

The Albanian Government was advised on January 20, 1947, that the Security Council had decided to invite it to participate without vote in the proceedings on condition that it accept in this case all the obligations which a Member of the United Nations would have to assume in a similar case. A reply from Colonel General Enver Hoxha, President of the Council of Ministers of the People's Republic of Albania and Minister of Foreign Affairs of Albania, dated January 24, stated that the Albanian Government accepted the Security Council's decision.

On February 18 the representative of the United Kingdom presented the case for his Government in support of the charges against Albania. He sought to place responsibility for the incident on Albania, stating that the laying of a clandestine minefield in the Corfu Channel was a violation of the rules of conduct set out in the Hague Convention of 1907 and a crime against humanity.

The Albanian representative presented the case for his Government to the Security Council on February 19. He stated that his Government did not lay the mines and that it did not know who laid them. It did not know whether or not there were mines in those waters, and it was not responsible for the safety of navigation in its territorial waters or in the Strait.

On February 24 the Australian representative on the Security Council proposed the appointment of a small sub-committee to examine the material which had been presented to the Council regarding the incidents and to report to the Council on its findings. Such a sub-committee composed of the representatives of Australia, Colombia and Poland, was appointed by the Security Council on February 27.

The Sub-Committee held ten meetings and submitted its report on March 15. A minority report by the representative of Poland was included as an appendix.

With regard to the damage and loss of life suffered by British ships the Sub-Committee reported that it had ascertained that no conflicting evidence existed. Concerning the existence of an unnotified minefield in the Corfu Channel on October 22, the report stated that no agreement could be reached as to whether the mines which damaged the British destroyers were part of the minefield which was locat-

ed in sweeping operations which took place after the incident.

The Polish representative in his report expressed the opinion that the Sub-Committee's report did not represent a report "on the facts of the case" and therefore did not fulfil the task set by the Security Council.

The Security Council continued the discussion of the dispute, including the report of the Sub-Committee, at the 120th, 121st and 122nd meetings. On March 25 a United Kingdom proposal asking the Council to find that an unnotified minefield was laid in the Corfu Strait with the knowledge of the Albanian Government was defeated because of the adverse vote of the U.S.S.R., one of the five permanent members. The vote was as follows: In favor of the resolution—Australia, Belgium, Brazil, China, Colombia, France, United States; against the resolution—Poland and the U.S.S.R.; abstention—Syria. Being a party to the dispute, the United Kingdom did not vote.

The case was continued on the Council's agenda and on April 3 the representative of the United Kingdom moved to have the dispute referred to the International Court of Justice.

In presenting his resolution the United Kingdom representative argued that the fact that seven out of nine voting representatives supported the previous British resolution, showed that in the opinion of the majority the United Kingdom had established its case against Albania.

The representative of Australia stated that the issue concerned not only the United Kingdom and Albania; it went deeper than that. The first United Kingdom resolution had declared that "the laying of mines in peace time without notification is unjustified and an offence against humanity." When there had been a crime against humanity, the Security Council should pursue it or make a recommendation so that that crime would be punished.

The representative of the U.S.S.R. stated that it was not possible for the Council to come to a decision that a country had committed a crime or was at fault merely on the basis of suppositions such as those which had been presented before the Council. It would have been better, he said, for the Council to come to the conclusion that the question should be referred to the International Court of Justice at