdom, paras. 87-88, 90.

676th meeting: President (United States), paras. 175-178; Brazil, paras. 11, 15, 22-23; China, paras. 113-115; Colombia, paras. 65-74, 76-77; Denmark, paras. 131-132; France, paras. 97-99; New Zealand, paras. 128-130; Turkey, paras. 108-109; USSR, paras. 138, 144, 148, 155-156; United Kingdom, paras. 87-95.

question discussed was the question of the relation between Articles 52 (2) and (3) and 52 (4).][33]

By cablegram dated 19 June 1954,[34] the Minister for External Relations of Guatemala requested the President of the Security Council to convene a meeting urgently in order that, in accordance with Articles 34, 35 and 39, the Council might take the measures necessary "to prevent the disruption of peace and international security in this part of Central America and also to put a stop to the aggression in progress against Guatemala". It was stated in the communication that expeditionary forces coming from Honduras had captured a Guatemalan frontier post on 17 June 1954 and had advanced about fifteen kilometres inside Guatemalan territory. On 19 June 1954 aircraft coming from the direction of Honduras and Nicaragua had dropped explosive bombs on Guatemalan territory and had attacked Guatemala City and other towns.

At the 675th meeting of the Security Council on 20 June 1954, after the adoption of the agenda, the President invited the representatives of Guatemala, Honduras and Nicaragua to participate in the discussion.[35]

The representative of Guatemala* stated that Guatemala had been invaded by expeditionary forces forming part of an "unlawful international aggression" which was "the outcome of a vast international conspiracy"; his country was prepared to repel the invading forces and not to acquiesce in the invasion. On behalf of his Government, the representative of Guatemala made two requests of the Security Council: first, to send an observation commission to Guatemala "to ask questions, to investigate, and to listen to the diplomatic corps"; secondly, to constitute an observation commission of the Security Council in Guatemala, and in other countries if necessary, to verify through an examination of the documentary evidence, the fact that the countries which his Government accused had connived at the invasion. He added that the Inter-American Peace Committee of the Organization of American States had met on 19 June and that his Government, exercising the option which was open to the members of that Organization, had officially declined to allow it and the Peace Committee to concern themselves with the situation.

The representative of Honduras* expressed the view that the matter should be referred to the "appropriate jurisdiction", the Organization of American States. A similar request was made by the representative of Nicaragua*.

The representative of Brazil stated that it had been a tradition among the American States that all disputes and situations which could threaten or endanger the friendly relations among American republics should be dealt with by the organization set up by them for that purpose. According to its charter, the Organization of American States was empowered to deal with and to solve any problems relating to such disputes or situations. Furthermore, Chapter VIII of the United Nations Charter acknowledged this principle in Article 52. After quoting paragraph 3 of Article 52, the representative of Brazil declared that the Security Council should act according to "that very clear provision" of the Charter, and, without going into the merits of the Guatemalan complaint, refer it to the Organization of American States. For these reasons, and "having in mind the traditional way to settle disputes among American republics", he introduced the following draft resolution, which was sponsored also by Colombia:[36]

"*The Security Council,*

"*Having considered* on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"*Noting* that the Government of Guatemala has dispatched a similar communication to the Inter-American Peace Committee, an agency of the Organization of American States,

"*Having in mind* the provisions of Chapter VIII of the Charter of the United Nations,

"*Conscious* of the availability of Inter-American machinery which can deal effectively with problems concerning the maintenance of peace and security in the Americas,

"*Refers* the complaint of the Government of Guatemala to the Organization of American States for urgent consideration;

"*Requests* the Organization of American States to inform the Security Council as soon as possible, as appropriate, on the measures it has been able to take on the matter."

The representative of Colombia, after referring to Article 33 of the Charter, stated that this Article must be taken in conjunction with Article 52 (2) which imposed on all Members "the duty to apply first to the regional organization, which is of necessity the court of first appeal". This was not a right which could be renounced because the signatories of the United Nations Charter had undertaken this obligation.

The representative of France who had no objection in principle to the draft resolution submitted by Brazil and Colombia, proposed to add a final paragraph, whereby the Council, without prejudice to such measures as the Organization of American States might take, would call for the immediate termination of any action likely to cause further bloodshed and would request all Members of the United Nations to abstain, in the spirit of the Charter, from giving assistance to any such action.[37]

The amendment was accepted by the sponsors of the draft resolution.[38]

During the debate on the amended draft resolution, the representative of the United Kingdom stated that Chapter VIII of the Charter provided for the employment of regional arrangements to deal with matters

[33] In connexion with the consideration of Article 52 there was also discussion of the bearing of other Articles of the Charter. For the discussion of Article 33 in connexion with Article 52, see chapter X, Case 4; of Articles 34 and 35 in connexion with Article 52, see chapter X, Case 6; and of Article 36 (2) in connexion with Article 52, see chapter X, Case 7.

[34] S/3232, *O.R., 9th year, Suppl. for April-June 1954*, pp. 11-13.

[35] 675th meeting: para. 2.

[36] S/3236, 675th meeting: para. 69.

[37] 675th meeting: para. 77.

[38] 675th meeting: paras. 82, 85.

relating to the maintenance of international peace and security. It seemed to him that the course proposed in the draft resolution submitted by Brazil and Colombia was the most constructive that the Council could adopt and the most conducive to the interests of peace and security.

The representative of New Zealand, after stressing that the authors of Chapter VIII of the Charter had especially in mind the regional arrangements already in existence on the American continent, observed that the desirability of achieving peaceful settlement of local disputes was enjoined upon the members of regional organizations by Article 52 (2) of the Charter. Article 53 authorized measures of regional organizations under the direction or with the authority of the Security Council. It might properly be considered, therefore, fully consistent with its own overriding responsibility for the maintenance of international peace and security for the Council to refer the problem first to the Organization of American States and to ask it to report to the Council at an early date.

The representative of Guatemala held that Articles 33 and 52 (2) were completely inapplicable to Guatemala's case because Guatemala had no dispute of any kind with Honduras and Nicaragua which required peaceful settlement. Guatemala was faced with "an outright aggression". Under the terms of Articles 34, 35 and 39, on which Guatemala had based its complaint, Guatemala had an unchallengeable right of appeal to the Council, and "the Security Council cannot deny it its right of direct intervention by the Council, not intervention through regional organization". Guatemala had no obligation to submit this question to the Organization of the American States.

In a subsequent intervention, the representative of Guatemala declared that, in the last analysis, in the case of a conflict between the obligations under the Charter and other obligations of Members of the United Nations, the Articles of the Charter must, by reason of Article 103, apply. Quoting Article 52 (4), the representative of Guatemala contended that thus under the Charter the Security Council was in duty bound to investigate the situation which Guatemala, in exercise of its rights under the Charter, had brought to the Council's notice.

The representative of the USSR stated that the Security Council was faced "with an open act of aggression" against Guatemala; it should take immediate steps to end this aggression, and could not refer the matter to another body. Article 52 (2) envisaged a situation in which no aggression had taken place. An entirely different situation was before the Council, however; an act of aggression had been committed against Guatemala, which the Security Council, acting under Article 24 of the Charter, was bound to take steps to end. There was absolutely no justification for giving priority in this matter to the Organization of American States rather than to the Security Council. Aggression knew no territorial limits, and wherever it was committed, even in Central America, the Security Council was in duty bound to consider the case and take prompt action to put an end to it.

The President, speaking as the representative of the United States, declared that the situation appeared to his Government to be precisely the kind of problem which should be dealt with in the first place on an urgent basis by an appropriate agency of the Organization of American States. The draft resolution submitted by the representatives of Brazil and Colombia did not seek to relieve the Security Council of responsibility; it just asked the Organization of American States "to see what it can do to be helpful".

When the draft resolution submitted by the representatives of Brazil and Colombia, as amended, was put to a vote, it was not adopted.[39] There were 10 votes in favour and 1 against, the negative vote being that of a permanent member.

The representative of France then re-introduced his amendment to the Brazilian-Colombian draft resolution as a separate draft resolution. He added that the step he was taking should not be construed as casting doubt on, or weakening the competence of the Inter-American Peace Committee.

The draft resolution read as follows:

"*The Security Council,*

"*Having considered* on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"*Calls* for the immediate termination of any action likely to cause bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from rendering assistance to any such action".

It was adopted unanimously.[40]

By letter dated 22 June 1954[41] addressed to the Secretary-General, the representative of Guatemala stated on behalf of his Government that the resolution adopted by the Council at its 675th meeting on 20 June 1954 had not been complied with by those States Members of the United Nations which had acquiesced in or assisted from their territories the acts of aggression suffered by Guatemala, and requested a meeting of the Security Council in order that the Council might use its authority with Honduras and Nicaragua as States Members of the United Nations to secure the cessation of all assistance to, or acquiescence in, the aggressive acts which were being committed by mercenary forces.

At the 676th meeting of the Security Council on 25 June 1954, the provisional agenda[42] read as follows:

"1. Adoption of the agenda.

"2. Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council and letter dated 22 June 1954 from the representative of Guatemala addressed to the Secretary-General."

The President (United States) drew the attention of the members of the Security Council to various communications which had been received on the question,[43] among them a cablegram dated 23 June 1954 from the

[39] 675th meeting: para. 194.
[40] 675th meeting: para. 203.
[41] S/3241, *O. R., 9th year, Suppl. for April-June 1954*, pp. 14-15.
[42] 676th meeting: p. 1.
[43] 676th meeting: paras. 1-6.

Chairman of the Inter-American Committee of the Organization of American States,[44] informing the Security Council that on 23 June 1954 the representative of Nicaragua had proposed that a commission of inquiry of the Inter-American Peace Committee be established to proceed to Guatemala, Honduras and Nicaragua, and that the Committee had voted unanimously to inform Guatemala of this.

In response to a proposal that the representative of Guatemala be invited to the Council table, the President ruled that the Security Council was not involved in a discussion relating to a dispute within the meaning of Article 32 and rule 37 of the rules of procedure until the agenda was adopted. The ruling of the President was maintained by the Council, a challenge having been rejected.[45]

The representative of Brazil stated that in view of the action already taken by the Organization of American States, the most reasonable attitude which the Security Council could assume in the matter was to wait for the report of the Inter-American Peace Committee. Any action by the Security Council at that stage or even any discussion of the subject without the proper information would not be justified and could only introduce confusion into the current situation.

The representative of the United Kingdom stated that *prima facie* the situation was one that could not be dismissed without investigation. For the Security Council to divest itself of its ultimate responsibility would be gravely to prejudice the moral authority of the United Nations. It was also clear that it was not at the moment open to the Security Council to take any further action in the matter without having more facts at its disposal. The question was how to establish the facts. The action of the Inter-American Peace Committee was sufficient for the moment as a means of providing the necessary information for the Council. The Committee was part of the Organization of American States, which was a regional organization within the meaning of Chapter VIII. Where such an organization took, of its own initiative, proper and constructive action, it seemed to the United Kingdom delegation entirely in accordance with the provisions of the Charter that such action should go on and that the Council should be kept informed.

The representative of France stated that the essential thing was that the Security Council should be in a position to be acquainted by the fact-finding committee with the real situation prevailing in the area under consideration. In suspending its action until it was more fully informed, the Security Council was in no way jettisoning the matter which had been submitted to it. By applying the procedure provided for by Article 52 of the Charter, it was not declining any of the responsibilities which the last paragraph of that Article conferred on it and which governed the interpretation of the preceding paragraph.

The representative of China expressed the view that the purposes and procedures of the Organization of American States were in perfect harmony with the principles of the Charter. He was convinced that the machinery of that Organization was adequate to handle the matter before the Security Council. It was even possible to say that the machinery of the Organization of American States had been specifically designed to meet such a situation as existed in Guatemala. After studying the basic documents involved, the representative of China could not escape the conclusion that the members of that organization were legally bound to take their disputes or controversies in the first instance to that organization, and not to the Security Council or to the General Assembly.

The representative of New Zealand considered that the Security Council should not, by any decision it might reach, give the appearance of abdicating the supreme responsibility and authority conferred upon it by the Charter. This was a matter of principle and cardinal importance to small nations. Any decision not to proceed with the discussion of the Guatemalan complaint at that meeting of the Council did not affect this principle and did not prejudice the Council's right to take up the question in the future if events made this necessary.

The representative of Denmark, having in view the provisions of Chapter VIII of the Charter and considering the practice which had developed with regard to the way in which disputes on the American continent were dealt with, did not wish to oppose a procedure along the lines suggested by the Inter-American Peace Committee. The Security Council would thus in no way divest itself of its interest in the matter, because it was clear from Article 54 of the Charter, and from the words of the Secretary-General of the Inter-American Peace Committee, that the Committee was ready to keep the Security Council fully informed of the results of its procedure.

The representative of the USSR stated that, admittedly, Article 52 provided for the consideration of certain disputes between States in regional organizations. It stated precisely, however, that such organizations could examine all types of disputes before they were referred to the Security Council. The question, however, was already before the Council. It had never been the practice of the Security Council to transmit questions of aggression to some other organization, particularly the Organization of American States. The procedure of outside settlement could not be forced upon the Security Council. The question of putting a stop to aggression should be dealt with by the Security Council, upon which Article 24 of the Charter laid primary responsibility for the maintenance of peace and security. Consequently, the Security Council must deal with the question in accordance with Article 52 (2). Also, in view of the stipulation of Article 52 (4), the provisions of the Charter relating to the prevention of aggression prevailed over regional arrangements.

The President, speaking as the representative of the United States, declared that the Government of Guatemala had regularly exercised the privileges and had

[44] S/3245, *O.R., 9th year, Suppl. for April-June 1954*, p. 16.

[45] For consideration of inclusion of the question in the agenda, see chapter II, Case 22; for proceedings regarding the retention and deletion of the item from the agenda, see chapter II, Case 23; for consideration o fthe invitation to the representatives of Guatemala, Honduras and Nicaragua, see chapter III, Case 23.

enjoyed all the advantages of membership in the Organization of American States. Guatemala was obligated by Article 52 (2) of the Charter to "make every effort to achieve pacific settlement of local disputes through regional arrangements". Its effort to by-pass the Organization of American States was, in substance, a violation of Article 52 (2). The United States was, both legally and as a matter of honour, bound by its undertakings contained in Article 52 (2) of the Charter of the United Nations and in Article 20 of the Charter of the Organization of American States, to oppose consideration by the Security Council of the matter until it had first been dealt with by the Organization of American States, which through its regularly constituted agencies, was already dealing with the problem.

The provisional agenda was not adopted.[46]

[46] 676th meeting: para. 195.

Part V

**CONSIDERATION OF THE PROVISIONS OF ARTICLES 82-83 OF THE CHARTER

Part VI

**CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER