

# STRUCTURE OF THE SECURITY COUNCIL

**GENERAL  
ASSEMBLY**

**SECURITY  
COUNCIL**

**ATOMIC ENERGY  
COMMISSION**

**WORKING  
COMMITTEE**

**Legal  
Advisory  
Committee**

**Scientific and  
Technical  
Committee**

**COMMITTEE OF  
EXPERTS**

**Committee  
2**

**Subcommittee  
on Definitions**

**COMMISSION FOR  
CONVENTIONAL  
ARMAMENTS**

**WORKING  
COMMITTEE  
OF THE WHOLE**

**"Informal  
Conversations"  
and their  
Working Groups**

**COMMITTEE ON THE  
ADMISSION OF  
NEW MEMBERS**

**MILITARY STAFF  
COMMITTEE**

**COMMISSION OF  
INVESTIGATION  
CONCERNING GREEK  
FRONTIER  
INCIDENTS**

**Subsidiary  
Group**

**CHIEFS OF STAFF  
OF THE PERMANENT  
MEMBERS OF THE  
SECURITY COUNCIL**

### III. The Security Council

#### A. THE CHARTER AND THE SECURITY COUNCIL<sup>1</sup>

The Charter of the United Nations provides that a Security Council shall be established as a principal organ consisting of eleven members, and that the Council, acting on behalf of all of the Members of the United Nations, shall have the primary responsibility for the maintenance of international peace and security.

China, France, the U.S.S.R., the United Kingdom and the United States are the permanent members of the Security Council. The General Assembly elects the non-permanent members of the Council, due regard being especially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to other purposes of the United Nations, and also to equitable geographical distribution.

The non-permanent members of the Security Council are elected for a term of two years. In the first election of the non-permanent members, however, three were elected for a term of one year. A retiring member is not eligible for immediate re-election.

Each member of the Security Council has one representative.

If the General Assembly is the deliberative organ of the United Nations, the Security Council is its executive organ. Broadly speaking, while the General Assembly may discuss any international disputes or situations, it is the Security Council which recommends appropriate procedures or actual terms for the pacific settlement of disputes and takes preventive or enforcement measures with respect to threats to the peace, breaches of the peace or acts of aggression.

In discharging its duties the Security Council is required to act in accordance with the Purposes and Principles of the United Nations as set forth in the United Nations Charter. The Members of the United Nations have agreed on their part to carry out the decisions

of the Council in accordance with the Charter.

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council has been made responsible for formulating plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

The Security Council is to submit annual and, when necessary, special reports to the General Assembly for its consideration.

The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. Likewise the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The specific functions and powers of the Security Council fall into four categories: pacific settlement of disputes, preventive or enforcement action, regional arrangements and strategic areas in Trust Territories.

The Security Council may recommend procedures or terms of pacific settlement of disputes.

The parties to a dispute the continuance of which is likely to endanger the maintenance

<sup>1</sup>This section is a summary of the Charter provisions relating to the Security Council. The main provisions are to be found in Chapter V, Articles 23-32, which defines the composition, functions and powers, voting and procedure of the Council; Chapter VI, Articles 33-38, which deals with pacific settlement of disputes; Chapter VII, Articles 39-51, which treats of action with respect to threats to the peace, breaches of the peace and acts of aggression; Chapter VIII, Articles 52-54, relating to regional arrangements; Chapter XII, Articles 76, 82-84, relating to strategic areas in trust territories. Other provisions are to be found in Articles 1-2, 4-7, 10-12, 15, 18, 20, 65, 93-94, 96, 106-09 of the Charter, and Articles 4, 7-8, 10, 12, 14, 35, 41, 69 of the Statute of the Court.

of international peace and security are first of all, to seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. When it deems it necessary, the Security Council is to call upon the parties to settle their dispute by such means.

The Security Council may investigate any dispute, or any situation which might 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.

Any Member of the United Nations may bring any such dispute or situation to the attention of the Security Council or of the General Assembly. 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 the obligations of pacific settlement under the Charter. The General Assembly may discuss any such dispute or situation, but may not make recommendations with respect to such dispute or situation if that dispute or situation is on the agenda of the Security Council.

At any stage of a dispute the continuance of which is likely to endanger the maintenance of international peace and security the Security Council may recommend appropriate procedures or methods of adjustment. It is required to take into consideration any procedures which have already been adopted by the parties and, as a general rule, is to refer any legal dispute to the International Court of Justice.

If the Security Council deems that the continuance of a dispute is in fact likely to endanger the maintenance of international peace and security, it is to decide on such procedures or recommend such terms of settlement as it may consider appropriate.

The Security Council is to determine the existence of any threat to the peace, breach of the peace or act of aggression and is to make recommendations or decide to take enforcement measures in order to maintain or restore international peace and security.

Before making any recommendations or deciding to take any enforcement measures, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable,

and it is duly to take account of failure to comply with such provisional measures.

There are two categories of enforcement action the Security Council may take: "measures not involving the use of armed force," and "action by air, sea or land forces." The Security Council may call upon the Members of the United Nations to apply such measures as 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. If it considers that these measures are or have proved to be inadequate, the Security Council 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.

All Members of the United Nations 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. Such agreement or agreements are to 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. The agreement or agreements are to be concluded between the Security Council and Members or groups of Members of the United Nations.

When the Security Council decides to use force it must, before calling upon a Member not represented on it to provide armed forces, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of the Member's armed forces.

A Military Staff Committee consisting of the Chiefs of Staff of the permanent members of the Security Council or their representatives is established 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 at its disposal, the regulation of armaments and possible disarmament. The Committee is responsible under the Security Council for the strategic direction of any armed forces at the disposal of the Security Council.

The Military Staff Committee may invite any Member not permanently represented on it to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Nothing in the Charter, however, is to impair the inherent right of individual or collective self-defence, 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 any Member in self-defence are to be reported immediately to the Security Council and are not in any way to affect the authority and responsibility of the Security Council to take at any time such action as it deems necessary in order to maintain international peace and security.

The establishment of the United Nations does not preclude the existence of such regional arrangements or regional agencies as are consistent with the Purposes and Principles of the United Nations.

The Security Council is to 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. This provision, however, does not impair the functions and powers of the Security Council in dealing with any international dispute or situation which might endanger the maintenance of international peace and security.

The Security Council is to utilize, where appropriate, such regional arrangements or agencies for enforcement action under its authority. But no enforcement action may be undertaken under regional arrangements or by regional agencies without the authorization of the Security Council, except against the renewal of aggressive policy by ex-enemy States.

The Security Council is at all times to 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.

All functions of the United Nations relating to strategic areas in Trust Territories, includ-

ing the approval of the terms of Trusteeship Agreements and of their alteration or amendment, are exercised by the Security Council. The Security Council is to avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas. The Administering Authority of a Trust Territory may make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken by the authority.

In addition to these four main categories of functions and powers—pacific settlement of disputes, preventive or enforcement action, regional arrangements and strategic areas in Trust Territories—the Security Council exercises certain functions and powers of an organizational or constitutional nature.

The Security Council may request the convening of special sessions of the General Assembly. It may ask the assistance of the Economic and Social Council with respect to economic and social information.

The Security Council and the General Assembly, voting independently, elect the judges of the International Court of Justice. Upon the recommendation of the Security Council, the General Assembly determines the conditions on which a State which is not a Member of the United Nations may become a party to the Statute of the Court, and the Security Council lays down the conditions under which the Court may be open to a State which is a party to a dispute but not a party to the Statute. If any party to a dispute fails to comply with a decision of the Court, the other party may have recourse to the Security Council, which may make recommendations or decide upon measures to be taken to give effect to the decision. The Security Council may request the Court to give an advisory opinion on any legal question.

The Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council. The Secretary-General acts in that capacity in all meetings of the Security Council. He may assign a permanent staff to the Security Council, if required.

The admission of new Members to the United Nations is effected by a decision of the General Assembly upon the recommendation

of the Security Council. A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council. A Member of the United Nations which has persistently violated the Principles of the Charter may be expelled from the United Nations by the General Assembly upon the recommendation of the Security Council.

Any amendment to or any alteration of the Charter is to come into force when it is adopted by a two-thirds vote of the General Assembly or of the General Conference provided for in Article 109 of the Charter and ratified by two-thirds of the Members of the United Nations, including the permanent members of the Security Council.

The voting and procedure of the Security Council are defined as follows:

Each member of the Council is to have one vote. Decisions of the Council on procedural matters are to be made by an affirmative vote of seven members. Decisions on all other matters are to be made by an affirmative vote of seven members, including the concurring votes of the permanent members, provided that a party to a dispute shall abstain from voting in decisions with respect to the pacific settlement of that dispute.<sup>1</sup>

The Security Council is organized to function continuously. Each member of the Council, is represented at all times at the seat of the United Nations. The Council holds periodic meetings at which each of its members may be represented by a member of its government or by some other specially designated representative. The Security Council may hold meetings; at places other than the seat of the United Nations.

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

The Security Council adopts its own rules of procedure, including the method of selecting its President.

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

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, if it is a party to a dispute under consideration by the Security Council, is to be invited to participate, without vote, in the discussion relating to the dispute. The Security Council is to lay down such conditions as it deems just for the participation of a State which is not a Member of the United Nations.

## B. ESTABLISHMENT AND ORGANIZATION OF THE SECURITY COUNCIL

By Article 23 of the Charter, China, France, the U.S.S.R., the United Kingdom and the United States are permanent members of the Security Council, and the General Assembly elects six other Members of the United Nations as non-permanent members of the Council.

At its fourth and fifth plenary meetings, on January 12, 1946, the General Assembly elected as non-permanent members of the Security Council the following States: Australia, Brazil, Egypt, Mexico, Poland and the Netherlands. The General Assembly, by a further vote, decided that Australia, Brazil and Poland should sit as non-permanent members of the Security

Council for a term of two years, and Egypt, Mexico and the Netherlands for a term of one year.

The Preparatory Commission of the United Nations had drafted the provisional agenda for the first meeting of the Security Council and had drawn up Provisional Rules of Procedure. The Commission had also recommended

<sup>1</sup> See pp. 23ff. for the interpretation of the voting procedure by the delegations of the four sponsoring Governments (China, the U.S.S.R., the United Kingdom and the United States) of the San Francisco Conference and the discussion at the Conference on the voting procedure.

that the representative of the first member of the Security Council, in the English alphabetical order of the names of the members of the Council, should act as temporary Chairman.

The Security Council held its first meeting on January 17, 1946, at Church House, Dean's Yard, Westminster, London. After the 23rd meeting on February 16, the Council adjourned for transfer to New York. The meetings of the Council were held at Hunter College, New York, from March 25 to the early part of August 1946, and at Lake Success, New York, beginning on August 28, 1946.

Article 30 of the Charter authorizes the Security Council to adopt its own rules of procedure. At its first meeting on January 17, the Council set up a Committee of Experts to examine and report on the Provisional Rules of Procedure recommended by the Preparatory Commission.

Article 4 of the Charter authorizes the Security Council to recommend to the General Assembly new Members of the United Nations. At its 42nd meeting the Council set up a Committee on the Admission of New Members. Up to June 30, 1947, the Council had received eleven applications for membership, which were referred to the Committee on the Admission of New Members for examination. The Council recommended four of the applicants

to the General Assembly for membership in the United Nations.

At its second meeting on January 25, the Council adopted a directive to the Military Staff Committee, which first assembled in London on February 3, 1946. The Committee was transferred to New York in March 1946.

The Atomic Energy Commission, which was established by a resolution of the General Assembly at its seventeenth meeting on January 24, 1946, and was to receive directions from the Security Council in matters affecting security and submit its reports and recommendations to the Security Council, held its first meeting on June 14, 1946, at Hunter College, New York.

The Commission for Conventional Armaments, composed of representatives of all members of the Security Council, was established by the Security Council on February 13, 1947, to make proposals for the general regulation and reduction of armaments and armed forces, and proposals for practical and effective safeguards in this connection. The Commission may propose studies to be undertaken by the Military Staff Committee and other organs of the United Nations, but it may not deal with matters that are being dealt with by the Atomic Energy Commission. The Commission for Conventional Armaments held its first meeting at Lake Success on March 24, 1947.

## C. POLITICAL AND SECURITY QUESTIONS

In fulfilling its primary responsibility for the maintenance of international peace and security, the Security Council from January 1946 to June 1947 considered the following major political and security questions:<sup>1</sup>

- The Iranian Question
- The Greek Question (Soviet Complaint)
- The Indonesian Question
- The Syrian and Lebanese Question
- The Spanish Question
- The Greek Question (Ukrainian Complaint)
- The Greek Question (Greek Complaint)
- The General Regulation and Reduction of Armaments and Information on Armed Forces of the United Nations
- Free Territory of Trieste
- Incidents in the Corfu Channel
- Trusteeship of former Japanese Mandated Islands
- Special Agreements under Article 43 of the Charter and Organization of the United Nations Armed Forces

### 1. THE IRANIAN QUESTION

#### a. Consideration of the Iranian Communication dated January 19, 1946

By a letter dated January 19, 1946, addressed to the Acting Secretary General, the head of the Iranian delegation to the United Nations stated:

(1) that owing to interferences of the U.S.S.R., through the medium of its officials and armed forces, in the internal affairs of Iran a situation had arisen which might lead to international friction, and

(2) that in accordance with Article 33 of

<sup>1</sup> For fuller accounts of these questions, see the Report of the Security Council to the General Assembly (Document S/172); for complete accounts, see the Journal of the Security Council, Nos. 1-42; Security Council Official Records, Nos. 1-22; and Verbatim Records of the Security Council (Documents S/P.V. 81-149).

the Charter the Iranian Government had repeatedly tried to negotiate with the Government of the U.S.S.R., but had met with no success. He therefore requested the Acting Secretary-General, in accordance with Article 35 (1) of the Charter, to bring the matter to the attention of the Council so that the Council might investigate the situation and recommend appropriate terms of settlement.

At the second meeting of the Security Council, on January 25, it was agreed without objection to include the Iranian application in the Council's agenda.

The representative of Egypt considered that the right of a complainant to participate in the Council's discussions followed from Article 31. He moved that the three States which had at that time presented complaints should be invited to participate in the discussions of the Security Council concerning these complaints. This resolution was adopted unanimously.

The position of the representative of Iran was expressed in a letter dated January 26, 1946, addressed to the President of the Council, in speeches at the third and fifth meetings and in a memorandum submitted at the third meeting.

The representative of Iran contended that the U.S.S.R. authorities had interfered in the internal affairs of Iran in breach of international law, the Tripartite Treaty of Alliance between the U.S.S.R., the United Kingdom and Iran, dated January 29, 1942, and the Three-Power Declaration of December 1943 by the U.S.S.R., the United Kingdom and the United States, and in violation of the principles set out in the Preamble of the Charter. Article IV (1) of the Tripartite Treaty provided that:

The Allied Powers may maintain in Iranian territory land, sea and air forces in such number as they consider necessary. . . .

It is understood that the presence of these forces on Iranian territory does not constitute a military occupation and will disturb as little as possible the administration and the security forces of Iran, the economic life of the country, the normal movements of the population and the application of Iranian laws and regulations.

Nevertheless, the Iranian Government had been prevented from exercising any power whatsoever in Azerbaijan; the security forces of Iran had been prevented from exercising their proper function of suppressing disorders; the Soviet authorities had disrupted

the economic life of the country by setting up, at the frontier of the so-called Soviet zone, internal barriers which merchandise and civilians were allowed to pass only at the discretion of the Soviet authorities; no armed forces of the Iranian Government were allowed to proceed beyond these limits. The Soviet authorities had prevented the Iranian authorities from applying Iranian laws in these areas, and had encouraged and supported disloyal agitators who were launching the so-called movement for autonomy in Azerbaijan. On November 18, 1945, the Iranian Government dispatched infantry and gendarmes as reinforcements to Azerbaijan. On November 19, 1945, Soviet army authorities had prevented this contingent from proceeding further than Sharif Abad.

By two notes dated November 22 and 23, 1945, the Iranian Government requested that the Soviet authorities be immediately instructed to give the Iranian contingents free passage. On November 26, 1945, the Soviet Government's reply stated that arrival of additional Iranian armed forces at that time would cause disturbances and bloodshed. The Soviet note denied allegations of interference made by the Iranian Government. As interpreted by the Iranian representative, it stated that similar interferences would not take place. On December 1, 1945, the Iranian Government addressed a reply to the Government of the U.S.S.R. expressing satisfaction at this and other assurances. As interpreted by the Iranian representative, this note did not agree that there had been no Soviet interferences; it did not conclude negotiations, but maintained the request that Iranian forces should be given free passage. On December 15, 1945, the Iranian Government, in notes addressed to the U.S.S.R., the United Kingdom and the United States Ambassadors, asked that foreign military forces should not interfere with the free movement of Iranian security forces. In December 1945 the Iranian Prime Minister offered to visit Moscow to arrive at a settlement.

In conclusion the Iranian representative submitted that his Government had sought a solution by negotiation, in accordance with Article 33, but the Government of the U.S.S.R. had either failed to reply or had refused to admit that the Iranian Government's complaints were well founded. Accordingly, the matter had properly been brought to the

Council's attention under Article 35. If the Council so recommended, the Iranian Government was willing to enter into direct negotiations. However, the matter must remain on the agenda, progress reports should be made and results reported within a reasonable time.

The position of the U.S.S.R. was set forth in a letter dated January 24, 1946, addressed to the President of the Council, and in speeches at the second, third and fifth meetings on January 25, 28 and 30, 1946.

The representative of the U.S.S.R. denied interference in the internal affairs of Iran and stated that events in the province of Azerbaijan resulted from popular aspirations for national autonomy within the limits of the Iranian State. These events had nothing to do with the presence of the Soviet forces. He contended that successful negotiations had taken place between the U.S.S.R. and Iranian Governments. According to the Iranian note of December 1, 1945, the Iranian Government was satisfied with the results of the negotiations of November 1945. Negotiations had not been continued after December 1, 1945, because the Iranian Government did not desire them. The Iranian notes of December 13 and 15, 1945, did not deal with the earlier claims, but raised entirely new questions.

In conclusion the representative of the U.S.S.R. argued that there was no foundation for consideration by the Council of the substance of the Iranian communication. The Charter required Members to attempt to settle disputes by negotiations, etc., and it was stated that the Council might call upon parties to settle disputes by the means indicated in Article 33. It was apparent that the Council could not call on the U.S.S.R. to take any steps provided for in Article 33. Article 34 related to a dispute or situation of quite a different order. Article 36 was inapplicable, since the U.S.S.R. considered bilateral negotiations the only acceptable means of settling such questions between neighboring countries. Article 37 applied only where the parties had been unable to come to an agreement. The U.S.S.R. was willing to resume direct negotiations with the Iranian Government.

After hearing views expressed by the representatives of Australia, China, France, the Netherlands, Poland, the United Kingdom and the United States, the Council on January 30 adopted unanimously a resolution introduced

by the representative of the United Kingdom and amended by the representative of the U.S.S.R. The resolution, in its final form, read:

THE COUNCIL,

Having heard the statements by the representatives of the Soviet Union and Iran in the course of its meetings of 28 and 30 January, and

Having taken cognizance of the documents presented by the Soviet and Iranian delegations and those referred to in the course of the oral debates;

Considering that both parties have affirmed their readiness to seek a solution of the matter at issue by negotiations; and such negotiations will be resumed in the near future,

REQUESTS the parties to inform the Council of any results achieved in such negotiations. The Council in the meanwhile retains the right at any time to request information on the progress of the negotiations.

b. Iranian Communication dated March 18, 1946

By a letter dated March 18, 1946, addressed to the President of the Council, the Iranian Ambassador to the United States stated that, pursuant to Article 35 (1), Iran brought to the attention of the Council a dispute between Iran and the U.S.S.R., the continuance of which was likely to endanger the maintenance of international peace and security. This dispute had arisen by reason of new developments since the adoption by the Council of the resolution of January 30, 1946. The U.S.S.R. was maintaining troops in Iranian territory after March 2, 1946, contrary to the provisions of Article V of the Tripartite Treaty of Alliance of January 29, 1942. Furthermore, the U.S.S.R. was continuing to interfere in the internal affairs of Iran through the medium of its agents, officials and armed forces. These acts were in violation of the Tripartite Treaty, the Three-Power Declaration and the Charter.

c. Proposal by the Representative of the U.S.S.R. that the Iranian Communication should not be placed on the Council's Agenda

At the 25th meeting of the Security Council on March 26, 1943, the representative of the U.S.S.R. stated that, pursuant to the Council's resolution of January 30, negotiations between the U.S.S.R. and Iranian Governments had resulted in an understanding regarding the evacuation of Soviet troops still in Iran. It was already known that the evacuation of these troops had begun on March 2, 1946. As regards the evacuation of troops still remaining in



certain zones of Iran, in accordance with an understanding reached between the U.S.S.R. and Iranian Governments, the evacuation had begun on March 24, 1946, and would probably end within five or six weeks from that date, unless unforeseen circumstances arose.

The effect of Articles 34 and 35 was that any Member of the United Nations might bring to the Council's attention any dispute or situation which was considered to threaten the maintenance of international peace and security. It could not be suggested that the situation in Iran could be regarded as a threat of that nature. Therefore, the conditions necessary for the inclusion of the Iranian question in the agenda had not been satisfied.

Several representatives expressed the view that the Iranian representative should be heard before the Council decided the matter.

At the 26th meeting of the Security Council on March 26, 1946, the above mentioned proposal by the representative of the U.S.S.R. was rejected by 9 votes to 2 and the Iranian question placed on the Council's agenda.

- d. Proposal by the Representative of the U.S.S.R. to postpone until April 10, 1946, consideration of the Iranian Communication dated March 18, 1946

By a letter dated March 19, 1946, addressed to the Secretary-General, the representative of the U.S.S.R. had requested that the Security Council postpone consideration of the Iranian communication of March 18, 1946, to April 10, 1946. He stated that the Iranian communication was not expected by the Soviet Government, since its negotiations with the Iranian Government were being conducted at that time. For this reason the Soviet Government was not then prepared to take part in the discussion of the Iranian communication; and some time was required to enable the Soviet Government to make the necessary preparations concerning this question.

By a letter dated March 20, 1946, addressed to the Secretary-General, the Iranian Ambassador to the United States stated that it was his Government's earnest hope that consideration of its communication would not be delayed. He pointed out that negotiations under the resolution of January 30, 1946, had failed. Meanwhile, March 2, 1946, the date fixed by the Tripartite Treaty, had passed, and the Soviet troops had not been withdrawn. The situation was very grave, and further delay

would inevitably result in increased harm to the interests of Iran.

At the 27th meeting, the proposal of the representative of the U.S.S.R. to postpone consideration of the Iranian communication until April 10, 1946, received two votes and was declared lost. The representative of the U.S.S.R. stated that he was unable to participate further in the Council's discussion of the Iranian question, since his proposal had not been accepted. He then left the Council Chamber. The representative of the U.S.S.R. did not attend the next three meetings (the 28th, 29th and 30th) at which the Council discussed the Iranian question. He resumed participation in the Council's discussions of the Iranian question at the 32nd meeting on April 15, 1946.

The following proposal of the representative of Egypt was adopted by 8 votes at the 27th meeting of the Security Council:

That the Council receive the complaint of the Iranian Government embodied in its letter dated March 18th addressed to the Secretary-General and ask the Iranian representative to appear before the Council to hear his point of view concerning the question of postponement requested by the Soviet representative, and subsequently that the Council take such action as it deems fit.

Pursuant to the above resolution, the Iranian Ambassador was invited to participate in the discussion. He reported that, pursuant to the resolution of January 30, 1946, the Iranian Government had sent a delegation to Moscow, headed by the Prime Minister. The delegation had requested the Soviet Government to refrain from interference in the internal affairs of Iran and to ensure the prompt evacuation of Soviet troops. The Soviet officials did not agree to these requests and proposed: (1) the stationing of Soviet troops in Iran for an indefinite period; (2) the recognition of the internal autonomy of Azerbaijan; and (3) the setting up of a Soviet-Iranian joint stock oil company.

The Iranian Prime Minister rejected these demands and the U.S.S.R. officially withdrew its proposals.

In conclusion the Iranian Ambassador informed the Council that, to his knowledge, no positive results had been achieved in negotiations under the resolution of January 30, 1946. He stated that he had no instructions to agree to postponement.

e. Request by the Secretary-General for Information Concerning Soviet-Iranian Negotiations and Replies

At the 28th meeting of the Security Council on March 29, 1946 the representatives present unanimously endorsed the suggestion of the representative of the United States that the President of the Council request the Secretary-General to ascertain at once from the U.S.S.R. and Iranian Governments, through their representatives, and report to the Council at its meeting on Wednesday, April 3, the existing status of the negotiations between the two Governments, and particularly whether or not the reported withdrawal of Soviet troops was conditioned upon the conclusion of agreements between the two Governments on other subjects.

In accordance with the President's instructions, the Secretary-General requested from the Iranian Ambassador and the representative of the U.S.S.R. the above information.

By a letter dated April 3, 1946, addressed to the Secretary-General, the representative of the U.S.S.R. stated on behalf of his Government that negotiations had already led to an understanding concerning the withdrawal of Soviet troops from Iran; the withdrawal was renewed on March 24, 1946, and would be completed within a period of one and a half months. Thus the question concerning the evacuation of Soviet troops raised before the Council by the Iranian Government on March 18 was solved by the understanding reached between the U.S.S.R. and Iranian Governments. As to the other questions, they were not connected with the question of the withdrawal of Soviet troops. As was known, the question concerning an oil concession or a joint stock company was raised in 1944, independently of the question of the evacuation of Soviet troops.

By a letter dated April 2, 1946, addressed to the Secretary-General, the Iranian Ambassador stated that, with regard to Soviet interference in the internal affairs of Iran, negotiations pursuant to the resolution of January 30, 1946, had achieved no positive results. Interference had continued, and the Iranian Government was still prevented from exercising any authority in the province of Azerbaijan. Regarding the withdrawal of Soviet troops, there had been and could be no negotiations.

As to the question whether withdrawal was conditional upon the conclusion of other agreements, the Iranian Ambassador gave a detailed account of conversations in Teheran since the arrival of the new Soviet Ambassador. These conversations referred, inter alia, to the formation of a joint Soviet-Iranian oil corporation, and to the formation of an autonomous government in Azerbaijan. After these subjects had been discussed, the Soviet Ambassador confirmed the promise to evacuate Iran, but on the condition that no unforeseen circumstances should occur.

In conclusion the Iranian Ambassador stated that, according to the latest information from his Government, despatched on April 1, 1946, no understanding had been reached. The Iranian Prime Minister stated that he could not accept any conditions attached to the complete withdrawal of Soviet forces.

The Soviet and Iranian replies were read at the 29th meeting on April 3, 1946, and in answer to a question the Iranian Ambassador stated that if the representative of the U.S.S.R. withdrew the condition concerning unforeseen circumstances, Iran would not at that time press the matter, provided that the communication remained on the Council's agenda.

f. Resolution of April 4, 1946

After discussion, the following resolution proposed by the representative of the United States was adopted by 9 votes at the 30th meeting held on April 4, (the representative of the U.S.S.R. did not attend this meeting):

Taking note of the statements by the Iranian representative that the Iranian appeal to the Council arises from the presence of Soviet troops in Iran and their continued presence there beyond the date stipulated for their withdrawal in the Tripartite Treaty of 29 January 1942;

taking note of the replies dated 3 April of the Soviet Government and the Iranian Government pursuant to the request of the Secretary-General for information as to the state of the negotiations between the two Governments and as to whether the withdrawal of Soviet troops from Iran is conditional upon agreement on other subjects;

and in particular taking note of and relying upon the assurances of the Soviet Government that the withdrawal of Soviet troops from Iran has already commenced;

that it is the intention of the Soviet Government to proceed with the withdrawal of its troops as rapidly as possible;

that the Soviet Government expects the withdrawal of all Soviet troops from the whole of Iran to be completed within five or six weeks;

and that the proposals under negotiation between the Iranian Government and the Soviet Government "are not connected with the withdrawal of Soviet troops";

being solicitous to avoid any possibility of the presence of Soviet troops in Iran being used to influence the course of the negotiations between the Governments of Iran and the Soviet Union; and recognizing that the withdrawal of all Soviet troops from the whole of Iran cannot be completed in a substantially shorter period of time than that within which the Soviet Government has declared it to be its intention to complete such withdrawal;

RESOLVED that the Council defer further proceedings on the Iranian appeal until 6 May, at which time the Soviet Government and the Iranian Government are requested to report to the Council whether the withdrawal of all Soviet troops from the whole of Iran has been completed and at which time the Council shall consider what, if any, further proceedings on the Iranian appeal are required;

PROVIDED, however, that if in the meantime either the Soviet Government or the Iranian Government or any member of the Security Council reports to the Secretary-General any developments which may retard or threaten to retard the prompt withdrawal of Soviet troops from Iran, in accordance with the assurances of the Soviet Union to the Council, the Secretary-General shall immediately call to the attention of the Council such reports, which shall be considered as the first item on the agenda.

The representative of Australia abstained from voting. He pointed out that the resolution did not deal with the first Iranian communication concerning interference by Soviet troops and agents in the internal affairs of Iran.

g. Proposal by the Representative of the U.S.S.R. that the Iranian Question be removed from the Council's Agenda

By a letter dated April 6, 1946, addressed to the President of the Council, the representative of the U.S.S.R. proposed that the Iranian question be removed from the agenda of the Council. He pointed out that, as was known from the joint U.S.S.R.-Iranian communique published on April 4, 1946, an understanding on all points had been reached between the Soviet and the Iranian Governments. The Council had no reason further to consider the Iranian question on May 6 and the resolution adopted on April 4 was incorrect and illegal, being in conflict with the Charter.

By a letter dated April 9, 1946, addressed to the Secretary-General, the Iranian Ambassador stated that it was his Government's desire that the question remain on the Council's agenda, as provided by the resolution adopted on April 4. By a letter dated April 15, 1946, addressed to the President of the Council, the Iranian Ambassador stated that on April 14 his Government had instructed him to make the following statement before the Council:

As a result of the signature of the agreement between the Iranian Government and the Government of the Soviet Union, it has been agreed that the Red Army evacuate all Persian Territory by the 6th May 1946. The Iranian Government has no doubt that this agreement will be carried out, but at the same time has not the right to fix the course the Security Council should take.

On April 15, 1946, he had received a further telegram from his Government, reading as follows:

In view of the fact that the Soviet Ambassador has again today 14 April, categorically reiterated that the unconditional evacuation of Iranian territory by the Red Army will be completed by 6th May 1946 it is necessary that you immediately inform the Security Council that the Iranian Government has complete confidence in the word and pledge of the Soviet Government and for this reason withdraws its complaint from the Security Council.

At the 33rd meeting, held on April 18, 1946, the Secretary-General submitted a letter to the President of the Council, setting out his views with respect to the legal aspects of the retention of the Iranian question on the agenda. He recalled that the powers conferred on the Council under Chapter VI of the Charter were defined in Articles 33, 34, 36, 37 and 38. He noted that the Council could be seized of a dispute or situation in one of three ways:

- (1) under Article 35, by a State;
- (2) under Article 34, by the Council itself;
- (3) under Article 99, by the Secretary-General.

In the Iranian case, Article 99 was not applicable. Article 34 was not applicable, since the Council had not ordered an investigation, which was the only action possible under that Article.

The Council had originally been seized of the dispute under Article 35 (1). Since Iran had withdrawn its complaint, the Council could

not take action under Articles 33, 86, 37 or 38, as the necessary conditions for applying these Articles (namely, a dispute between two or more parties) did not exist.

It was therefore arguable that, following withdrawal by the Iranian representative, the question was automatically removed from the agenda, unless:

(1) the Council voted an investigation under Article 34; or

(2) a member brought it up as a situation or dispute under Article 35; or

(3) the Council proceeded under Article 36 (1), which appeared to require a preliminary finding that a dispute existed under Article 33, or that there was "a situation of like nature."

An argument which could be made against the view of automatic removal from the agenda was that once a matter was brought to the attention of the Council, it was no longer a matter solely between the original parties, but one in which the Council collectively had an interest, as representing the whole of the United Nations. However, it appeared that the only way in which, under the Charter, the Council could exercise that interest, was under Article 34, or under Article 36 (1). Since the Council had not chosen to invoke Article 34 in the only way in which it could be invoked, that is, through voting an investigation, and had not chosen to invoke Article 36 (1), by deciding that a dispute existed under Article 33 or that there was a situation of like nature, it might well be that there was no way in which it could remain seized of the matter.

The Council referred the Secretary-General's letter to the Committee of Experts, and the report of the Chairman of the Committee of Experts was considered at the 36th meeting on April 23, 1946. The report stated that the Committee of Experts had decided, by reason of the technical nature of its competence, to study from an abstract point of view the problem whether the Council could remain seized of a matter if the interested parties had requested its withdrawal.

There was agreement in principle that, when a matter had been submitted to the Council by a party, it could not be withdrawn from the list of matters of which the Council was seized without a decision by the Council.

In the discussions of the Committee of Experts, the representatives of Australia, Brazil, China, Egypt, Mexico, the Netherlands, the

United Kingdom and the United States had considered that the Secretary-General's letter had put the problem on too narrow a basis, since it referred only to a dispute and since it treated such a dispute merely as a law suit between two parties. Such a definition implied an inexact understanding, in the first place, of the functions of the Council (which was not a court of justice), and in the second place of the nature of its competence, which included the consideration of situations, and which in any case far exceeded the narrow framework within which the letter would tend to confine it. Some of these representatives observed that, for the Council to drop the matter, it was not enough for the parties to the dispute to have come to an agreement. The problem should not be regarded from a purely legalistic point of view. In view of Articles 1 and 24, the Council might hold that even after an agreement had been reached between the parties, circumstances might continue to exist (for example, the conditions under which the agreement had been negotiated) which might still leave room for fears regarding the maintenance of peace and which justified the question being retained among the matters entrusted to its care. The Council might find it necessary to remain seized of the matter until the whole or part of the agreement had been executed, or even longer. The decision by which the Council was seized of a question was absolutely independent of and distinct from the measures which it might decide to take under Article 34. Several representatives questioned the argument in the letter which seemed to imply that unless the Council took a decision under Article 34 or 36, it could not remain seized of a dispute the withdrawal of which had been requested. Several representatives considered that Article 35 (1) proved that the action of the Council in its role as guardian of the peace was quite independent of the strictly legal circumstances in which a dispute occurred, since, according to that text, it was not necessarily a party to a dispute which had to bring it to the Council.

On the other hand, the representatives of France, Poland and the U.S.S.R. had considered that the rules governing the procedure for the withdrawal of a question submitted to the Council varied according to whether a dispute or a situation were involved. The notion of a dispute was of a subjective nature, and it was essentially a conflict between two

or more States, which existed only by virtue of the opposition between the interested parties. If all of the parties to a dispute had reached an agreement, the threat to the maintenance of peace from the prolongation of such a dispute thereby disappeared, and if they asked the Council to drop the dispute, the Council was bound to do so. On the other hand, a situation had an objective character, existing independently of the Member which had brought it to the Council's attention. The Council could remain seized of a situation even if that Member declared its desire to withdraw its communication. If the dispute originally submitted to the Council had reached the point where other parties were concerned, or if a new situation had arisen out of the original dispute, the question became a different one from that originally submitted to the Council. It could be brought to the attention of the Council by a Member of the United Nations under Article 35 (1), or else the Council itself might take it up under Article 34.

Accordingly, the Committee of Experts was unable to formulate a common opinion on the question put to it by the Council.

At the 36th meeting of the Council, the representative of France said that it would be unwise to establish the precedent that a Member of the United Nations which had submitted a communication to the Council could not withdraw its communication. He therefore proposed the following resolution:

#### THE SECURITY COUNCIL,

Having again considered at its meetings of 15 and 16 April the question which it had placed on its agenda on 26 March at the request of the Government of Iran and which formed the subject of its resolution of 4 April;

TAKES NOTE of the letter dated 14 April addressed to it by the representative of the Government of Iran in which the latter informs the Security Council of the withdrawal of his complaint;

NOTES that an agreement has been reached between the two Governments concerned;

REQUESTS the Secretary-General to collect the necessary information in order to complete the Security Council's report to the Assembly, in accordance with Article 24 of the Charter, on the manner in which it dealt with the case placed on its agenda on 26 March last at the request, now withdrawn, of the Government of Iran.

The representatives of Poland and the U.S.S.R. supported the French proposal, while the representatives of Australia, Brazil, China, Egypt, Mexico, the Netherlands, the United Kingdom and the United States maintained that the Council was master of its own agenda and had power to keep the Iranian question on the agenda despite the Iranian withdrawal of its complaint. The resolution submitted by the representative of France received three votes and was declared lost.

In connection with this vote, the representative of the U.S.S.R. stated that, in view of the existence of the agreement between the Soviet and Iranian Governments on all questions in dispute, and in view of the Iranian Government's withdrawal of its appeal to the Council, the Soviet delegation considered that the Council's decision to retain the Iranian question on its agenda was contrary to the Charter. For these reasons, the Soviet delegation did not consider it possible to take any further part in the discussion of the Iranian question in the Council.

#### h. Report by the Representative of Iran under Resolution of April 4, 1946

By a letter dated May 6, 1946, addressed to the President of the Council, the Iranian Ambassador stated that, pursuant to the Council's resolution of April 4, 1946, investigations made by responsible officials of the Iranian Government showed that Soviet troops had been completely evacuated from the provinces of Khorassan, Gorgan, Mazandaran and Gilan. Because of the interference previously complained of, the Iranian Government had been unable to exercise effective authority within Azerbaijan since November 7, 1945, and from that time had had no opportunity to ascertain conditions in Azerbaijan through its own officials. The Iranian Government had been unable to verify by direct observation reports that the evacuation from Azerbaijan had been proceeding and would be completed by May 7, 1946.

The Soviet Government made no report pursuant to the resolution of April 4, 1946.

#### i. Resolution of May 8, 1946

At the 40th meeting held on May 8, 1946, the Council considered the above report of the Iranian Ambassador. The representative of the U.S.S.R. was absent from this meeting. In view of the incomplete nature of the report,

the representative of the United States proposed the following resolution:

THE SECURITY COUNCIL RESOLVES,

in view of the statement made by the Iranian Government in its preliminary report of 6 May, submitted in compliance with the resolution of 4 April 1946, that it was not able as of 6 May to state whether the withdrawal of all Soviet troops from the whole of Iran had been completed,

to defer further proceedings on the Iranian matter in order that the Government of Iran may have time in which to ascertain through its official representatives whether all Soviet troops have been withdrawn from the whole of Iran;

that the Iranian Government be requested to submit a complete report on the subject to the Security Council immediately upon the receipt of the information which will enable it so to do; and that in case it is unable to obtain such information by 20 May, it report on that day such information as is available to it at that time;

and that immediately following the receipt from the Iranian Government of the report requested, the Council shall consider what further proceedings are required.

The resolution was adopted by ten votes.

j. Report by the Representative of Iran under Resolutions of April 4, 1946, and May 8, 1946

By letters dated May 20 and May 21, 1946, addressed to the President of the Council, the Iranian Ambassador submitted reports in compliance with the resolutions of April 4 and May 8, 1946. In his letter dated May 20, 1946, the Iranian Ambassador stated that the information then available to him was to the effect that, as a consequence of the interference previously complained of, the Iranian Government was still prevented from exercising any effective authority in the province of Azerbaijan, and that Soviet interferences in the internal affairs of Iran had not ceased. Therefore, it had not been possible to make such investigation as was required to establish that all Soviet troops had been withdrawn from the whole of Iran.

In his letter dated May 21, 1946, the Iranian Ambassador communicated the text of a telegram received by him that afternoon from the Iranian Prime Minister. The telegram stated that the Iranian Prime Minister had dispatched a commission of investigation, which in the course of one week had investigated carefully regions of Azerbaijan such

as the following important centres: Tabriz and its suburbs, Marand, Jolfa, Khoy, Salmas, Maju, Rezacyeh and Mianduab. Telegraphic reports were to the effect that no trace whatever of Soviet troops, equipment or means of transport was found, and that, according to trustworthy local people who were questioned in all these places, Soviet troops evacuated Azerbaijan on May 6, 1946.

k. Resolution of May 22, 1946

At the 43rd meeting held on May 22, 1946, the Iranian Ambassador participated in the discussion.

The Council adopted by 9 votes to 1 the following resolution proposed by the representative of the Netherlands:

The discussion of the Iranian question is adjourned until a date in the near future, the Council to be called together at the request of any of its members.

The Council remained seized of the Iranian question.

I. Report by Iranian Ambassador

By a letter dated December 5, 1946, addressed to the Secretary-General, the Iranian Ambassador in Washington, D. C., forwarded a report concerning the state of affairs in the Province of Azerbaijan: The letter stated:

My Government has instructed me to submit this report in connection with the complaints previously made to the Security Council against interferences in the internal affairs of Iran. It will be recalled that a result of these interferences is that the Central Government has been denied the exercise of effective control in the Province of Azerbaijan. Unfortunately, in spite of every effort to remove by conciliatory means the consequences of these interferences, the Central Government has not yet been able to re-establish its authority in that Province.

Elections to provide for the selection of the Madjless, our National Legislature, have been called to take place throughout Iran beginning December 7th. In order to assure that the election procedures are duly followed, it has been arranged that military forces shall be stationed in all the provinces of Iran. Those in control of affairs in Azerbaijan have objected to the entry of such Government forces into that Province. The Soviet Ambassador at Teheran, acting under instructions from his Government, has given friendly admonition that the movement of Government forces into this part of Iran may result in disturbances

within that Province and on the Persian borders adjacent to Russia, and advised that the Government's plans be abandoned.

It is, of course, the duty of my Government to exercise its sovereign responsibilities, and to assure that the elections are carried out impartially, in Azerbaijan as well as in the rest of Iran; and my Government for that purpose must station its troops in Azerbaijan no less than in other parts of the Country. It is hoped that this will not be used as a pretext for hostile demonstrations, but my Government will not fail to take the action necessary to maintain law and order throughout Iran even though disturbances may be threatened.

The decision of the Security Council to remain seized of the questions raised by the complaints of Iran has demonstrated its concern regarding the consequences of the interferences that have occurred in the past. My Government has, therefore, felt it to be its duty to furnish the information contained in this report in order that the Council may be in a position better to interpret the course of events in the Northwestern portion of my Country.

## 2. THE GREEK QUESTION (SOVIET COMPLAINT)

### a. Communication of the U.S.S.R. dated January 21, 1946

By a letter dated January 21, 1946, the acting chief of the Soviet delegation, under Article 35 of the Charter, requested the Security Council to discuss the situation in Greece on the grounds that the presence of British troops in Greece after the termination of the war meant interference in the internal affairs of Greece and caused extraordinary tension fraught with grave consequences both for the Greek people and for the maintenance of peace and security.

The Greek question was considered at the sixth meeting of the Security Council on February 1, 1946. A representative of Greece was asked to participate, without vote, in the discussions.

The representative of the U.S.S.R. was first asked to make an oral statement. He recalled that in a memorandum submitted by the Soviet delegation on January 21, 1946, during the Berlin Conference there were four main questions of substance: (1) a very tense situation prevailed in Greece, which might have very unhappy consequences not only for the Greek population, but also for peace and security; (2) the presence in Greece of British troops was not necessitated by circumstances, because there was no need to protect these communications as in the case of troops

in defeated countries; (3) the presence of British troops in Greece had become a means of pressure on the political situation in the country; and (4) these circumstances had resulted very often in support of reactionary elements in the country against democratic ones.

The Soviet representative reminded the Council that in September 1945, during the first session of the London meeting of Ministers of Foreign Affairs, the Soviet Government had submitted a second memorandum on the situation in Greece. Finally, during the Moscow Conference of Ministers for Foreign Affairs in December 1945, the situation in Greece was brought up again and linked with the presence of British troops in Greece.

The representative of the U.S.S.R. described the activities of the Monarchist-Fascist organization known as "X" and stated that the Monarchists, helped by foreign elements, had created a reign of terror directed against the democratic population of the country.

He argued that there were no reasons for the presence of British troops in Greece and insisted upon the quick and unconditional withdrawal of British troops from that country.

The representative of the United Kingdom stated that the Greek question was discussed at Yalta and Marshal Stalin had expressed his complete confidence in the British policy in Greece. At Potsdam the U.S.S.R. circulated a memorandum and the attacks on British policy in Greece were really started. On July 31, 1945, Mr. Molotov, after reading a memorandum circulated by Mr. Eden, agreed to drop the matter. But it was significant that whenever the problem of Greece arose in any negotiations with the U.S.S.R. it had always come about when the problem of Roumania, Bulgaria or Poland had been under discussion.

Early in 1944 there was a meeting of Greek political leaders in the Levant and an all-party Government was formed. It was agreed that as there were no police, no army and no civil service list, British administrators and troops, with Marshal Stalin's agreement, should go to Greece to help revive the country, turn the Germans out and seek to get order and civil government in operation.

When the British went into Greece, a civil war broke out. From information received, the war was started primarily by the Communists seeking to obtain a minority government

to control the country. The British Government could have put in a minority government, but it had asked Greece to find its own government; Great Britain hoped that, out of its difficulties and experience, Greece would be able to reach its proper position. The British Government was anxious that the elections should be fair and not one-sided.

If the Greek Government decided that the British troops were not wanted, they would not impose themselves upon the country. As soon as they had carried out the obligations that they had undertaken with the Greek Government, those troops would be withdrawn.

The representative of the United Kingdom demanded that the Council give an answer as to whether the British Government, acting in response to the request of the Greek Government in lending some of its forces to help to get order and economic reconstruction in that country, endangered peace.

The representative of Greece stated that the people of Greece had not at any time regarded the presence of British troops in Greece as a condition imposed upon them from outside or as an act imputable to British initiative. They had regarded it as a consequence of a request made by the Greek Government and an agreement concluded in Italy and signed by representatives of all political parties, to which agreement the extreme Left was also a signatory.

The representative of Greece also stated that neither the civil nor the military authorities of Great Britain had at any time sought to intervene in any manner whatsoever in the internal affairs of Greece, or to impose any restrictions upon the free democratic Government of the country. He added that the Greek people regarded the continued presence of British military forces in Greece as indispensable, inasmuch as it constituted an extremely important factor in the consolidation of public order and security and the full restoration of normal political conditions, ensuring equal rights for all.

#### 6. Suggestions and Proposals

The representative of the United States stated that the Government of the United States was satisfied that there was no reasonable ground for belief that the presence of British troops in Greece could be regarded as constituting a situation which was likely to endanger international peace and security.

The Government of the United States was therefore convinced that the Council would not be justified under Chapter VI in making a finding to that effect. Without such a finding the Council had no authority to recommend appropriate procedures or methods of adjustment. He believed that it would be unwise for the Council to take a formal action in this case and, therefore, suggested that the Governments of the U.S.S.R., Great Britain, and Greece be thanked for the statements that had been made in explanation of the position and that no further action be taken.

The representative of France could not agree that the presence of British troops in Greece was likely to constitute a threat to peace and security. The representatives of China and the Netherlands associated themselves with the opinion expressed by the representative of the United States that no recommendation or formal action be taken by the Council on this question.

The representative of Poland proposed the following resolution:

The Security Council takes note of the statements set forth in the declarations of the Soviet Union, Great Britain and Greece and of the assurance given by the delegate for the United Kingdom that British troops in Greece will be withdrawn as soon as possible and considers the question is closed.

The representative of Egypt proposed the following resolution:

After having heard the declarations of the delegates for the Soviet Union, the United Kingdom and Greece, the Council notes with satisfaction the spirit of frankness and sincerity which has animated these declarations and will contribute to the maintenance of international peace and good understanding between nations. And while appreciating that the presence of British troops in Greece does not constitute a threat to international peace and security, takes note of the declaration of the delegate for the United Kingdom that British troops will be withdrawn from Greece as soon as the reasons for their presence have disappeared.

The President put the Polish proposal to vote and it was lost. The representative of the U.S.S.R. declared himself against the Egyptian resolution because he was not of the opinion that the presence of British troops did not constitute a threat to international peace and security.



c. Statement of the President

At the tenth meeting, on February 6, 1946, the President then summed up the views of the members in the following statement:

I feel we should take note of the declarations made before the Security Council by the representatives of the Soviet Union, the United Kingdom and Greece, and also the views expressed by representatives of the following Members of the Security Council: The United States of America, France, China, Australia, Poland, the Netherlands, Egypt and Brazil in regard to the question of the presence of British troops in Greece, as recorded in the proceedings of the Council and consider the matter as closed.

This statement was found satisfactory and the Greek question was considered as closed.

### 3. THE INDONESIAN QUESTION

a. Consideration of the Ukrainian Communication dated January 21, 1946

By a letter dated January 21, 1946, the Ukrainian representative, under Articles 34 and 35 of the Charter, drew the attention of the Security Council to the fact that military action had allegedly been directed against the local population by the British and Japanese forces in Indonesia, and it was the opinion of his Government that this situation threatened the maintenance of international peace and security. He felt the Security Council should carry out the necessary investigation and take measures provided for in the Charter.

The communication was considered on February 7, 1946, at the twelfth meeting of the Security Council. The representative of the Ukrainian delegation was invited to the table to take part in the discussion of the Security Council.

The representative of the Ukrainian S.S.R. stated that the Netherlands troops on March 9, 1942, surrendered to the superior armed forces of Japan and the Japanese occupied unarmed Indonesia. For three and one-half years the Indonesian people suffered under the Japanese regime, and, by all the means at their disposal, resisted the measures of the Japanese invaders. As a result of the success of the Allied armies, the Japanese troops were compelled to surrender on August 17, 1945. The defeat of Japan encouraged the Indonesians in the hope that their national aspirations would at last be realized.

After the surrender of Japan, the Japanese military authorities were empowered to keep order pending the arrival of the British troops. On September 29, 1945, British and Indian troops arrived in Batavia. The British authorities began to employ ever more extensively all kinds of modern armies against the poorly armed Indonesians. Thus, it was quite evident that after the defeat of Japan, and the end of the war, there was a situation in Indonesia which, under the terms of Article 34 of the Charter, threatened the maintenance of international peace and security. It was beyond a doubt that such intervention by British and Indian troops in the internal affairs of Indonesia was in direct contradiction to Article 1 (2) of the Charter. This intervention was also in contradiction to Article 73 of the Charter.

The representative of the Ukrainian S.S.R. recognized that the British troops remained in Indonesia with the consent of the United Nations for the purpose of accepting the surrender of the Japanese troops and disarming them. He stated that he did not raise the question of the withdrawal of British troops from Indonesia, but considered it inadmissible that the British troops were used for the suppression of the national movement of the Indonesian people and that Japanese forces were used for participating in those operations against the Indonesian people.

The representative of the Ukrainian S.S.R. asked the Council to take the necessary measures to put an end to the existing situation. The most appropriate settlement would be the creation by the Council of a special commission for the investigation of the situation on the spot and the establishment of peace.

In his statement before the Council, the representative of the United Kingdom stated that since the representative of the Ukrainian S.S.R. had said he did not ask for the withdrawal of British troops from Indonesia, he supposed their presence there was not a danger to peace and security. The question was, therefore, whether there should be a commission.

The point as to who was the sovereign authority in Indonesia should also be made clear. It was the definite decision of the Allies to restore the territory taken by the enemy to the sovereign authority.

At the time of the Japanese surrender the British had been planning to launch a large

attack on the Japanese in Malaya and other places. After the surrender of Japan, Britain was given the task by the Allied Supreme Command of rounding up Japanese troops in Indonesia and rescuing more than 200,000 internees who had been placed in confinement by the Japanese.

General Christianson had a conference with Mr. Soekarno explaining Britain's purpose in Indonesia. General Mallaby had brought the leaders of the nationalist movement together and arranged a truce, but he had been assassinated. To forestall wholesale assassination throughout the country Admiral Mountbatten had made the Japanese responsible for seeing that this did not occur.

The representative of the United Kingdom denied that British troops had attacked local inhabitants but said that they had been compelled to defend themselves against attack and obliged to take security measures to enable them to carry out tasks assigned to them.

The representative of the United Kingdom said that, if the United Nations wished to help, it could do so, not by sending a commission there, but by trying to bring about a settlement. However, Britain was only carrying out the orders of the Allied Supreme Command and the question of sending commissions should be dealt with by the sovereign Power—the Netherlands.

The representative of the Netherlands stated that the task of the British was to accept the surrender of the Japanese and disarm them. In addition, part of their task was to rescue prisoners of war and some 200,000 Europeans. Regarding the behavior of the British troops, he wanted to bear testimony to the extreme restraint and forbearance of the British troops in Java and other areas in the Netherlands Indies. It was not the aim of the British troops to wage military actions against the local population, but the horrible deeds which had occurred in Indonesia justified the continued presence of the Allied troops.

Looking at this matter from the point of view of the Charter, the Netherlands representative observed, first that there was no "dispute"; second, there was no "situation" threatening to endanger international peace and security; third, there was no international friction which might lead to infringement of the peace; fourth, there was no infringement of Article 1, because apart from

Article 1, Paragraphs 2 and 3, there was also Chapter XI in the Charter. Fifth, there was, therefore, no case for the Security Council to deal with.

So far as sending a commission was concerned he would make no difficulty if the parties to the discussion both wanted a commission to be sent in order to inquire into the point they were discussing. But since the representative of the United Kingdom appeared to be against that, he need not go into this point any further.

The representative of the Ukrainian S.S.R., in reply, pointed out that three points seemed to be incontestable: (1) that British troops had been used in Java for some months past against the Indonesian population; (2) that in the course of these military operations, Japanese troops were used against the Indonesian population; (3) that none of the facts which he adduced were contested either by the representative of the United Kingdom or by the representative of the Netherlands. The representative of the Ukrainian S.S.R. then formulated his proposals under four heads:

(1) That the use of British troops against the Indonesian population was not just and not right.

(2) That it was inadmissible that Japanese troops were used against the Indonesian population.

(3) That the Indonesian population should be granted privileges and rights established in the Charter.

(4) That a commission be sent on behalf of the Security Council to Indonesia to deal with the abnormal situation existing there.

The representative of the United Kingdom stated that the sovereignty of the Netherlands was not questioned in all the statements heard. After pointing out the provision of Paragraph 7 of Article 2 of the Charter he declared that, when internal trouble arose, he could not agree that a commission should be sent to investigate and deal with the problems arising within the territory of a sovereign power.

The representative of the Netherlands reminded the Council of the fact that according to the Charter the internal matters of any given State were not for the United Nations to deal with.

The representative of the U.S.S.R. supported the statement of the Ukrainian delegation. He considered it necessary to point

this out loudly and clearly and to say that the events which were taking place in Indonesia contained a threat to peace and to security and that it was the duty of an international organization to prevent this danger and put an end to the tragedy. He insisted that a commission be sent which would objectively study the situation and outline the measures which it was imperative to take.

#### 6. Discussion on the Appointment of a Commission of Inquiry

At the sixteenth meeting on February 11, 1946, the representative of the Ukrainian S.S.R. appealed to the members of the Council to adopt the following resolution:

After hearing the statement made by the delegation of the Ukrainian S.S.R. on the situation which in Indonesia threatens international peace and security, a situation in which British troops are being used in military action against the National Movement of Liberation, and in which enemy Japanese troops are also being used for the same purpose;

After hearing the statements made by the Foreign Minister of the United Kingdom, Mr. Bevin, and of the Netherlands, Mr. Van Kleffens;

After exchanging views on the question raised, THE SECURITY COUNCIL DECIDES:

to set up a commission consisting of representatives of the United States, the Soviet Union, China, the United Kingdom and the Netherlands which should carry out an inquiry on the spot, establish peace in Indonesia, and report to the Security Council on the result of their work.

The President questioned whether the representative of the Ukrainian S.S.R. had the right of proposition in the Security Council. He stated that Articles 31 and 32 of the Charter gave to States which were not members of the Security Council the right to participate without a vote in the discussion of the Council.

The representatives of China, Egypt and France observed that under Article 35 the representative of the Ukrainian S.S.R. was entitled to full participation in the discussion, and that he should be accorded freedom to make suggestions or proposals. The representative of the Netherlands moved that the representative of the Ukrainian S.S.R. should be given an opportunity to make a proposal.

The representative of the U.S.S.R. thought that neither Article 31, nor Article 35, nor yet Article 32 provided a solution. Article 35 did not say how the Security Council was to provide a solution to the matter brought to its notice. As to Article 31, the right to participate in the discussion was allowed, but the limits of discussion were not determined. It was also made clear that only when the interests of the Member were especially affected did it apply. He thought that the interests of the Ukrainian S.S.R. were not especially affected. Article 32 referred to "disputes"; the Council was faced with a "situation" which required study and treatment. Thus none of these three Articles applied. He thought the members of the Council must not limit themselves to the text of the Charter but apply logic and common sense. It was inconceivable that they could give the representative of the Ukrainian S.S.R. the right to participate in the discussion and draw their attention to a situation but withhold from him the right to propose a solution for the situation.

There was no objection to the right of proposition of the representative of the Ukrainian S.S.R.

The representatives of the U.S.S.R., Mexico and Poland were in favor of sending a commission to Indonesia. The representative of the United Kingdom declared that he would refuse to be a party to the commission, and the representative of the Netherlands reiterated his position that he would not stand in the way of having a commission in regard to the question only of the conduct of British troops in Indonesia, but refused to accept a commission which would busy itself with matters within domestic jurisdiction.

#### c. Decision of the Council

The Ukrainian proposal was put to a vote at the eighteenth meeting on February 13, 1946, and was lost.

Before the Ukrainian S.S.R. proposal was put to a vote, the representative of Egypt had made the following proposal:

After hearing the declarations of the representatives for the Ukraine, the United Kingdom, the Netherlands and the Soviet Union,

#### THE SECURITY COUNCIL

Regarding the presence of British troops in Indonesia;

DECLARES that it is clearly understood that British troops shall not be used in any circumstances against the national Indonesian movement, and that they will be withdrawn from Indonesia as soon as the strictly limited purposes which have brought about their presence, that is:

1. the surrender of Japanese troops,
2. the liberation of Allied prisoners of war and Allied nationals who are still interned have been accomplished.

Regarding the situation created by the Indonesian national movement;

While hoping that the negotiations which have started between the Netherlands Government and the chiefs of the Indonesian movement will rapidly be concluded by a happy solution inspired by the aims and principles of the Charter and principally by the right of self-determination of peoples,

THE COUNCIL expresses its will to be informed in a very short time of the results of these negotiations.

THE COUNCIL also reserves its right to take such further action as it thinks proper.

The representative of the U.S.S.R. proposed an amendment to the resolution proposed by the representative of Egypt as follows:

With a view to clarifying the situation in Indonesia and the re-establishment of peace, a commission should be dispatched to Indonesia consisting of the representatives of China, the Netherlands, the United Kingdom, the United States and the Soviet Union.

This amendment obtained three votes and was not carried.

The Egyptian resolution also did not obtain the required number of votes.

The President then declared that the matter was closed.

#### 4. THE SYRIAN AND LEBANESE QUESTION

##### a. Syrian and Lebanese Communication dated February 4, 1946

By letter dated February 4, 1946, addressed to the Secretary-General, the heads of the Lebanese and Syrian delegations to the United Nations, in accordance with Article 34 of the Charter, brought to the attention of the Security Council the presence of French and British troops in Syria and Lebanon. The letter stated that the Governments of Syria and Lebanon had expected that these foreign troops would be withdrawn immediately on the cessation of hostilities with Germany and Japan, but that a Franco-British Agreement of December 13, 1945, made the withdrawal of

troops subject to conditions which were inconsistent with the spirit and letter of the Charter.

The communication was considered at the 19th, 20th, 21st, 22nd and 23rd meetings, held on February 14, 15 and 16, 1946.

##### b. Discussion of Procedural Questions

At the 19th meeting the President suggested that it was unnecessary at that time to decide whether Article 32 applied. Syria and Lebanon were manifestly States whose interests were specially affected by the discussion of the question before the Security Council. He proposed that the Council should invite Syria and the Lebanon to participate, without vote, under Article 31. He further proposed that the representatives of Syria and Lebanon should have the right of proposition. The President's proposal was adopted without objection.

The representative of Egypt suggested that an immediate decision be taken on the type of vote required to determine whether a dispute or a situation existed; and he moved that this decision be considered a procedural matter. The representatives of Australia, Brazil, Mexico, the Netherlands and the United Kingdom preferred to proceed first with the oral statements of the parties concerned, and the representative of China suggested that the motion of the representative of Egypt be referred to the Committee of Experts for study and report. The representative of the U.S.S.R. felt that the Council should take an immediate decision on the point. The representative of the Netherlands moved that "no vote shall be taken at this stage in the proceedings of the Council upon the proposal that has been made by the delegate for Egypt," and this motion was carried with 8 votes.

The representative of Egypt argued that if one permanent member of the Security Council was enabled to decide whether a case constituted a dispute or a situation, that is, whether a procedural or a substantive issue were involved, then Article 27 (3) would be virtually inoperative. It would mean that a permanent member could exercise the right of veto on every question that came before the Council, which was contrary to the letter and spirit of the Charter.

The representative of the U.S.S.R. submitted that procedural questions were questions of the order in which, or the methods by

which, the business of an organ was conducted. He referred to a decision made in San Francisco on June 7, 1945, in the discussion of a report of the Third Committee. He considered that this decision was authority for the principle that the question whether a case constituted a dispute or a situation was a question of substance and not of procedure; so that any decision on such a question would have to be taken under Article 27 (3).

The representative of the Netherlands stated that the mere fact that a Member State contended that a dispute existed did not bind the Council to the conclusion that a dispute existed in the technical sense of the term.

The representative of the U.S.S.R. agreed that, regardless of the terminology used by any party, it was for the Council, in every case, to determine the question. He considered that a dispute existed whenever one party made claims or accusations which were denied by the other party.

The representatives of the United Kingdom and France stated that they would refrain from voting during consideration of the present question.

The Council took no formal decision on the procedural issues raised.

#### c. Discussion of Substantive Questions

The representatives of Syria and Lebanon were invited to participate, without vote, in the discussion of the question which they had brought before the Security Council. They argued that the presence of foreign troops on the territory of a sovereign State against its will constituted a dispute and threatened the maintenance of international peace and security; that the Franco-British Agreement of December 13, 1945, was a violation of the sovereignty of States Members of the United Nations, contrary to the terms of Article 2 of the Charter; that the presence of the troops could not be justified on any pretence of conducting military operations or of protecting lines of communication, or on the grounds that their territory was a menaced area; and that international security was clearly organized by the Charter and was not a function of any one great power. The representatives stated that Syria and Lebanon had made constant unsuccessful representations to the Governments concerned, asking for the withdrawal of troops, and felt that the dispute had reached

the stage where it should be brought before the Council.

In reply, the representative of France pointed out that the state of war had not ended, and as a result troops of many nationalities were stationed on the territory of every belligerent country; that the independence proclaimed in 1941 by the Government of General de Gaulle had become a reality in spite of the difficulties of the time; that the existing situation in Syria and Lebanon could not in good faith be regarded as likely to menace the maintenance of international peace and security under Article 34 of the Charter and could be settled by negotiations or other appropriate means under Article 33; that France, in full agreement with the United Kingdom, had given evidence of its good will in taking the initiative for the conclusion of an agreement relating to the evacuation of Syria and Lebanon and was disposed to proceed by submitting the matter to the Council with a view to making the international arrangements necessary for the maintenance of security in that part of the world. He made it clear that in the absence of a decision by the Security Council the French Government did not interpret the Agreement of December 13, 1945, as implying the maintenance of troops in the Levant indefinitely, and that he was prepared to negotiate with the Syrian and Lebanese Governments as to the methods by which the French troops should be evacuated.

In replying to the statements of the Syrian and Lebanese representatives, the representative of the United Kingdom stated that his Government was in sympathy with the Syrian and Lebanese Governments in their desire to see British troops withdrawn from their two countries. He said that British troops were in the two Levant States as a heritage of the needs of war; that at the invitation of the Syrian authorities British troops had intervened to restore order in a dispute between French troops and the Syrian population in May 1945; that in view of the possibility of further disorders, the local governments had asked for an assurance that British troops would not withdraw from the Levant so long as other foreign troops remained; that his delegation associated itself wholeheartedly with the declaration by the representative of France to the effect that the Agreement of December 13, 1945, implied no intention on their part to maintain effectives

in the Levant without limitation of time and in the absence of a discussion by the Security Council.

d. Resolutions Presented to the Council

The representative of the Netherlands proposed the following resolution:

The Council should take note of the statements made by the four parties; express our confidence that as a result of negotiations or otherwise the foreign troops in Syria and the Lebanon will be withdrawn at no distant date; request the parties to inform the Council when this has been done, in order that the Council may at any time revert to it, and pass on to the next item of the agenda.

This resolution was modified by a subsequent resolution submitted by the representative of the United States, and was later withdrawn by the representative of the Netherlands.

The representative of Mexico proposed the following resolution:

THE SECURITY COUNCIL SHOULD DECIDE:

1. That the claim of the Syrian and Lebanese Governments to the effect that the British and French troops should be withdrawn simultaneously and at the earliest possible date is justified.

2. That the date for the evacuation of such troops should be fixed by negotiations between the parties in this case, it being understood that such negotiations will be concerned exclusively with the military technical arrangements necessary for the adequate evacuation of such troops,

3. To request the parties to inform the Council when these arrangements have been made.

The Mexican representative subsequently amended his resolution by deleting the word "exclusively" in the second paragraph. Four representatives voted in favor of the resolution, which was declared lost.

The representative of Egypt proposed the following resolution:

After hearing the statements by the delegates for the Lebanon, Syria, France and the United Kingdom, and after having exchanged views on the case which is submitted to them . . .

THE SECURITY COUNCIL, considering that the presence of British and French troops on Lebanese and Syrian territory is incompatible with the principle of the sovereign equality of all Members laid down in the Charter;

Believing that this principle, the intangibility of which is fully recognized by all the

parties concerned, should receive its full application by the immediate and simultaneous withdrawal by all British and French troops still in the territories referred to;

RECOMMENDS the British and French Governments on the one hand, and the Lebanese and Syrian Governments on the other hand, to enter into negotiations as soon as possible with a view to establishing exclusively the technical details of the said withdrawal, including the fixing of the date of its completion, and REQUESTS them to keep the Council informed of the result of these negotiations.

The last paragraph was later amended by its author by changing the word "recommends" to read "recommend"; and by deleting the word "exclusively."

Four representatives voted in favor of this resolution, which also was declared lost.

The representative of the United States proposed the following resolution:

THE SECURITY COUNCIL TAKES NOTE of the statements made by the four parties and by the other members of the Council;

EXPRESSES its confidence that foreign troops in Syria and Lebanon will be withdrawn as soon as practicable; and that negotiations to that end will be undertaken by the parties without delay;

AND REQUESTS the parties to inform it of the results of the negotiations.

The representatives of Syria and Lebanon suggested that the second and third paragraphs be amended to read:

EXPRESSES its confidence that the foreign troops in Syria and Lebanon will be withdrawn as soon as practicable and that technical negotiations exclusively to that end will be undertaken by the parties without delay;

AND REQUESTS the parties to inform it of the results of the negotiations as well as the final date of withdrawal.

The representative of the United Kingdom however, stated that he could not agree to this amendment, since it would prevent negotiations from taking place on other matters. The representatives of France and the United Kingdom accepted the addition by the representative of the United States of the words "independently of other issues" after "negotiations" in the second paragraph of the resolution.

The representative of the U.S.S.R. proposed the following amendments to the resolution of the representative of the United States:

1. The first amendment would be, instead of the words in the second paragraph "expresses its confidence that the foreign troops in Syria and Lebanon will be withdrawn," to say "recommends to the Governments of Great Britain and France to withdraw their troops from the territories of Syria and Lebanon." (The latter was further changed to read, "takes note of the statements made by the French and British Governments of their intention to withdraw their troops from Syria and Lebanon" as suggested by the representative of Egypt.)

2. The second amendment would be to say "immediately," in place of the words "as soon as possible."

3. The third amendment would be to insert the word "technical" before the word "negotiations."

These amendments were declared lost after having received the following affirmative votes: 1st amendment, 3; 2nd amendment, 2; 3rd amendment, 5.

#### e. Decision of the Council

Seven representatives voted in favor of the resolution of the representative of the United States, but it was not carried since the representative of the U.S.S.R., a permanent member, voted against it. In accordance with their previous statements, the representatives of France and the United Kingdom abstained from voting.

The representatives of France and the United Kingdom stated that although the United States resolution had not been legally adopted, their Governments would give effect to the majority decision of the Council. The Council then passed on to the next item on the agenda and was no longer seized of the Syrian and Lebanese question.

#### f. Further Communications to the Council on the Syrian and Lebanese Question

By letter dated April 30, 1946, addressed to the President of the Council, the representative of France reported that as regards Syria, the French and British Governments had jointly made the arrangements necessary for the full evacuation of Syrian territory by April 30, 1946. After negotiations between British and French experts and between the French and Lebanese Ministers for Foreign Affairs, and in view of the promise by the Lebanese Government to give certain assistance in matters of transport, etc., the French Government had stated that the withdrawal of French troops as a whole could be com-

pleted by August 31, 1946. A small group remaining for the control and transport of materials would be evacuated not later than December 31, 1946. The French Government stressed its desire to ensure the withdrawal of the bulk of its fighting forces before June 30, 1946. In conclusion, the letter referred to the exchange of letters between the French and Lebanese Ministers for Foreign Affairs on March 23, 1946, noting the happy outcome of the negotiations recommended in the above proposal of the representative of the United States.

By a letter dated May 1, 1946, addressed to the President of the Council, the representative of the United Kingdom reported that, pursuant to the above proposal of the representative of the United States, the following agreements had been reached between the British and French Governments:

(1) All British troops to be withdrawn from Syria by April 30, 1946.

(2) The first thousand British troops to be withdrawn from Lebanon with a similar number of French troops by March 31, 1946.

(3) The remainder of British troops, except for a small liquidation party, to be withdrawn from Lebanon by June 30, 1946.

This plan had been communicated to the Syrian and Lebanese Governments, which had suggested no modifications.

As regards item (1) above, British troops had actually been withdrawn from Syria by April 15, 1946. The movement required under item (2) above had been carried out by the date mentioned.

By telegram dated May 19, 1946, addressed to the President of the Council, the Syrian Prime Minister and Minister for Foreign Affairs stated that the evacuation of foreign troops from Syrian territory had been completed during the first two weeks of April, 1946.

By a letter dated May 9, 1946, addressed to the Secretary-General, the Lebanese Minister for Foreign Affairs stated that his negotiations with the French Foreign Minister concerning the evacuation of French troops from Lebanon had resulted in an agreement established by an exchange of letters dated March 23, 1946. He enclosed copies of these letters, which contained the full text of the agreement summarized in the above letter

from the representative of France to the President of the Security Council dated April 30, 1946. In conclusion, the Lebanese Minister for Foreign Affairs stated his Government's satisfaction with the outcome of the negotiations.

## 5. THE SPANISH QUESTION

- a. Polish Communications dated April 8 and 9, 1946.

By letters dated April 8 and 9, 1946, addressed to the Secretary-General, the representative of Poland, under Articles 34 and 35 of the Charter, requested the Security Council to place on its agenda the situation arising from the existence and activities of the Franco regime in Spain, for consideration and for adoption of such measures as were provided for in the Charter.

The matter was considered at the 34th, 35th, 37th, 38th, 39th, 44th, 45th, 46th, 47th, 48th and 49th meetings of the Council.

The Polish representative pointed out that the Franco regime could not be regarded as an internal affair of Spain, but was of concern to all of the United Nations for the following reasons:

- (1) The Franco regime had been put into power with the support of Fascist Italy and Nazi Germany;
- (2) The Franco regime was an active partner of the Axis in the war against the United Nations;
- (3) The Franco regime had caused a state of international friction by compelling France to close her border to Spain and by massing troops on the borders of France;
- (4) The Franco regime had allowed Spain to become a refuge for German assets, for German personnel and for German scientists engaged in pursuits dangerous for the peace of mankind. The France government gave refuge and encouragement to a large number of war criminals, nazi leaders and agents who were using Spain as a base of operation for their activities and for their plans of reconquest.

The Polish representative stated that the situation, due to the existence and activities of the fascist Franco regime in Spain, was of the nature referred to in Article 34 of the Charter. Therefore, it was the duty of the organization to take the appropriate steps

necessary to compel compliance with the principles and purposes of the United Nations according to paragraph 6 of Article 2 of the Charter.

The representative of Poland then moved the following resolution:

THE SECURITY COUNCIL DECLARES that the existence and activities of the Franco regime in Spain have led to international friction and endangered international peace and security.

In accordance with the authority vested in it, under Articles 39 and 41 of the Charter, THE SECURITY COUNCIL CALLS upon all Members of the United Nations who maintain diplomatic relations with the Franco Government to sever such relations immediately.

THE SECURITY COUNCIL EXPRESSES its deep sympathy to the Spanish people. It hopes and expects that the people of Spain will regain the freedom of which they have been deprived with the aid and connivance of Fascist Italy and Nazi Germany. The Security Council is convinced that the day will come soon when it will be able to welcome the Spanish nation into the community of the United Nations.

The representative of France defined his Government's position concerning the Spanish problem as set forth in the different notes addressed to the Washington, London and Moscow Governments, namely, that the continuance of the existing situation in Spain constituted a danger for international peace and security. He said that the French Government in taking these steps had had two aims: firstly, to persuade the United Nations to take a stand on a problem which was of primary importance to the international community, and secondly, to ensure that such action as might be taken should be as prompt and effective as possible. He accordingly hoped that the Polish proposal would receive the unanimous approval of the members of the Council.

The representative of Mexico stated that Mexico neither maintained nor had ever maintained any relations whatsoever with the Franco regime, which Mexico had always regarded as the creature of an armed intervention by foreign Powers. He said he was prepared to vote in favor of the motion presented by the representative of Poland.

The representative of the U.S.S.R. stressed the following points: (1) the Franco regime was the result of outside intervention on the



part of the Axis Powers which imposed Franco's fascist regime on the Spanish people; (2) during the Second World War Franco was the faithful ally of Hitler and Mussolini; (3) the Franco regime in Spain was a nest of fascism fraught with dangerous complications for the cause of peace.

The representative of the Netherlands, however, considered that there were not sufficient grounds for the Council to take any measures and that the matter was essentially within Spain's domestic jurisdiction.

The representative of the United States stressed the two objectives of his Government—namely, the elimination of the Franco regime and the restoration of a democratic regime without a resumption of a civil war.

At the 35th meeting of the Security Council on April 18, 1946, the representative of the United Kingdom maintained that before the Council embarked on collective action it must be sure that it would not interfere with matters which were essentially within domestic jurisdiction. In his opinion, the case so far made against the Spanish Government had not been established as such a threat to peace or act of aggression as to justify a collective severance of diplomatic relations.

The representative of China considered that until the Council was convinced beyond doubt that the relevant facts did constitute a threat to peace it should not resort to any immediate collective action.

The representative of Brazil supported the view that the matter was a national affair which belonged essentially within the national competence of the State.

#### 6. Appointment of a Sub-Committee

The Australian representative proposed a resolution as an amendment to the Polish resolution which, as revised by the Australian representative himself and submitted at the 37th meeting of the Security Council on April 25, 1946, read as follows:

The attention of the Security Council having been drawn to the situation in Spain by a Member of the United Nations acting in accordance with Article 35 of the Charter, and the Security Council having been asked to declare that this situation has led to international friction and endangers international peace and security,

THE SECURITY COUNCIL HEREBY RESOLVES:

To make further studies in order to determine whether such a situation does exist.

To this end, the Security Council appoints a sub-committee of five of its members and instructs this sub-committee to examine the statements made before the Security Council concerning Spain, to call for further statements, documents and evidence and to conduct such inquiries as it may deem necessary in order that the sub-committee may report to the Security Council on 31 May 1946 on the results of such studies and especially the facts bearing on the following questions:

(1) Is the existence of the Franco regime a matter of international concern and not one essentially within the jurisdiction of Spain?

(2) Is the situation in Spain one which might lead to international friction or give rise to a dispute?

(3) If the answer to question (2) is "Yes," is the continuance of the situation likely to endanger the maintenance of international peace and security?

The representative of France submitted three amendments to the text proposed by the Australian representative, the aims of which were:

(1) to place on record the unanimity of the members of the Council in condemning the Franco regime, in saluting the Spanish people, and in expressing the hope that they would soon be welcomed among the United Nations.

(2) to omit the three questions at the end of the Australian resolution.

(3) to ask that the proposed working committee should submit proposals on the practical measures which might be taken by the Council in regard to the present situation in Spain.

At the 39th meeting the Australian resolution was read as revised. The amended text was as follows:

The attention of the Security Council has been drawn to the situation in Spain by a Member of the United Nations acting in accordance with Article 35 of the Charter, and the Security Council has been asked to declare that this situation has led to international friction and endangers international peace and security.

THEREFORE, THE SECURITY COUNCIL, keeping in mind the unanimous moral condemnation of the Franco regime in the Security Council and the resolutions concerning Spain which were adopted at the United Nations Conference on International Organization at San Francisco and at the first General Assembly of the United Nations and the views

expressed by members of the Security Council regarding the Franco regime, HEREBY RESOLVES:

To make further studies in order to determine whether the situation in Spain has led to international friction and does endanger international peace and security, and if it so finds, then to determine what practical measures the United Nations may take.

To this end, THE SECURITY COUNCIL APPOINTS a sub-committee of five of its members and instructs this sub-committee to examine the statements made before the Security Council concerning Spain, to receive further statements and documents, and to conduct such inquiries as it may deem necessary and to report to the Security Council before the end of May.

The resolution was adopted by 10 votes, the representative of the U.S.S.R. abstaining.

Before the vote was taken, the representative of the U.S.S.R. observed that the Australian proposal was made in spite of the fact that the discussion in the Security Council had fully confirmed that the existing Fascist regime in Spain constituted a serious threat to the maintenance of international peace and security. The adoption of the Australian draft resolution would mean that the Security Council, instead of taking effective measures, would take the path of delays and inaction in regard to Fascism in Spain. In view of this fact, the representative of the U.S.S.R. continued in his strongly negative attitude toward the draft resolution proposed by the representative of Australia.

Bearing in mind, however, that some members were still dissatisfied with the information at the disposal of the Council and that his voting against the Australian draft resolution would make its adoption impossible, the representative of the U.S.S.R. said he would abstain from voting. He declared that his abstention from voting on this matter, however, might in no way be regarded as a precedent capable of influencing in any way the question of the abstention of permanent members of the Security Council.

The representative of Poland said that he did not withdraw his earlier resolution demanding the collective breaking of diplomatic relations with Spain. He understood that his earlier resolution would again be considered after the sub-committee had presented its report.

#### c. The Sub-Committee

It was agreed that the Sub-Committee should be formed of the representatives of Australia (Chairman), Brazil, China, France and Poland.

The Sub-Committee held nineteen meetings and completed its report on May 31, 1946. The report was unanimously adopted by the five members of the Sub-Committee, subject to two reservations.

At the 44th meeting of the Security Council on June 6, 1946, the Chairman of the Sub-Committee submitted the Sub-Committee's report to the Council and a supplementary memorandum containing its factual findings concerning the Spanish situation.

The Sub-Committee's examination of the facts of the case had been based mainly upon documents received from Members of the United Nations in response to a request to supply all relevant information and also in response to inquiries on specific questions. A public announcement was made that the Sub-Committee would welcome information from any source.

The Sub-Committee came to the conclusion that in origin, nature, structure and general conduct, the Franco regime was a fascist regime patterned on and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy.

In the opinion of the Sub-Committee the Security Council could not, on the present evidence, make the determination required by Article 39. No breach of the peace had yet occurred. No act of aggression had been proved. No threat to the peace had been established. Therefore, none of the series of enforcement measures set out in Articles 41 and 42 could at the present time be directed by the Security Council.

The Sub-Committee found, however, that the present situation in Spain, although not an existing threat within the meaning of Article 39, was a situation the continuance of which was, in fact, likely to endanger the maintenance of international peace and security. The situation in Spain thus was to be dealt with by the Secretary Council under Chapter VI of the Charter, which covered measures of peaceful settlement and adjustment.

The Sub-Committee declared that the Security Council was empowered under Article 36

to recommend appropriate procedures or methods of adjustment of such a situation.

The Sub-Committee added that while the Security Council exercised a primary duty in regard to the maintenance of international peace and security, the General Assembly was also vested by the Charter with the power to deal with such situations.

The conclusions of the Sub-Committee were as follows:

(a) Although the activities of the Franco regime do not at present constitute an existing threat to the peace within the meaning of Article 39 of the Charter and therefore the Security Council has no jurisdiction to direct or authorize enforcement measures under Article 40 or 42, nevertheless, such activities do constitute a situation which is a potential menace to international peace and security and which therefore is a situation "likely to endanger the maintenance of international peace and security" within the meaning of Article 34 of the Charter.

(b) The Security Council is therefore empowered by Article 36 (1) to recommend appropriate procedures or methods of adjustment in order to improve the situation mentioned in (a) above.

The Sub-Committee also recommended:

(a) The endorsement by the Security Council of the principles contained in the declaration by the Governments of the United Kingdom, the United States and France, dated 4 March 1946.

(b) The transmitting by the Security Council to the General Assembly of the evidence and reports of this sub-committee, together with the recommendation that unless the Franco regime is withdrawn and other conditions of political freedom set out in the declaration are, in the opinion of the General Assembly, fully satisfied, a resolution be passed by the General Assembly recommending that diplomatic relations with the Franco regime be terminated by each Member of the United Nations.

(c) The taking of appropriate steps by the Secretary-General to communicate these recommendations to all Members of the United Nations and all others concerned.

#### d. Amended Recommendations

At the 45th meeting of the Security Council on June 13, 1946, the representative of the United States suggested a modification of the second recommendation of the Sub-Committee. The five representatives on the Sub-Committee agreed with the change in the text and the Chairman of the Sub-Committee then formally moved the adoption of the following resolution:

IT IS HEREBY RESOLVED that the Security Council adopt the three recommendations of the sub-committee set out above, subject to the addition to the recommendation (b) after the words "each Member of the United Nations" of the following words "or alternatively such other action be taken as the General Assembly deems appropriate and effective under the circumstances prevailing at the time."

At the 46th meeting of the Council on June 17, 1946, the representative of the United Kingdom put forward the following view:

(1) His Government had grave doubts as to the juridical rights of the Security Council to take corporate action to bear on Spain unless there was a clear threat to the maintenance of international peace and security.

(2) The Sub-Committee was of the opinion that the Security Council could not, under present evidence, make the determination required by Chapter VII, but declared that the "situation in Spain was likely to endanger the maintenance of international peace and security." The finding was under Chapter VI. The representative of the United Kingdom had grave doubts as to whether this was correct and whether that chapter was, in fact, suitable for dealing with a case of this kind.

(3) Having invoked Chapter VI, however, the Sub-Committee recommended that the Member Governments of the United Nations should break diplomatic relations with the Government of Spain. This was one of the so-called sanctions provided for in Chapter VII of the Charter. It was for that reason that his Government had very grave doubts as to the juridical validity of the reasoning of the Sub-Committee and the recommendations based on that reasoning.

The representative of the United Kingdom then proposed an amendment which read as follows:

IT IS HEREBY RESOLVED that the Security Council adopt the three recommendations of the Sub-Committee set out above, subject to the deletion of paragraph (b) after the words "reports of this sub-committee," and the addition of the words "together with the minutes of the discussion of the case by the Security Council."

The representative of the Netherlands said that he was not in favor of the recommendation by the Sub-Committee because it was the

Council which had primary responsibility to take action. Appreciating the importance of an agreed decision, he would not oppose the draft resolution, but would reserve perfect freedom for his Government if and when the matter came up before the General Assembly.

At the 47th meeting of the Council, on June 18, 1946, the representative of the U.S.S.R. said that he found the conclusions of the Sub-Committee incorrect for the following reasons:

(1) The Sub-Committee came to the conclusion that the situation in Spain constituted merely a potential threat to peace. Introducing the idea of a potential threat to peace, the Sub-Committee renounced the precise sense of Article 39 of the Charter. The outcome would be that a real threat to peace would exist only if Fascist Spain took practical action of a warlike nature, but this would be not merely a threat to peace, it would already be an act of aggression.

(2) For the Security Council not to take a decision regarding the severance of diplomatic relations with Franco, but to recommend instead the taking of such action by the General Assembly, would have two drawbacks:

(a) Such action would be of a contradictory nature. On the one hand, the Sub-Committee considered that the Security Council had no right to take a decision regarding the severance of diplomatic relations with Franco; on the other hand, it considered it necessary that severance should be effected by the General Assembly.

(b) The Sub-Committee seemed to have confused the functions of the Security Council and the General Assembly. The Security Council had many responsibilities for the maintenance of peace and was the organ which should take the decision concerning this question.

After the representative of Australia had made a final appeal to adopt the recommendations of the Sub-Committee, votes were taken, first on the British amendment and then on the Sub-Committee's recommendations. The British amendment received 2 affirmative votes (the United Kingdom and the Netherlands), 6 negative (Australia, Brazil, China, France, Poland and the U.S.S.R.) and there were 3 abstentions (the United States, Egypt and Mexico).

The President then put the three recommendations of the Sub-Committee to a vote. The first recommendation received 10 affirmative votes and 1 negative (U.S.S.R.). The second and third recommendations received 9 affirmative votes and 1 negative (U.S.S.R.), with one abstention (the Netherlands).

In explaining why he had voted for the recommendations the representative of the United Kingdom stated that because of the overwhelming majority of the Council in favor of the resolution proposed by the Chairman of the Sub-Committee, his Government would not wish, by his single veto, to go against the will of the majority. He added that his Government reserved the right to raise the whole juridical issue at the forthcoming meeting of the General Assembly.

The whole recommendation of the Sub-Committee was then put to a vote; 9 votes were cast in favor of its adoption, with 1 against and 1 abstention.

The President declared that the three recommendations of the Sub-Committee were not carried, as there was the opposing vote of one permanent member.

e. Resolutions of the Representative of Poland

At the 48th meeting on June 24, 1946, the representative of Poland called the attention of the Council to his resolution of April 29. He stated that the original resolution still stood before the Council. Since the Council failed to agree upon the particular steps to be taken, he asked the Council on behalf of his Government to reconsider the steps proposed originally by him before the Council.

After discussion the Polish resolution was put to a vote. It was defeated by 7 negative votes to 4 affirmative votes.

The representative of Poland then urged the Council not to drop its interest in the case of the Fascist government of Spain. He therefore submitted the draft of a new resolution in order to take the matter up again whenever conditions warranted it. The text read as follows:

THE SECURITY COUNCIL TAKES NOTICE of the report of the sub-committee on the Spanish question appointed on 29 April 1946. The investigation of the sub-committee confirms fully the facts which have led to the condemnation of the Franco regime by the Conferences in San Francisco and Potsdam, by the General Assembly in London, and by the Security Council in its resolution of 29 April 1946. The investigation also establishes beyond any

doubt that Franco's Fascist regime is a serious danger to the maintenance of international peace and security.

THE SECURITY COUNCIL, THEREFORE, DECIDES to keep the situation in Spain under continuous observation and keep the question on the list of matters of which it is seized, in order to be able to take such measures as may be necessary in the interests of peace and security,

The Security Council will take up the matter again not later than 1 September, 1946, in order to determine what appropriate practical measures provided by the Charter should be taken. Any member of the Security Council has a right to bring the matter up before the Security Council at any time before the mentioned date.

After this resolution had been discussed, the representative of Poland suggested that a drafting committee be appointed to prepare a text which would be agreeable to the Council. This was agreed upon, and the President appointed the representatives of Australia, Poland and the United Kingdom as members of the Committee.

At the 49th meeting on June 26, 1946, the Committee reported that it had not been possible for the three members of the Committee to reach an agreement. The following text was submitted to the Council by two members of the Committee, namely Australia and the United Kingdom:

WHEREAS the Security Council on 29 April 1946 appointed a sub-committee to investigate the situation in Spain,

AND WHEREAS the investigation of the sub-committee has fully confirmed the facts which led to the condemnation of the Franco regime by the Potsdam and San Francisco Conferences, the General Assembly at the first part of its first session and by the Security Council by resolution of the date above mentioned,

AND WHEREAS the sub-committee was of opinion that the situation in Spain is one the continuance of which is likely to endanger the maintenance of international peace and security,

IT IS HEREBY RESOLVED that without prejudice to the rights of the General Assembly under the Charter, the Security Council keeps the situation in Spain under continuous observation and maintains it upon the list of matters of which it is seized in order that it will be at all times ready to take such measures as may become necessary to maintain international peace and security. Any member of the Security Council may bring the matter up for consideration by the Council at any time.

After discussion the representative of the U.S.S.R. held that the Polish proposal should be voted upon first and the proposal of the representative of the United Kingdom and Australia should be voted on afterwards, as the latter was an independent proposal.

The President, however, considered the draft resolution of the Drafting Committee as an amendment to the original proposal presented by the representative of Poland. The President's ruling was agreed to by a majority vote, with the U.S.S.R. and Poland dissenting.

A vote was taken on the amendment with the following results: 9 affirmative and 2 negative (Poland and the U.S.S.R.).

The President announced that the amended resolution was carried. The representatives of the U.S.S.R. and France objected to the President's ruling, pointing out that part of the resolution was of a procedural character and part of it was a question of substance. The President maintained that the main question was that the item be kept on the agenda. It was a question of procedure.

The President's ruling that the above amendment was a procedural question was put to vote. The results were: 8 for the ruling, 2 against the ruling (France and the U.S.S.R.), 1 abstention (Poland). As two permanent members had voted against the President's ruling, the amended resolution was not carried.

Votes were then taken on the amendments proposed by the representative of the U.S.S.R. to the text submitted by the Drafting Committee. The final text adopted by the Council was as follows:

WHEREAS the Security Council on 29 April 1946 appointed a sub-committee to investigate the situation in Spain,

AND WHEREAS the investigation of the sub-committee has fully confirmed the facts which led to the condemnation of the Franco regime by the Potsdam and San Francisco Conferences, the General Assembly at the first part of its first session, and by the Security Council by resolution of the date above mentioned,

THE SECURITY COUNCIL DECIDES to keep the situation in Spain under continuous observation and maintain it upon the list of matters of which it is seized in order that it will be at all times ready to take such measures as may become necessary to maintain international peace and security. Any member of the Security Council may bring the matter up for consideration by the Council at any time.

f. The Australian Resolution

The representative of Australia then proposed the following resolution:

That in the opinion of the Security Council, the carrying of the resolution on the Spanish Question dated 26 June does not in any way prejudice the rights of the General Assembly under the Charter.

As the representative of the U.S.S.R., a permanent member, voted against it, the President ruled that the resolution was not carried.

The Council remained seized of the Spanish question.

g. Resolution of the Council

At the 78th meeting of the Security Council on October 30, 1946, the Polish representative stated that during discussions in the General Assembly at its fall session great interest was shown in the Spanish question. He pointed out that according to Article 12 of the Charter, however, the General Assembly was not free to make recommendations on a matter on which the Council was exercising its functions. In order that there should be no doubt that the General Assembly was free to make recommendations on the matter, he proposed that the Spanish question be taken off the list of matters of which the Council was seized.

The Polish representative said it was his understanding that the adoption of such a resolution would not affect in any way the rights and privileges of the Security Council.

The proposal made by the representative of Poland was placed on the agenda of the 79th meeting of the Council on November 4 and, after some discussion, the Council unanimously adopted the following resolution:

THE SECURITY COUNCIL RESOLVES that the situation in Spain is to be taken off the list of matters of which the Council is seized, and that all records and documents of the case be put at the disposal of the General Assembly.

THE SECURITY COUNCIL REQUESTS the Secretary-General to notify the General Assembly of this decision.

Referring to the observation of the Polish representative at the previous meeting as to the effect of the resolution upon the rights of the Security Council, the Chairman expressed the view that it would be open to any member, with good reason, to put the question back on the Security Council agenda.

6. THE GREEK QUESTION (UKRAINIAN COMPLAINT)

a. Ukrainian Communication dated August 24, 1946

By a telegram dated August 24, 1946, addressed to the Secretary-General, the Minister of Foreign Affairs of the Ukrainian S.S.R. stated:

(1) that as a result of the irresponsible policy of the present Greek Government a situation had arisen in the Balkans which represented a grave danger to peace and security in this part of Europe;

(2) that numerous border incidents were being provoked by Greek armed units with the connivance and encouragement of Greek authorities;

(3) that Greek armed troops penetrated into Albanian territory with the obvious object of provoking an armed conflict with Albania which would serve as a pretext for the wresting of the southern part of Albania in favor of Greece;

(4) that the situation was rendered still more tense by the repeated statements of representatives of the present Greek Government concerning the alleged state of war between Greece and Albania;

(6) that persecution by the Greek Government of national minorities in Macedonia, Thrace and Epirus threatened to convert the Balkan Peninsula into a centre of bitter conflicts; and

(6) that the principal factor conducive to the situation in the Balkans as created by this policy of the present Greek Government was the presence of British troops in Greece and the direct intervention of British military representatives in the internal affairs of Greece in behalf of aggressive monarchist elements, especially in the preparation of the referendum set for September 1, 1946.

Accordingly the Ukrainian representative, pursuant to Article 35, Paragraph 1, of the Charter, asked the Security Council to place the Greek situation on its agenda and to consider without delay what measures it should adopt in order to eliminate this threat to the peace.

The communication from the Ukrainian S.S.R. was placed on the provisional agenda for the 54th meeting of the Security Council on August 28, 1946. The representative of

the Netherlands questioned whether the Ukrainian complaint, which was, he said, a series of unsubstantiated accusations against two Members of the United Nations, could be admitted on the agenda in the form in which it had been presented. If the Security Council were allowed to become a sounding board of unsubstantiated grievances, its position would sink rapidly in the esteem of the world. The representative of the United Kingdom suggested that the representative of the Ukrainian S.S.R. be requested to recast his communication in a different and better form.

Meanwhile, by a telegram dated August 28, 1946, the Minister of Foreign Affairs of Greece requested that the Security Council grant an adjournment of ten days for the discussion of the Ukrainian statement of August 24, 1946. Previously, by a telegram of August 26, 1946, the permanent representative of Greece to the United Nations had informed the Security Council that in accordance with Article 31 of the Charter, Greece wished to participate in the Security Council's debate concerning the Ukrainian statement.

By a letter dated August 29, 1946, the Minister of Foreign Affairs of the Ukrainian S.S.R. informed the Security Council that he was available in New York to give additional information and necessary explanations on his Government's application.

#### 6. Discussion of Procedural Questions

At the 58th meeting on August 30, 1946, the President proposed that the Council invite the representatives of Greece and the Ukrainian S.S.R. to come to the Council table to answer any points upon which information was desired by the members of the Council.

The representative of the United Kingdom raised the question whether it was proper to invite the representatives of Greece and the Ukrainian S.S.R. to come to the Council table before it was decided whether to put the Ukrainian complaint on the agenda. The representative of the U.S.S.R. remarked that the representatives of the Netherlands and the United Kingdom had said that the Ukrainian charges required substantiation and that he could not understand the objection to inviting the Ukrainian representative to make supplementary statements.

A vote was then taken on the President's proposal. Australia, Brazil, Mexico, the Netherlands, Poland and the U.S.S.R. voted in the affirmative; France, the United Kingdom and

the United States voted in the negative; China and Egypt abstained.

The representative of the Netherlands contended that a question should not be taken up by the Council so long as some sufficient *prima facie* evidence had not been made out. The representative of Australia questioned whether the Ukrainian charges represented a dispute or a situation as defined in Articles 34 and 35 of the Charter. The representative of the United Kingdom said that not a single argument or fact had been adduced in support of the allegation that the situation in the Balkans was to be attributed to the presence of British troops in Greece. His Government, he stated, was perturbed by the procedure adopted in this case of using the Security Council for the purpose of obtaining wide dissemination of unsupported charges.

At the outset of the 59th meeting of the Security Council on September 3, 1946, the President of the Council read a letter dated September 1, 1946, from the Ukrainian Foreign Minister protesting against attempts to preclude discussion of his statement. He had arrived in New York from the Paris Peace Conference, the Ukrainian Foreign Minister stated, in order to explain the point of view of his Government and to substantiate with facts and documents his statement of August 24.

The representative of the United States stated that the position of his Government had consistently been that the Council could not deny an opportunity to present its case to any Member of the United Nations which stated that a condition existed which was likely to threaten international peace and security. A minimum of technical requirements should be placed in the way of consideration of situations brought to the Council's attention.

The representatives of China and Mexico endorsed the general principle that any complaints should be heard by the Security Council. The representatives of the Netherlands and the United Kingdom stated that they opposed the inclusion of the Ukrainian paper in the Council's agenda in its present form.

The Council voted 7 to 2 to include the Ukrainian telegram of August 24, 1946, in the agenda. China, Egypt, France, Mexico, Poland, the U.S.S.R. and the United States voted in the affirmative; the Netherlands and the United Kingdom voted in the negative; Australia and Brazil abstained.

## c. Discussion of Substantive Questions

At the 60th meeting on September 4, 1946 the representative of the Ukrainian S.S.R. stated that in February the representative of the U.S.S.R. on the Security Council had warned that aggressive monarchist elements in Greece were making use of the presence of British troops for the purpose of internal strife against EAM and other democratic parties and unions and to facilitate the realization of their aggressive plans toward other countries. On February 4 Mr. Bevin had promised in the meeting of the Security Council that the British Government would withdraw its troops from Greece and that he would use his influence with the Greek Government with a view to putting an end to frontier incidents. Seven months had elapsed and the situation in Greece was worse than in February.

The elections of March 31, the representative of the Ukrainian S.S.R. charged, were carried out with the help of terrorist measures. Immediately after the elections the Greek Government began to remove republican elements and replace them with aggressive monarchist elements. A month before the plebiscite of September 1, 1946, the trade unions were dissolved. Punitive expeditions were carried out against the national minorities. The British authorities were implicated in these expeditions. Special military courts were active in Greece trying, not Fascist collaborators, but Greek patriots who took part in the resistance movement. Many of the judges were persons who had collaborated with the Germans. Notorious collaborators had prepared and carried out the plebiscite of September 1, 1946.

The results of this plebiscite arose from a long intervention by the British authorities. The interference of the British Government in the internal affairs of Greece was a violation of Article 2, Paragraph 7, of the Charter.

The representative of the Ukrainian S.S.R. further stated that the question of the plebiscite ceased to be a purely internal question for Greece from the moment when the present Greek Government made this plebiscite an instrument for the carrying out of aggressive plans against other peoples. The Greek Government was demanding the dismemberment of Albania, and had published claims upon about one-third of the Albanian territory. In the light of these facts the inten-

sification of frontier incidents assumed the most sinister significance. The provocations on the part of aggressive Greek elements, furthermore, were becoming a regular system applied to Greece's frontiers with other Balkan States.

The representative of Greece replied to the statement of the representative of the Ukrainian S.S.R. at the 61st and 62nd meetings of the Security Council on September 5, 1946. He stated that the Greek contribution to the Allied cause had been publicly recognized even by the U.S.S.R., Greece, therefore, expected help and aid in its efforts to obtain the satisfaction of its just claims and the imposition of sanctions against certain neighbors who had been the common enemies of Greece and of the U.S.S.R. The Greek people today were feeling a certain bitterness not only because this help had been refused, but also because it was under the impression that its neighbors, whether friends or enemies, were finding encouragement in the favor of the U.S.S.R. in going so far as to threaten or undertake a war of nerves against Greece.

The very modest demand expressed by Greece that northern Epirus be incorporated in the national territory and that Greece's frontiers with Bulgaria should be rectified were represented as a threat directed at Greece's neighbors.

If one could speak of a threat to peace in the Balkans, the representative of Greece asserted, this threat must be sought outside the confines of Greece. Both Bulgaria and Albania were maintaining military establishments larger and more powerful than those of Greece.

British troops had come to Greece in November 1940 and again at the time of the liberation at the request of the Greek Government. These troops had remained in Greece at the wish and with the free consent of all the successive Greek Governments.

The Greek representative stated that the election of March 31, 1946, as well as the plebiscite of September 1, 1946, had been carried out "in complete order, with every guarantee of authenticity and in conditions such as to render incontestable the popular judgment."

Albania, the representative of Greece stated, had been provoking incidents on the Greco-Albanian frontier with a view to continuing the extermination of Greek elements



in northern Epirus. It was impossible, furthermore, to believe certain of Greece's neighbors and their mouthpieces, when they denounced the persecution supposedly carried out against national minorities. So-called refugees who had crossed the border between Greece and neighboring countries were Slavophobes compromised by their criminal co-operation with the Bulgarians and Germans, or Bulgarians brought from Bulgaria by the Bulgarian authorities during the occupation. Bulgaria was laying claim to Thrace and Macedonia, which it had occupied in 1941 when it struck at the back of the peoples of Greece and Yugoslavia, who were fighting heroically, and opened the door to the German hordes. Today the Bulgarians were changing their mask. They were trying to obtain from the Allies what they were unable to obtain from Hitler.

The Albanians had acted in the same way. The representative of Greece mentioned an attack by members of a communist band aimed at the overthrow of the regime in Greece, which, he said, had been carried out with the help of the Albanian authorities. It appeared, moreover, that Russian military engineers were constructing a strategic route in Albania by which troops coming from Yugoslavia could be sent more rapidly to the Greek frontier. The Russians had reorganized and equipped the Albanian army. There was a Macedonian movement in northern Greece, the representative of Greece stated further, which had the support both of the Greek Communists and of the Macedonians born in Greece and which received propagandist support from Yugoslavia, Albania and Bulgaria. If the British armies were withdrawn from eastern Macedonia, it was doubtful whether the Greek Government could prevent a coup by the leftists in that region.

The representative of Greece denied that the judges of the special tribunals were collaborationists, and protested against accusations levelled against the Greek army, the gendarmerie and the police. As regards the workers' unions the representative of Greece stated that the measures taken by the Greek Government were due to the protests of the great majority of the working class, who asked that the tribunals proceed to the verification of the lists of trade union members because it had been proved that thousands of members having no connection with the working class had got themselves entered as trade unionists.

The Greek representative criticized Greek extremists who desired to create disorders with a view to using these disorders as a weapon for their revolutionary plans to obtain power. The Government was obliged to repress vigorously these attempts against public order. EAM was trying to break the links between Greece and the great Allies, and to establish a dictatorship in Greece controlled from abroad which would deprive the Greeks of their freedom.

The whole of the Yugoslav press and radio, the representative of Greece remarked, had been showering insults upon Greece. Recently semi-official organs of the Yugoslav press had been carrying on a campaign against the national claims of Greece, which they represented as manifestations of a Greek chauvinism issuing from reactionary circles and endangering peace in the Balkans.

The representative of Greece stated that the representative of the Ukrainian S.S.R. was inspired by a desire to support the Greek anarchists in their subversive campaign and to intimidate the Government of Greece and the Greek patriots who did not desire the destruction of their country. The Ukrainian representative would only have to give a few pieces of advice to the right quarters, and the incursions of bands into Greek territory would cease immediately.

At the 62nd meeting on September 5, 1946, the representative of the United Kingdom stated that the policy of his Government had been explained to the Soviet Government at Yalta and Potsdam and in Moscow in December 1945. On none of these occasions did the Soviet Government have any proposals to make or objections to raise. The charges brought against the United Kingdom were simply a rehash of the charges previously presented in London. At that time Mr. Bevin had proposed a four-power commission to investigate Greek frontier incidents, but there was no response from the Soviet Government to the suggestion. The U.S.S.R. had been asked to join the United Kingdom, France and the United States in supervising the elections. As they refused they had no right to criticize from a distance.

The representative of the United Kingdom stated that Article 2, Paragraph 7, of the Charter did not say that no Member of the United Nations might maintain troops in the territory of another Member. Actually the

Article provided that "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."

d. Statement of the Representative of Albania

By a letter dated September 5, 1946, the representative of the People's Republic of Albania and Minister of State asked that on the basis of Article 32 of the Charter he be invited to the Council table for the purpose of presenting a factual statement in connection with the Ukrainian charges against Greece.

The representative of Australia agreed with a statement by the President of the Security Council that Albania could not be admitted under Article 82 of the Charter, which provides that States not Members of the United Nations may participate in the discussion of a dispute, as the case before the Council had been classified as a situation under Article 34 of the Charter by the representative of the Ukrainian S.S.R., and not as a dispute. According to Rule 39 of the Rules of Procedure, however, the Council could "invite members of the Secretariat or other persons whom it considers competent for the purpose of supplying it with information or to give other assistance in examining matters within its competence." The next stage in the proceedings of the Council, however, was to decide whether the Council should undertake an investigation of the Greek situation in accordance with Article 34 of the Charter. Only after this decision had been taken should the Council apply Rule 39 in regard to the making of the statement of the representative of Albania.

The representative of the U.S.S.R. considered that the request of Albania to make a statement to the Council was absolutely justified.

At the 64th meeting on September 9, 1946, the representative of the United Kingdom stated that it was quite clear that under Article 32 the Council could not invite Albania to the table. He considered that it was not intended that Rule 39 should override a provision of the Charter and that under it a representative of a government not a Member of the United Nations could not be called to the Council table.

The representative of China expressed doubt as to whether the phrase "other persons" in Rule 39 included representatives of States. He

also stated that permission to supply information might not necessarily mean an invitation to the Council table. If some suitable method or rule could be found, however, he would be glad to hear the representative of Albania.

The representative of the Netherlands stated that Rule 39 did not seem applicable because in drafting the rule the representatives of the Council were thinking of experts. The representative of Albania had announced himself in his letter not as an expert but as the "delegate of the People's Republic of Albania and Minister of State." As a matter of common sense, however, he did not see why the Council should not hear an interesting witness.

The representative of the United States stated that on a strict and technical interpretation of the Charter and the Rules of Procedure he was inclined to accept the opinion of the representative of the United Kingdom, but he considered that the admission of the request of the representative of Albania to the table was within the spirit of the Charter.

The Security Council voted 9 to 1 to invite the representative of Albania to make a factual statement before the Council, the United Kingdom voting in the negative, and the representative of Australia abstaining from voting.

The representative of Albania stated at the 64th meeting on September 9 that he refuted the "absurd" Greek charge that Albania was in a state of war with Greece. The Government of the People's Republic of Albania was not, and did not wish to be in a state of war with Greece.

During the war Albania had collaborated in fraternal harmony with the resistance forces of the people of neighboring countries, including those of Greece. After the war, because of the changed situation in Greece, there had come into power the kind of men who tried with every means at their disposal to create enmity between Greece and Albania. The results of this policy were as follows: (1) Greek provocations on the Albanian border, (2) systematic extermination of the Albanian minority in Greece, (3) absurd Greek claims to southern Albania and (4) accusations, fabrications and unbridled lies against Albania.

Greek terrorists were continuing to cause frontier provocations. The Albanian minority in Greece had been savagely persecuted and still was being most inhumanly persecuted.

The Greek Government was aiming to grab southern Albania.

The Albanian representative, therefore, asked that the Security Council should put an end to the present situation by obliging the Greek Government to cease its provocations on the Albanian border and to stop its inhuman persecution of the Albanian minority in Greece.

In answer to the representative of Albania the representative of Greece repeated that, technically speaking, a state of war existed between Albania and Greece because after the declaration of war by Albania on Greece there was no peace treaty and no armistice. He cited two documents to show that there had been no Albanian resistance movement at the time of the Axis attack on Greece. Concerning Greek territorial claims the Greek representative stated that no one in Greece thought of using force in this connection. Greece had brought its case before the Paris Peace Conference, where it was discussed.

#### e. Continuation of the Discussion of Substantive Questions

The representative of the United States stated that there were three major questions on which there seemed to be conflicting views: (1) the question of border incidents along the Greco-Albanian border, (2) the treatment of national minorities and (3) the question relating to the presence and activities of the British military forces in Greece. He said that certain specific Ukrainian charges could be disposed of as not having been substantiated. These were as follows: (1) that the Greek elections and referendum were falsified, (2) that Greece was threatening the peace because she claimed that a state of war existed with Albania, (3) that Greece was threatening the peace because she had put forward claims for northern Epirus and (4) that unbridled propaganda of the Greek monarchist extremists was endangering the peace.

The Australian representative stated that in spite of its contribution to the Allied cause Greece had twice been charged before the Security Council almost as if she were an ex-enemy country. One was compelled to ask whether the charges were real or whether they were to be regarded merely as a species of propaganda designed to place the Greek people and British troops in an unfavorable position irrespective of the real merits of the case.

At the 65th meeting of the Security Council on September 10 the Ukrainian representative quoted Generalissimo Stalin as having said that every bankrupt Government tried to justify its weakness or failure by attributing it to Soviet propaganda. He warned that the shadows of Munich were rising again as if there had not been the greatest war of all, in which the U.S.S.R. and the Ukrainian S.S.R. suffered such enormous sacrifices. He stated that the essence of the question before the Security Council was this: the aggressive policy of the extreme Greek monarchists had ceased long ago to be an internal affair of Greece. He requested the Security Council to take measures without delay to put an end to the situation which had arisen on the Greek-Albanian boundary, as this situation was threatening peace and security and consequently fell under Articles 34 and 35 of the Charter of the United Nations.

The representative of Brazil stated that the question of the presence of British troops in Greece had been dealt with by the Security Council at the beginning of the year in London. The matter the Security Council had to deal with now, therefore, was the Ukrainian representative's indictment of the Greek Government.

At the 66th meeting the representative of the U.S.S.R. said that the question discussed in London was the question of the withdrawal of British troops from Greece, but the main question raised in the Ukrainian letter was the problem of the aggressive policy of the present Greek Government with regard to Albania. This was a very serious question and the Security Council had no right to ignore the fact that on the Greco-Albanian frontier there were systematic provocations from the Greek military clique and systematic incursions into Albanian territory.

The representative of the United Kingdom said that at Yalta Marshal Stalin had expressed complete confidence in the British policy in Greece; at Potsdam Foreign Commissar Molotov, after reading a British memorandum, had agreed to drop the matter; after discussion in London in September 1945, the Soviet Foreign Commissar had said that the British Foreign Secretary would hear no more from the U.S.S.R. about Greece. In December 1945 the British Foreign Secretary had given a full explanation about Greece to

the Soviet Foreign Commissar, who had agreed not to press the matter further and had not asked that any specific action be taken. At the session of the Security Council of February 1946, the representatives of eight members of the Council had declared their view that the presence of British troops in Greece did not constitute a situation likely to endanger the maintenance of international peace and security. The representative of the United Kingdom repeated that in his view the representative of the Ukraine had failed entirely to substantiate his charges.

The representative of Greece assured the Soviet representative that if the Soviet Government would advise the Albanian Government to cease the provocations by armed bands entering Greek territory and the attacks of regular and irregular Albanian forces, these frontier incidents would cease immediately.

At the 67th meeting of the Security Council on September 16 the President of the Council submitted to the members a telegram from the Albanian Minister of Foreign Affairs drawing the attention of the Security Council to the situation created on the Greco-Albanian frontier by the continual provocations due to the action of Greek soldiers and requesting the Security Council to use its influence to put an end to the Greek provocations.

At the same time the President of the Council received from the World Federation of Trade Unions a letter which stated that Greece did not guarantee the syndicalist rights and social freedoms that other democratic and victorious nations assured their workers and asked the Security Council to consider the advisability of an investigation of the infringements of democratic rights in Greece.

#### f. Proposals and Resolutions

At the 67th meeting on September 16, 1946, the representative of the Netherlands, without making a formal proposal, said he wondered whether it would not be an excellent thing if henceforth a complaint submitted to the Security Council was placed in the first instance in the hands of a sub-committee of three members of the Council which would examine it in a preliminary way and publish a preliminary report on the subject. If such a report showed that there appeared to be a good case, then the matter would be taken up by the Security Council as a whole.

The representative of Australia repeated that the Australian Government did not believe that the Ukrainian complaint had been brought in good faith. He moved a resolution that the Security Council pass to the next item of business.

The representative of the U.S.S.R. then submitted the following resolution:

THE SECURITY COUNCIL ESTABLISHES) THE FACT:

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

That the persecution of national minorities in Greece by the Greek Government, by provoking national strife, is bringing strain in the relations between Greece and her other neighbours;

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

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

That all these circumstances create a situation envisaged by Article 34 of the Charter of the United Nations and endanger peace and security.

For the above-mentioned reasons THE SECURITY COUNCIL RESOLVES to call upon the Greek Governments

(1) to take measures in accordance with Article 2, Paragraph 4 of the Charter of the United Nations for immediate cessation of the provocative activities of the aggressive monarchist elements on the Greco-Albanian frontier;

(2) to call upon the Greek Government to put an end to the agitation regarding

the state of war which is said to exist between Greece and Albania, in spite of the fact that Albania is endeavouring to establish normal peaceful relations with Greece;

(3) to terminate the persecution of national minorities in Greece, as contrary to Article 1, Paragraphs 2 and 3, of the Charter of the United Nations;

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

At the 68th meeting on September 17 the representative of Poland said that several factors in the internal situation of Greece seemed to him rather alarming: (1) the participation of nazi collaborationists in the present administration and police force of the Greek Government, (2) the destruction of the free trade union movement under the present Greek regime and (3) the internal terror against the opponents of monarchist restoration. He considered that the resolution presented by the representative of the U.S.S.R. provided a means of avoiding immediate international conflict. The resolution, essentially, contained only two very modest and moderate demands: (1) that the Greek Government stop considering itself in a state of war with Albania, and (2) that the persecution of national minorities be stopped.

At the 69th meeting on September 18 the representative of the United States said that under instructions from his Government he would vote against the Soviet resolution. He proposed that the Security Council should make a further examination of the border difficulties between Greece and all three of her northern neighbors, not overlooking the problem of national minorities insofar as it affected international peace and security. If a sub-committee were established for this purpose, it would have authority to examine incidents alleged to have taken place on both sides of the border, with power to call upon Albania, Yugoslavia, Bulgaria and Greece for information regarding these incidents.

The representative of the United Kingdom maintained that the basis of the main Ukrainian charge was patently absurd. He supported the proposal of the representative of Australia, which would simply dismiss the case.

The representative of the Netherlands presented the following resolution:

#### THE SECURITY COUNCIL,

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

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

At the 70th meeting on September 20 the representative of the United States submitted his proposal in the form of a resolution as follows:

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

That the Security Council instruct the Commission:

(1) To investigate the facts relating to the border incidents along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other,

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

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

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

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

Before the Council proceeded to vote on the resolutions presented, the Secretary-General made a statement concerning his own position and the rights under the Charter of the Secretary-General. If the proposal of the United States representative should not be carried, he hoped that the Council would understand that the Secretary-General must reserve his right to make such inquiries or investigations

as he might think necessary in order to determine whether he would consider bringing any aspect of this matter to the attention of the Council under the provisions of the Charter or not.

g. Decision of the Council

The representative of Australia agreed that the Council should vote on his resolution after all other resolutions had been voted upon. The Council, therefore, proceeded to vote on the other resolutions in the order in which they were presented.

Upon the suggestion of the Soviet representative the Council first voted on the first part of the Soviet resolution containing a description of the situation in Greece, and then voted separately on each of the four recommendations contained in the second part of the resolution. The vote in each instance was as follows: affirmative—Poland and the U.S.S.R.; negative—Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, the United Kingdom and the United States.

The Netherlands resolution was rejected by a vote of 6 to 3. Brazil, China, Mexico, the Netherlands, the United Kingdom and the United States voted in the affirmative. Egypt, Poland and the U.S.S.R. voted in the negative. Australia and France abstained.

The representative of France remarked that the United States proposal to create a commission of inquiry fell under Article 29 of the Charter and therefore came under the heading of procedure. The representative of the U.S.S.R. considered that the United States proposal recommended the taking of measures which dealt with the substance of the question examined. France, China, the United Kingdom, the United States and the U.S.S.R. had agreed at San Francisco to consider such matters, including investigations, as points of substance and not procedure. The representative of the United States considered that from the text of the statement of June 7, 1945, by the four sponsoring Governments on voting procedure, there was no doubt that the Soviet representative's statement of the situation was correct. The representative of Australia said that, if the commission to be established was a subsidiary organ as defined in Article 29, as indeed it was, then there was not the least doubt that a procedural vote could govern its establishment.

The representative of France did not press

his point, and the United States resolution was therefore voted on as a matter of substance. The vote was as follows: affirmative—Brazil, China, Egypt, France, Mexico, the Netherlands, the United Kingdom and the United States; negative—Poland and the U.S.S.R.; abstaining—Australia. Although the resolution obtained 8 affirmative votes, it was not carried, as a result of the negative vote of the U.S.S.R.

The representative of Poland stated that he would regret it if the Council finished consideration of the Greek case without arriving at least some positive result. His Government had always attached great importance to achieving positive, and if possible, unanimous action. He, therefore, proposed the following resolution:

THE SECURITY COUNCIL, having considered the situation brought to its attention by the Ukrainian S.S.R. decides to keep it on the list of the matters with which the Council is seized.

The vote on the Polish resolution was as follows: affirmative—Poland and the U.S.S.R.; negative—Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, the United Kingdom and the United States.

The representative of Australia stated that he considered some formal decision necessary in order to remove an item from the agenda of the Council. He asked, therefore, that a vote be taken on his resolution.

The representative of China pleaded with the representative of Australia to withdraw his resolution as the Council had been divided often enough in voting on previous resolutions. If the Australian resolution were considered to be one of substance, and if, for example, China should vote against it, then the situation would remain unsolved with no decision.

The representative of Australia said that, if there were a clear understanding that the votes on the Polish and Soviet resolutions were understood to be a decision by 9 votes to 2 dismissing this item from the agenda of the Security Council, he would not press his motion.

The representative of the U.S.S.R., as President of the Council, then stated the following ruling:

That in view of the negative vote on the fourth point of my (U.S.S.R.) draft resolution and in view of the negative vote taken on

the Polish resolution, there is no need to take a vote on the proposal to retain the matter on the agenda or to exclude the matter from the agenda. Further, since the Security Council has no other proposals on the substance of the matter beside those which have already been voted upon the Security Council is ready to pass on to the next item on the agenda.

It was decided to ask the Secretary-General for an additional explanation. The Secretary-General stated that in his opinion the Council was no longer seized of the Greek case and that it was automatically taken off the agenda.

The representative of France agreed that it was not necessary to vote on the Australian proposal, as the Council had already answered the question it raised in rejecting the Polish proposal.

In view of these three statements the Australian representative agreed to withdraw his resolution.

#### 7. THE GREEK QUESTION (GREEK COMPLAINT)

A communication from the acting Chairman of the delegation of Greece dated December 3, 1946, was sent to the Secretary-General of the United Nations asking him to bring to the attention of the Security Council under Articles 34 and 35 of the Charter a situation leading to friction between Greece and its neighbors. The letter stated that the latter were lending their support to the violent guerrilla warfare then being waged in Northern Greece against public order and the territorial integrity of Greece. The situation, continued the letter, if not promptly remedied, was, in the opinion of the Greek Government, likely to endanger the maintenance of international peace and security.

The Greek Government desired to draw the attention of the Security Council to the urgent necessity for an investigation to be undertaken on the spot, in order that the causes of the situation might be brought to light. The Greek Government was confident that in this way the charges brought by it might be confirmed authoritatively, and means provided for the settlement of the question.

A detailed memorandum in support of this request was submitted with the letter, which was placed on the agenda of the Security Council at its 82nd meeting on December 10, 1946. The representative of the United States, as President of the Council, reminded the

members that that was the third time in less than eleven months that the Security Council had been called upon to consider a matter in which the Greek Government was involved and had a deep and intimate concern. As President of the Council, he felt it his duty to state that the new complaint required the members of the Council to search with the utmost diligence for methods or devices which might assist in eliminating the causes of what appeared to be a friction-laden situation, and to aid in providing for settled conditions in that part of the Balkan area.

At that meeting the Council resolved to invite the representatives of Greece and of Yugoslavia to participate in the discussion without vote. The representatives of Albania and Bulgaria, whose countries were non-members of the United Nations, were invited to enable the Security Council to hear such declarations as they might wish to make. It was further resolved that should the Security Council find at a later stage that the matter under consideration was a dispute, the representatives of Albania and Bulgaria would be invited to participate in the discussion without vote.

At the 83rd meeting of the Council on December 10, the representative of Greece stated, among other things, that acts of aggression against Greece were being committed on the basis of a systematic plan, worked out in minutest detail, which had two tactical aspects: (1) intensive propaganda in favor of the incorporation of Greek Macedonia in the Federal Yugoslav State of Macedonia, and (2) active assistance to the insurgent bands which used the territory of Yugoslavia, Albania and Bulgaria as operational bases for their raids into Greek territory.

The representative of Yugoslavia argued that the accusations against Albania, Bulgaria and Yugoslavia had no basis in fact. He contended that they were false and invidious, intended only to confuse the long-suffering people of Greece and mislead democratic public opinion throughout the world. There were no grounds for an inquiry based upon allegations that Yugoslavia, Albania and Bulgaria were interfering in the internal affairs of Greece. That would be a misleading way in which to approach this problem, he stated. As a positive solution to the problem, he proposed an investigation of conditions inside Greece at the earliest possible moment. This,

he was confident, would show where the causes of the present violent civil strife within Greece lay.

Statements of the interested parties were continued at the 84th meeting of the Council on December 16. The representative of Albania rejected the accusations made by the Greek Government and argued that the constant provocations of Greek soldiers along the Albanian frontier were arranged by the Greek Government for the purpose of paving the way for expansionist designs on Albania.

The representative of Bulgaria called to the attention of the members of the Security Council the present status of Bulgaria, a fact which by itself, he said, disqualified the Greek accusations entirely. He stated that ever since September, 1944, Bulgaria had been and continued to be under direct supervision of an Allied Control Commission, which, by means of numerous organs, effectively exercised immediate, absolute and strict control over all Bulgarian territory. The fact remained that the Bulgarian Government, he continued, had not been notified by this Allied Control Commission of any violations or irregularities along any of the frontiers.

After hearing the statements of the four Governments directly involved in the case, the Security Council decided that the case was of such a nature as made it appropriate for the Council to invite Albania and Bulgaria to participate without vote in future discussions on the matter. The Council resolved to do so on the condition that Albania and Bulgaria accept in advance, for the purposes of the case, the obligations of pacific settlement provided in the Charter. This condition was accepted by both countries.

#### a. Commission of Investigation

At the 85th meeting of the Security Council on December 18 the representative of the United States proposed that the Security Council, without passing any judgment, establish a commission to ascertain the facts relating to alleged border violations, with authority to conduct on-the-spot investigations in such areas of Albania, Bulgaria, Greece and Yugoslavia as the Commission might consider necessary, and to report the results to the Security Council. This draft resolution, modified and expanded by amendments proposed by the representatives of Mexico, Poland and the United Kingdom, was adopted

unanimously at the 87th meeting of the Security Council on December 19, 1946.

The text of the resolution establishing a Commission of Investigation was as follows:

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

#### RESOLVES:

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

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

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

That the Commission shall have authority to conduct its investigation in northern Greece and in such places in other parts of Greece, in Albania, Bulgaria and Yugoslavia as the Commission considers should be included in its investigation in order to elucidate the causes and nature of the above-mentioned border violations and disturbances.

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

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

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

That a representative of each of the Governments of Greece, Albania, Bulgaria and



Yugoslavia be invited to assist in the work of the Commission in a liaison capacity.

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

Soon after the adoption of the resolution by the Security Council, the Secretariat of the United Nations began making preparations for operations and transport of the Commission, and the eleven members of the Security Council appointed their representatives.

The representatives to the Commission of Investigation were as follows:

Australia	
Representative	John D. L. Hood, External Affairs Officer, London
Belgium	
Representative	Lt.-Gen. Delvoie, former Military Attache, Paris
Brazil	
Representative	Antonio Vianna, First Secretary, Brazilian Embassy, Madrid (Because of illness, General Santos was unable to serve)
China	
Representative	Dr. Wunsz King, Ambassador to Belgium
Colombia	
Representative	Francisco Urrutia, Minister to Belgium
France	
Representative	Georges Daux, Professor of History, Uni- versity of Paris
Poland	
Representative	Jerzy Putrament, Minister to Switzerland
Syria	
Representative	Ihsan el-Sherif, Minister to Turkey
U.S.S.R.	
Representative	A. A. Lavrishchev, Ministry of Foreign Affairs, Moscow
United Kingdom	
Representative	R. T. Windle, Chief National Agent of the British Labour Party
United States	
Representative	Mark Foster Ethridge, Publisher, Courier-Journal and Louisville Times

The following liaison representatives were appointed by their respective Governments to serve with the Commission pursuant to the resolution of the Security Council:

Albania	
Representative	Col. Nesti Kerenxhi
Bulgaria	
Representative	George Kulishev, Former Minister of Foreign Affairs
Greece	
Representative	Alexander Kyrou, Ministry of Foreign Affairs
Yugoslavia	
Representative	Josip Djerdja, Minister to Albania

The Commission assembled in Athens on January 29, 1947, where it held 32 meetings between January 30 and February 18. Its second main base of operations in Greece was established in Salonika, where it held 28 meetings from February 25 to March 22.

The main body of the Commission also undertook a number of field trips out of Salonika, during the period March 15 to 19. The main body of the Commission left Salonika on March 24 - 25 for Sofia, Bulgaria, where it held six meetings between March 26 and March 28. The Commission then proceeded to Belgrade, Yugoslavia, where it held seven meetings between March 30 and April 2.

It soon became apparent to the Commission that in order to cover as wide an area as possible in its investigation and to hear the maximum number of witnesses, it would be necessary for it to send out investigating teams which could operate while the main body was functioning in its headquarters in Athens, Salonika, Sofia and Belgrade. Seven such investigating teams were established by the Commission. The itineraries of the teams and the categories of witnesses to be heard were determined in a general way by the Commission.

The Commission received varying types of evidence during the course of its work, in the form both of direct evidence from witnesses and of written and oral statements from the liaison representatives of the Albanian, Bulgarian, Greek and Yugoslav Governments, as well as from individuals and from non-governmental organizations whose representatives were invited to appear before the Commission.

During the early meetings of the Commission, there was considerable discussion as to its competence to request the Greek Government, informally and without publicity, to suspend the execution of death sentences. The Commission on February 6 decided to refer the question to the Security Council. Accordingly, a cable was sent to the Security Council of the United Nations in which the Commission requested that the Security Council deal with this matter immediately and inform the Commission whether the action by the Commission in requesting the Greek Government to postpone the executions to be carried out for political offences was covered by the terms of reference of the resolution adopted by the Security Council on December 19, 1946, which, *inter alia*, empowered the Commission to call on any national who might assist the Commission with information relevant to its inquiry. The Commission was informing the Greek Government of its reference to the Security Council for guidance on the action and procedure adopted hitherto.

By a letter dated February 7, 1947, the representative of Greece to the United Nations stated that the Greek Government had directed him to lodge the most emphatic protest in regard to the interference of the Commission of Investigation in the domestic affairs of his country, contrary to Article 2, Paragraph 7 of the Charter of the United Nations and the terms of reference of the Commission.

The Security Council discussed the problem on February 19, and declared that the Commission, acting under the resolution of December 19, 1946, was not empowered to request appropriate authorities in Albania, Bulgaria, Greece and Yugoslavia to postpone execution of any persons sentenced to death unless the Commission had reason to believe that examination of any such person as a witness would assist the Commission in its work, and made its request on this ground.

On the basis of the resolution of the Security Council, a team of the Commission interrogated some fourteen condemned persons with a view to ascertaining whether they had evidence of value to present to the Commission. Some were subsequently heard by the Commission, and some by teams.

It was agreed that the Commission should write its report in Geneva, Switzerland, where the first meeting took place on April 7.

In the meantime, however, the deputy United States representative on the Security Council, addressed a letter on March 25 to the Secretary-General requesting that the Greek question to be placed on the provisional agenda of the next meeting of the Security Council. This letter was placed on the agenda of the Council at its 123rd meeting on March 28.

b. Proposal for Establishment of Subsidiary Group

The United States representative, speaking at that meeting, expressed the belief that the Commission of Investigation should continue its work, including its investigations along the northern Greek border, until the Security Council itself had disposed of the Greek case. He stated that it was necessary that the Commission members, following the preparation of its first report, come to the seat of the United Nations and be available for the Security Council until the termination of the Council's consideration of the Greek complaint.

He went on to state that because of the approach of spring in northern Greece, it was reasonable to expect an intensification of the activities of guerilla bands operating in that area. In those circumstances, the United States was of the opinion that it was of the utmost importance that the Commission leave representatives in the border area during the time of the preparation of its report in Geneva and of the Security Council's consideration of its report in New York. Such representatives would be able to report immediately any violations of the border and to furnish the Commission and the Security Council with any additional information which might come to light or be needed in dealing with the case. The presence of representatives of the United Nations on the spot would also inevitably have the effect of stabilizing the situation pending Security Council action.

The United States representative stated that on March 3 the Government of Greece addressed to the Government of the United States an urgent appeal for immediate additional economic, financial and expert assistance. On March 12 the President of the United States, he continued, proposed to the Congress a program of assistance which the President believed would result in meeting the immediate requirements of Greece and would

materially contribute to that country's economic and political recovery. The proposed program of assistance by the United States was directly related to the act of the United Nations in creating a Commission of Investigation, he argued. A continuing Commission, combined with the proposed emergency program of assistance by the United States, would advance the prospects of peace and security in the northern area of Greece. Neither action would be effective if taken alone, for those were complementary and not conflicting proposals, the United States representative declared.

At the Security Council's 126th meeting on April 7, the representative of the U.S.S.R. stated, among other things, that the measures taken by the Government of the United States in respect to Greece and Turkey seriously undermined the authority of the United Nations organization and inevitably produced distrust in relations among the Members of the United Nations. He went on to state that the attempt of the United States Government to connect post-factum its action in regard to the above countries with the work of the Special Commission of the Security Council in Greece was unfounded and only emphasized the danger of the blow to the authority of the United Nations which was dealt by a unilateral move of the United States Government. He concluded by stating that the actual material aid which the Greek people were in need of, could and must be real aid, and must not serve as a screen for purposes which had nothing in common with aid at all. Aid must be rendered through the United Nations, in which case it would exclude all possibilities of any foreign influence on Greece.

At the same meeting, the representative of the United States submitted a draft resolution, amended by the representative of France, requesting the Commission of Inquiry, pending a new decision of the Security Council, to maintain in the area concerned a subsidiary group composed of a representative of each of the members of the Commission.

The U.S.S.R. representative also formally proposed that a committee should be set up to ensure that the help given to Greece should be used exclusively in the interests of the Greek people.

At the 131st meeting of the Council on April 18, the Security Council, by 9 votes in favor and with Poland and the U.S.S.R. ab-

staining, adopted the following United States resolution as amended by the representative of France:

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

In pursuance of the resolution of the Security Council, the Commission of Investigation established a Subsidiary Group with headquarters at Salonika on April 30, composed of a representative of each of the members of the Commission. The terms of reference of the Subsidiary Group were those set out in the resolution of the Security Council of December 19, 1946, with the following qualifications: (1) it was to investigate such incidents as might be brought to its attention which had occurred since March 22, 1947; (2) it was not to hear evidence which had been or could have been available to the main Commission; (3) no incident was to be investigated nor evidence heard except by formal decision of the Subsidiary Group. Members of the Subsidiary Group left Geneva for Salonika on May 6 and 10, 1947, to begin their work.

By cablegram dated May 5, 1947, the Chairman of the Commission informed the President of the Security Council that the Commission had decided to refer to the Security Council the question arising from the refusal of Albania, Bulgaria, and Yugoslavia to appoint liaison representatives to the Subsidiary Group. By cablegram dated May 6, 1947, the Chairman of the Commission requested the opinion of the Security Council concerning the appearance of the Commission in New York for presenting its report. By letter dated May 7, the representative of the U.S.S.R. requested the Secretary-General to place the Greek Question on the agenda for the next meeting of the Security Council. Discussion of the above communications took place at the 133rd meeting on May 12.

At that meeting, the representative of the U.S.S.R., repeating the objections of the Soviet representative on the Commission of Investigation, drew attention to the fact that it was quite impossible for the Commission mechanically to transfer the functions and

powers which it had received from the Security Council to a Subsidiary Group; that if the Commission attempted to do this, the very sense and existence of a Subsidiary Group would lose all meaning. The Subsidiary Group would not, in fact, be a Subsidiary Group but would be a commission. In other words, he continued, there would be not one commission but two commissions acting along parallel lines. He went on to state that the Commission adopted a resolution regarding the powers and functions of the Subsidiary Group without the participation of the representatives of Bulgaria, Albania and Yugoslavia. Such a situation could not be approved.

It was decided at the 133rd meeting of the Council that the Commission of Investigation as a body should appear in New York to present its report to the Security Council.

At subsequent meetings of the Security Council, representatives of Yugoslavia, Albania and Bulgaria spoke against the terms of reference of the Subsidiary Group.

The Security Council at its 137th meeting on May 22, 1947, resolved to postpone further discussion of the Greek question until such time as the report of the Commission was submitted to the Security Council.

#### c. Report of Commission of Investigation

The report of the Commission of Investigation was made public on June 25, and the Security Council began its consideration of the document at its 147th meeting on June 27, 1947.

The Commission's report consisted of three volumes containing a total of 767 pages. It was divided into four parts and had nine annexes; it represented the work of 84 meetings held by the full Commission and 95 meetings held by its nine investigating teams.

Part I, which included a narrative account of the work of the Commission, was approved unanimously by the members of the Commission. Part II, which included a survey of the evidence submitted to the Commission, was approved unanimously but with reservations on the part of the United Kingdom and the U.S.S.R. delegations.

Part III was divided into three Chapters. Chapter 1 consisted of the conclusions subscribed to by the delegations of Australia, Belgium, Brazil, China, Colombia, Syria, the United Kingdom and the United States. The delegations of Poland and the U.S.S.R. did not approve these conclusions. The French

delegation abstained from approving Chapter 1 and submitted a statement embodying its views. Chapter 2 consisted of the conclusions subscribed to by the delegation of the U.S.S.R. The delegation of Poland supported these conclusions. Chapter 3 set out the attitude of the delegations to the conclusions contained in Chapters 1 and 2. Part IV, which included proposals to be submitted to the Security Council, was approved by the delegations of Australia, Belgium, Brazil, China, Colombia, France, Syria, the United Kingdom and the United States. The delegations of Poland and the U.S.S.R. did not approve the proposals set out in Part IV, Chapter 1, and made statements setting forth their attitude on them.

Annex I contained the composition of the Commission; Annex II, the terms of reference of the Commission; Annex III, the list of witnesses heard by the Commission and its teams; Annex IV, the bibliography of Commission documentation; Annex V, field investigations of the Commission and its teams. Annex VI contained comments and oral statements made by the liaison representative of Albania on Parts II and III of the report. Annex VII contained comments and oral statements made by the liaison representative of Bulgaria on Parts II and III of the report. Annex VIII contained comments and oral statements made by the liaison representative of Greece on Parts II and III of the report. Annex IX contained comments and oral statements made by the liaison representative of Yugoslavia on Parts II and III of the report.

The survey of evidence submitted to the Commission covered the following:

(1) Charges by Greece that Albania, Bulgaria and Yugoslavia supported the guerrilla movement in Greece, and refutations by Albania, Bulgaria and Yugoslavia.

(2) Greek charges that the neighboring countries interfered in the internal affairs of Greece, aiming at detaching from Greece parts of its territories (Aegean Macedonia and Western Thrace) and refutations by Bulgaria and Yugoslavia.

(3) Greek charges in respect of provocation of border incidents by Albania, Bulgaria and Yugoslavia; counter-accusations and refutations by Albania and Bulgaria; refutations by Yugoslavia.

(4) Albanian, Bulgarian and Yugoslav contentions that the present Greek regime was

responsible for a state of civil war in Greece and for the disturbances in the northern charges that a state of civil war existed. Contentions were the following: charges that a state of civil war existed throughout the whole territory of Greece and not only in the northern districts of the country; charges of persecution of the democratic forces in Greece by the gendarmerie, regular troops and fighting bands; charges that persecution of national minorities (Macedonians and Tchams) was one of the causes of the tense situation in Greece.

(5) Albanian, Bulgarian and Yugoslav contentions that the Greek Government conducted a policy of provocations on the borders of those countries, and Greek refutations.

(6) Albanian, Bulgarian and Yugoslav contentions that the Greek Government conducted in respect of those countries a policy of provocation by the maintenance in Greek territory of quislings and subversive activities of these quislings in respect of Albania, Bulgaria and Yugoslavia, and Greek refutations.

(7) Albanian, Bulgarian and Yugoslav contentions that the Greek Government conducted an expansionist foreign policy which was a provocation to those countries, and Greek refutations.

#### d. Summary of Conclusions

Following is a summary of the conclusions reached by both the majority and the minority group of the Commission:

Eight of the eleven delegations to the Balkan Commission—Australia, Belgium, Brazil, China, Colombia, Syria, the United Kingdom, and the United States—subscribed to the conclusions contained in the Commission's report. The delegations of Poland and of the U.S.S.R. did not approve these conclusions.

The report also included conclusions which were approved by the U.S.S.R. and Poland but were not accepted by the other nine delegations.

The French delegation abstained from approving the majority conclusions.

It was a majority conclusion that Yugoslavia and, to a lesser extent, Albania and Bulgaria, had supported the guerrilla warfare in Greece. Although the liaison representatives of Albania, Bulgaria, and Yugoslavia repeatedly denied the Greek charges to this effect, and attacked the credibility of the

witnesses who testified in support of the charges, little direct evidence was brought forward to disprove them, the majority report stated.

The Soviet conclusions questioned the credibility of the evidence presented on behalf of Greece. In many cases, the Soviet statement said, the Greek authorities selected their witnesses from fascist and criminal elements. There was evidence that threats, torture, and blackmail were used in the prisons of Greece in order to obtain appropriate statements for the Commission. Repressive measures were taken by the Greek authorities against persons and organizations who appealed to the Commission. There was evidence that a number of statements contained in the White Book entitled "Evidence in Confirmation of the Greek Complaint to the Security Council" were falsified.

Further, the Soviet statement declared, the giving of shelter and medical treatment to political refugees was not contrary to the universally recognized standards of international law.

**YUGOSLAVIA.**—In the case of Yugoslavia, the majority conclusions cited evidence that assistance was rendered in that country to the guerrillas in the form of training refugees from Greece, recruiting and dispatching them to Greece for action with the guerrilla units there, supplying them for this purpose with arms, supplies, transport, guides, hospitalization, etc., and providing an avenue of escape for guerrillas fleeing from Greek Government forces.

In regard to the refugee camp at Bulkes, In Yugoslavia, the report stated that evidence was received that a special course for guerrilla leaders was established there in the spring of 1946, and that subsequently actual training in partisan warfare was given to selected personnel among the refugees.

At the time of the Commission's visit to the camp on April 2, 1947, it was unable to find evidence of military activities or training, but there was no doubt that refugees from Greece were subjected to political indoctrination and propaganda looking toward the overthrow of the Greek Government, the report said.

The Soviet statement, in turn, concluded that all the charges brought against Yugoslavia by the Greek Government must be considered as unfounded. By the use of bribery,

blackmail and compulsion, the Greek authorities induced witnesses to give false statements. The documents and witnesses submitted by the Yugoslav representative refute these "concoctions," it said.

ALBANIA.—The majority conclusions found, in the case of Albania, that Greek refugees in a camp at Rubig received political instruction as well as practical and theoretical military training, but not after October 1945, when they were transferred to Bulkes, in Yugoslavia.

The evidence indicated, however, that, as late as November, 1946, Albanian assistance to the Greek guerrillas continued in the form of providing arms and ammunition, as well as making available routes of entry, guides, and liaison assistance for guerrilla groups returning to Greece from both Albania and Yugoslavia.

Witnesses testified that, after the Varkiza Agreement of February 12, 1945, former members of ELAS (the military arm of EAM, the National Liberation Front) were advised by KKE (the Communist Party of Greece) or by their ELAS comrades to cross into Albania, as well as into Bulgaria and Yugoslavia, to avoid persecution.

The Soviet statement, on the other hand, contended that it was clearly shown to the Commission that the real cause of the mass emigration of the former combatant-members of ELAS and of democratically-minded citizens of Greece was, in general, the terrorism and persecution carried on against this category of citizens.

It should be considered as established, the Soviet statement declared, that Greek democrats and former participants in the resistance movement fled in thousands to Albania and other countries bordering on Greece from the terrorism carried on by Rightist bands, the police, and the gendarmerie in order to save their lives and not in order to organize any hostile actions directed against Greece.

BULGARIA.—In the case of Bulgaria, the majority conclusions stated that the Commission felt that the weight of the evidence indicated that aid was provided to the Greek guerrillas by the Bulgarian Government, in the form of assistance in entering and leaving Bulgarian territory, provision of transportation for guerrillas crossing Bulgaria to and from Yugoslavia, and hospitalization of guerrillas wounded in Greece. Less evidence was

provided, however, on the arming and equipping of guerrillas.

In this case, too, the Soviet statement declared that it was clear from the documents examined that the evidence submitted on behalf of Greece—evidence founded on the contradictory and false statements of witnesses—in no way confirmed the accusations brought against Bulgaria of aiding the Greek guerrillas.

The next charge dealt with in the majority conclusions was the Greek Government's allegation that support was being given by the Yugoslav and Bulgarian Governments, through propaganda and otherwise, looking toward the detachment of the province of Macedonia from Greece and its incorporation, together with Bulgarian and Yugoslav Macedonia, into the Federated Peoples's Republic of Yugoslavia.

The Commission stated as its majority opinion that unrest and discontent on the part of the Slavic minority in Greek Macedonia resulted from the treatment accorded by Greece, and that this situation provided a fertile breeding ground for separatist movements. This did not, of course, absolve the northern neighbors from their responsibility for their support of the Macedonian movement, the report stated.

It continued: "Although it is undoubtedly true, as pointed out by the Yugoslav liaison representative, that during the war the Axis occupying authorities had themselves supported a Macedonian autonomist movement in an effort to create controversy among the Balkan states, it seems equally clear that since the war the Yugoslav and Bulgarian Governments, by speeches of responsible officials and articles in the press, have themselves revived and promoted a separatist movement among the Slavo-Macedonians in Greece."

The Soviet conclusion, on the other hand, stated that it was evident that the so-called Macedonian autonomy movement was aimed against Yugoslavia, that its object was to complicate the relations between the Balkan states, and that the leaders of this movement were in touch with reactionary circles in Greece.

The Greek representative's statement that Bulgaria allegedly was carrying on intensive propaganda to annex Greek Macedonia to Yugoslavia, and his surmise that Bulgaria

was doing this in order to get Yugoslavia to support its claims to Western Thrace, were entirely uncorroborated, the Soviet statement said. The representatives of Yugoslavia and Bulgaria had clearly stated that their countries had no aggressive intentions in regard to Greece.

The territorial aspects of Macedonian and Aegean questions, the Soviet statement continued, did not come under the terms of reference of the Commission, and therefore could not be considered by it.

It was obvious, it concluded, that the Greek Government raised the Macedonian question in order to conceal the real causes of the civil war in Greece, and to disclaim responsibility for the tense situation inside the country.

The majority conclusions pointed out that the Greek Government charged that Albania, Bulgaria, and Yugoslavia were deliberately provoking incidents on their common frontiers, and that in turn Albania, Bulgaria, and Yugoslavia made similar accusations against Greece. The incidents brought to the Commission's attention ranged from penetrations of a few yards across the border to sheep-stealing and exchanges of shots between frontier guards.

The evidence showed clearly that since the war there had been a large number of violations on each side. On the other hand, no evidence of probative value was introduced which tended to indicate that the frontier violations not connected with guerrilla activities were deliberately provoked either by the Governments of the northern neighbors or by the Government of Greece, or that there was any policy of systematic provocation on either side, or that the incidents themselves were evidence of the aggressive intentions of either country.

The conclusion was inevitable, however, the report continued, that the large number of incidents, the accusations, and counter-accusations made by the Governments against one another, and the willingness of the authorities on both sides to magnify minor incidents into important skirmishes, accompanied by shooting and bloodshed, were evidence of the strained relations between the countries.

In regard to these frontier incidents, the Soviet statement submitted that, in view of the great number of important discrepancies and contradictions between the Greek Government's memorandum to the Security Council

of December 3, 1946, and the White Book on "Greek Frontier Incidents," and also between the English and French texts of the White Book itself, these documents could not be accepted as proof of the Greek assertions.

Also cited were contradictory statements by witnesses and the fact that several sectors of the frontier were entirely unguarded by the Greek frontier authorities, who thus were unable to observe, far less to describe, the incidents in detail.

There could be no doubt, it continued, that there were crossings of the frontier into neighboring countries from Greece, but the persons involved were escaping from persecution and terrorism in Greece. The Governments of Albania, Bulgaria, and Yugoslavia could not be charged with unfairness towards Greece for giving shelter to these refugees.

The conclusion drawn in the Soviet statement was that there had been no violations of the Greek frontiers on the part of Albania, Bulgaria, and Yugoslavia which could cause disorder and civil war in Greece.

The majority conclusions stated that it was felt by the Commission that insofar as it might constitute a factor contributing to the disturbed conditions in northern Greece along the Greek frontier, the Greek internal situation could not be ignored, despite the Greek Government's position. This position was that an investigation of the Albanian, Bulgarian, and Yugoslav charges that the present regime was responsible for a state civil war in Greece and for the disturbed conditions in the northern provinces would involve the internal affairs of Greece, which were not within the Commission's competence. On these grounds the Greek Government did not present evidence in refutation, and in consequence the evidence before the Commission was one-sided.

The evidence revealed that the great majority of the clashes between the guerrillas and the forces of the Greek Government had occurred in the northern Greek provinces of Epirus, Macedonia, and Thrace.

Yet, while conditions in northern Greece were far more acutely disturbed than elsewhere, there was a general condition of unrest in Greece as a whole. The Commission did not find, however, that this condition amounted to a state of civil war. An important factor in this unrest was the persistent effort of the Greek Communist Party, which directed the

EAM coalition and the operations of the Greek guerrillas, to participate in the Government without elections.

Although there was some testimony indicating political activities against Albania, Bulgaria, and Yugoslavia on the part of Albanian, Bulgarian and Yugoslav "war criminals and quislings" interned in Greece, the Commission did not feel that the Greek Government itself encouraged it. The Commission was of the majority opinion that the charge that the internees received preferential treatment was refuted.

Further, the majority view was that the discrimination and persecution to which minorities and political opposition groups were subjected by the Greek Government in the atmosphere of bitterness and reprisal after the civil war of 1944-45, as well as Communist propaganda, had caused several thousand persons to flee to the mountains or take refuge on the soil of Greece's three northern neighbors, where they formed groups actively hostile to the Greek regime.

To this extent, it was the Commission's opinion that the present general disturbed conditions in Greece, which had existed since the beginning of the war, were factors which helped to explain, and thus bore an indirect relation to, the situation investigated by the Commission.

On the other hand, the existence of disturbed conditions in Greece in no way relieved the three northern neighbors of their duty under international law to prevent and suppress subversive activity in their territory aimed against another government, nor did it relieve them of direct responsibility for their support of the Greek guerrillas.

A contrary view was taken in the Soviet conclusions, which declared that the present situation in Greece was one of civil war throughout the whole country. The situation and civil war were the result of internal causes and, above all, of the persecution and terrorism carried on against the democratically-minded citizens and national minorities by the gendarmerie, regular troops, and Rightist bands.

The assertions of the Greek Government regarding the alleged interference of Albania, Bulgaria, and Yugoslavia in the internal affairs of Greece were absolutely unfounded, the Soviet delegation contended.

The Commission did not regard the settlement of territorial claims raised before appro-

priate international bodies as coming within the scope of its work. It nevertheless felt that the continued reiteration of Greece's claims against Bulgaria (regarding strategic frontier rectifications), and Bulgaria's claim to the province of Western Thrace, after they had been rejected at the Peace Conference, as well as Greece's claim against Albania (for northern Epirus), were factors which tend to increase the tension between the countries. The Commission noted that the EAM coalition supported Greek territorial claims, both against Albania and Bulgaria, and was therefore in the same position as the Greek Government in this regard, the report stated.

The Soviet conclusion relative to territorial claims was linked with the charges of Greek provocations on its northern borders and of the harboring of war criminals and collaborationists who fled from the neighboring countries into Greece.

It was evident, the Soviet statement said, that after the expulsion of the occupation forces from Albania, Bulgaria, and Yugoslavia, and after establishment of democratic regimes in these countries, the former agents and direct accomplices of the occupation authorities and all kinds of war criminals fled from these countries to Greece. They were not only welcomed by the Greek authorities, but were also used in the struggle against the democratic elements of Greece. Their activities were directed against Albania, Bulgaria, and Yugoslavia and against the democratic regimes of those countries.

The "expansionist tendencies of the present ruling circles of Greece" in regard to their northern neighbors should also be noted, the Soviet statement declared.

In a declaration in which it supported the conclusions subscribed to by the U.S.S.R., the Polish delegation stated that the Commission did not determine that the Albanian, Bulgarian, and Yugoslav Governments had provoked or supported the civil war in Greece; did not determine the existence in Greek Macedonia of a separatist movement inspired by Bulgaria or Yugoslavia; and did not determine that the three Governments were responsible for the frontier incidents investigated pursuant to the Greek appeal to the Security Council.

Regarding the internal situation in Greece, the Polish delegation concluded that the civil



war taking place on the whole of Greek territory constituted the principal cause of disorders in northern Greece and originated directly from the abnormal internal political situation; and that the disturbed situation in northern Greece and along the frontier was considerably increased by the persecutions on the part of the Greek "Government against national minorities.

The Commission was not competent to examine territorial claims, but the existence in Greece of jingoist propaganda must be observed, the Polish declaration stated. Patterned on the model of racial propaganda and directed particularly against the Slavs, it did not encounter any hindrance from the Greek Government, and was sometimes linked with frontier incidents directed against the three neighboring countries, the statement concluded.

A statement by the delegations of Belgium and Colombia was also included in the Commission's report. This declared that, despite the numerous presumptions which fitted in with each other, tending to substantiate the charges brought by Greece against its northern neighbors, the Belgian and Colombian delegations considered that it was not for the Commission, which was set up in the spirit of conciliation of Chapter VI of the Charter of the United Nations (the chapter which dealt with the pacific settlement of disputes), to give any decision as to the possible responsibility of the Albanian, Bulgarian, and Yugoslav Governments.

In abstaining from approving the majority conclusions, the delegation of France also made a statement in which it expressed doubt as to the necessity, and apprehension as to the advisability, of including formal conclusions in the report.

The French delegation contended that the Commission was instructed to verify facts, not to pronounce judgment on those facts, a task which the Security Council envisaged for itself.

Further, the Commission could propose definite recommendations to the Council without basing them on formal conclusions. The proposals had infinitely more chance of being adopted by the Council and put into practice willingly by the States in question if they did not come as a corollary to a formal division of responsibility.

Conditions under which the inquiry was carried out were probably not such as to allow the Commission to draw from it any conclusions based on sound juridical principles, and it therefore seemed unjustified to base conclusions on incomplete evidence.

No conclusions implying condemnation, in most of the cases dealt with in the report, could be formulated except in the light of what had happened in Greece and elsewhere in the Balkans since 1940, the statement continued. To give a correct interpretation to the heated but contradictory statements of the various witnesses, and also to their reticences, a number of events not covered by the investigation must be taken into account.

The task of the Commission should aim at pacification and reconciliation, the statement declared. The future was of more consequence than the past. "It is to be feared that in reaching conclusions with insufficient legal foundations, we might only aggravate an already critical situation and do unnecessary harm to perfectly natural sensitivities. . . . The problem which has to be solved was initiated before the birth of the United Nations; a summary decision and a simple solution are equally impossible."

#### e. Proposals of the Commission

The Commission made the following proposals in pursuance of the final paragraph of the Security Council's resolution of December 19, 1946:

### CHAPTER I Proposals

Before coming to its actual proposals the Commission feel it would be useful to recapitulate in brief the situation along Greece's northern border which these proposals are designed to alleviate and remedy. First there are the allegations by the Greek Government that its three northern neighbors are assisting the guerrilla warfare in Greece. Secondly, there is the present disturbed situation in Greece which is a heritage from the past and the causes of which are to be found in Greece's tragic experience during the war, in her occupation by the Italians, Germans and Bulgarians, in the guerrilla warfare waged during the occupation and the political bitterness and economic difficulties to which this war gave rise.

Next to be mentioned is the refusal of most of the countries concerned to accept as final their frontiers as at present defined. Some of these claims have been advanced in a perfectly legitimate manner before the forum of the United Nations or other competent

international instances but their reiteration has undoubtedly exacerbated an already dangerous situation.

Furthermore in the case of the Macedonian question, claims have been ventilated not before the United Nations but in speeches by representatives of individual Governments or in government controlled organs of press. The exploitation of the Macedonian question in this manner is in the Commission's opinion a positive threat to the tranquillity of the Balkans and can only add to existing tension and suspicion and increase national passions which, far from being decreased as the result of the experience of the war, have been sharpened by their identification in many cases with political ideas.

Also to be mentioned is the presence in Greece on the one hand and Yugoslavia, Bulgaria and Albania on the other, of political refugees from each other's territory, many of whom have taken part in the political struggles which have raged in their own countries both during and since the war. Some of these refugees have been quartered near the frontier of the country from which they came. Some again have, during their exile, engaged in political and military activity, and all too many live in hope that there will be some violent turn of the tide which will enable them to return to their homes on the conditions they choose. Other of these refugees have been victims of panic flight and would, if given a free choice, gladly return to their homes. The continued presence of all of them under the conditions in which they live at present is however all too clearly a serious contributory factor to the present situation.

Lastly the violence and scale of the propaganda used by some of the protagonists in their relations with each other could not escape the notice of the Commission during its stay in the four countries. Such propaganda always serves to inflame passions which are already too high.

In such a set of circumstances it would be idle to believe that the situation in northern Greece could be cured by a stroke of the pen but the proposals which now follow have been framed in the spirit of Chapter VI of the Charter of the United Nations with a view first to preventing any aggravation of the situation, and secondly to alleviating it and eventually restoring it to normal.

The Commission has not made any suggestions in matters which are essentially within the domestic jurisdiction of the countries concerned as they would be contrary to the provisions of Paragraph 7 of Article 2 of the Charter. However, in the event the Greek Government decides to grant a new amnesty for political prisoners and guerrillas, the Commission suggests that the Security Council make known to the Greek Government its willingness, if that Government so requests,

to lend its good offices in order to secure by all possible means the realisation of this measure.

The following are the Commission's proposals:

A. The Commission proposes to the Security Council that it should recommend to the Governments of Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, to do their utmost to establish normal good-neighborly relations, to abstain from all action direct or indirect which is likely to increase or maintain the tension and unrest in the border areas, and rigorously to refrain from any support, overt or covert, of elements in neighboring countries aiming at the overthrow of the lawful governments of those countries. Should subjects of complaint arise these should be made not the object of propaganda campaigns, but referred either through diplomatic channels to the government concerned, or should this resource fail, to the appropriate organ of the United Nations. In the light of the situation investigated by it the Commission believes that, in the area of its investigation future cases of support of armed bands formed on the territory of one State and crossing into the territory of another State, or of refusal by a government in spite of the demands of the State concerned to take all possible measures on its own territory to deprive such bands of any aid or protection, should be considered by the Security Council as a threat to the peace within the meaning of the Charter of the United Nations.

B. With a view to providing effective machinery for the regulation and control of their common frontiers, the Commission proposes that the Security Council recommend to the governments concerned that they enter into new conventions along the lines of the Greco-Bulgarian Convention of 1931, taking into account the needs of the present situation.

C. For the purpose of restoring normal conditions along the frontiers between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, and thereby assisting in the establishment of good neighbourly relations, the Commission recommends the establishment of a body with the following composition and functions:

1) The body should be established by the Security Council in the form of either a small Commission or a single Commissioner. If the body is a small Commission it should be composed of representatives of Governments. If the body is to consist of a Commissioner he and his staff should be nationals of States who are neither permanent members of the Security Council nor have any direct connection or interest in the affairs of the four countries concerned.

2) The Commission or Commissioner should have the staff necessary to perform their functions, including persons able to act as border observers and to report on the observance of the frontier conventions referred to in recommendation B, the state of the frontier area, and cognate matters.

3) The Commission or Commissioner should have the right to perform their functions on both sides of the border and the Commission or Commissioner should have the right of direct access to the four Governments of Albania, Bulgaria, Yugoslavia and Greece.

The functions and duties of the Commission or the Commissioner should be:

(i) To investigate any frontier violations that occur;

(ii) To use its good offices for the settlement, by the means mentioned in Article 33 of the Charter, of:

a. Controversies arising from frontier violations;

6. Controversies directly connected with the application of the Frontier Conventions envisaged in B;

c. Complaints regarding conditions on the border which may be brought by one government against another,

(iii) To use its good offices to assist the governments concerned in the negotiation and conclusion of the frontier conventions envisaged in recommendation B.

(iv) To study and make recommendations to the governments concerned with respect to such additional bilateral agreements between them for the pacific settlement of disputes relating to frontier incidents or conditions on the frontier, as the Commission considers desirable,

(v) To assist in the implementation of Recommendation D below; to receive reports from the four Governments with respect to persons who have fled from any one of such countries to any of the others; to maintain a register for their confidential use of all such persons and to assist in the repatriation of those who wish to return to their homes, and in connection with these functions to act in concert with the appropriate agency of the United Nations,

(vi) To report to the Security Council every three months, or whenever they think fit.

It is recommended that this body should be established for a period of at least two years, before the expiry of which the necessity for its continued existence should be reviewed by the Security Council.

D. The Commission recognises that owing to the deep-rooted causes of the present disturbances and to the nature of the frontiers it is physically impossible to control the passage of refugees across the border. As the presence of these refugees in any of the four

countries is a disturbing factor each government should assume the obligation to remove them as far as it is physically and practically possible.

These refugees should be placed in camps or otherwise segregated. The governments concerned should undertake to ensure that they should not be permitted to indulge in any political or military activity.

The Commission would also strongly recommend that if it is practicable the camps containing the refugees should be placed under the supervision of some international body authorised by the United Nations to undertake the task.

In order to ensure that only genuine refugees return, their return to their country of origin shall not take place except after (1) arrangement with the government of such country and (2) notification to the Commission or Commissioner or to the international United Nations body if such is established. The Commission would here point out the desirability of the governments concerned encouraging the return of refugees to their homes.

E. The Commission proposes that the Security Council recommend to the governments concerned that they study the practicability of concluding agreements for the voluntary transfer of minorities. In the meantime minorities in any of the countries concerned desiring to emigrate should be given all facilities to do so by the government of the State in which they at present reside. The arrangements of any such transfers could be supervised by the Commission or Commissioner who would act as a registration authority for any person desiring to emigrate.

## CHAPTER II

The Delegations of Australia, Belgium, Brazil, China, Colombia, France, Syria, the United Kingdom and the United States subscribed to the proposals set out in Part IV, Chapter I.

The Delegation of U.S.S.R. did not approve these proposals and made the following statement:

The Soviet Delegation objects to the proposals put forward by the Delegations of the United States, United Kingdom, France, China, Brazil, Belgium, Colombia, Australia and Syria on the Greek Question for the following reasons:

1. The above-mentioned proposals in no way proceed from the facts and documents gathered by the Commission during the investigation of the situation in Northern Greece and on her northern frontiers, but are based merely on the unfounded assertions of the Greek Government regarding aid to the guerrillas by the northern neighbors of Greece.

2. The proposals admit the possibility of frontier incidents, conflicts and even acts of

aggression in the future in the relations between Greece on the one hand and Yugoslavia, Bulgaria and Albania on the other, although the Commission has no grounds whatever for proposals of such a nature.

3. The proposals contemplate measures concerning not only Greece but Yugoslavia, Bulgaria and Albania as well, although it is evident from the documents at the disposal of the Commission that there is a tense situation in Greece and that disorders are taking place there, not only in the northern part but throughout the country, and that the tense situation and disorders in Greece are due to internal causes.

4. The establishment of a permanent frontier commission or body representing the Security Council, as contemplated in the proposals, and also the conclusion of conventions and agreements between Greece, Yugoslavia, Bulgaria and Albania is tantamount to a limitation of the sovereign rights of these States in settling their relations among themselves.

The Delegation of Poland did not approve the proposals set out in Part IV Chapter I and made the following statement:

The Polish Delegation cannot approve of the measures proposed by some delegations in Part IV for the solution of the problem which have formed the object of the investigation of the Commission.

The Polish Delegation makes the following objections:

1. The measures as a whole seem ineffectual, since they take into account only the symptoms and not the causes of the troubles existing in northern Greece and along her northern frontiers. The fact that the measures proposed are ineffectual could easily prejudice the prestige of the United Nations.

2. Some of the measures proposed do not seem to take into account the fact that diplomatic relations do not exist between Greece on the one hand and Bulgaria and Albania on the other.

3. Concerning proposal C, which suggests the establishment of a permanent body of control, this measure appears inadequate for the following reasons:

- (i) such a body of control would prejudice the sovereign rights of Greece as well as those of Albania, Bulgaria and Yugoslavia,
- (ii) it would constitute a measure of coercion toward Albania, Bulgaria and Yugoslavia. This measure would be in no way justified by the results of the Commission's investigation. Therefore, instead of improving the existing difficulties it could quite well do the opposite.

The Polish Delegation considers that the choice of recommendations for the solution of the problems which form the object of the inquiry should be left to the Security Council.

f. Resolution by United States Representative

The Security Council began discussing the report of the Commission at its 147th meeting on June 27, 1947. At that meeting the representative of the United States stated that in the opinion of his Government the matter before the Security Council was one of the most serious which the United Nations up to that time had been called upon to consider. The action which the Security Council took in the case, he continued, would be of vital importance to all Member States of the United Nations and might be a decisive factor in strengthening the confidence of the world in the effectiveness of the Council to deal with situations such as the one before it. He summarized the phases leading to the establishment of the Commission, its work and its report. He went on to state that the facts elicited had substantiated without a doubt the conclusions subscribed to by the majority of eight of the Commission's eleven members with respect to the Greek charges. He argued that in supporting guerrillas in northern Greece, Yugoslavia, Bulgaria and Albania had been using force against the territorial integrity and political independence of Greece. They had in fact, he stated, been committing the very kind of acts which the United Nations was designed to prevent, and had violated the most important of the basic principles upon which the organization was founded.

The United States representative stated that his Government was convinced that the Security Council should at that stage in the case continue to act under Chapter VI of the Charter, bearing in mind that if the acts and practices found by the Investigation Commission should continue, the Council would be compelled to consider that there was no longer a dispute, but that there existed a threat to the peace, a breach of the peace, or an act of aggression within the meaning of Chapter VII of the Charter. For those reasons, he proposed that the Security Council adopt the substance of the proposals of the Commission. He submitted for the consideration of the Council the following resolution, which, he maintained, followed closely the text of the proposals:

The Security Council, having received and considered the report of the Commission of Investigation established by resolution of the Council dated 19 December 1946;

Convinced, on the basis of the Commission's report, that further action is required by the Security Council;

RESOLVES THAT:

1. The Security Council adopts the proposals made by the majority of the Members of the Commission;

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

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

The Commission shall be composed of a representative of each of the Nations Members of the Security Council as they may be from time to time.

The duties and powers of the Commission shall be:

(1) To use its good offices for the settlement, by the means mentioned in Article 33 of the Charter, of:

(a) Controversies arising from frontier violations;

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

(c) Complaints regarding conditions on the border which may be brought to the attention of the Commission by one government against another;

and in order to carry out these tasks the Commission is empowered to make an investigation of any frontier violations that occur and of any complaints brought by one government against another in connection with the application of the frontier conventions or regarding conditions on the border.

(2) To use its good offices to assist the governments concerned in the negotiation and conclusion of the frontier conventions recommended under this resolution.

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

(4) To assist in the implementation of the recommendations made to the four Governments under this resolution with respect to

refugees; to receive reports from the four Governments with respect to persons who may cross or have crossed from the territory of any one of such countries to any of the others; to maintain a register for its confidential use of all such persons and to assist in the repatriation of those who wish to return to their homes; and in connection with these functions to act in concert with the appropriate agency of the United Nations.

(5) If called upon by any of the governments concerned to supervise the arrangements for the transfer of minorities recommended to such governments under this resolution and to act as a registration authority for any persons desiring to emigrate.

(6) To have such other duties and powers as the Security Council may determine from time to time.

The Commission shall have its headquarters in Salonika and shall have authority to perform its functions on either side of the frontier.

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

The Commission shall establish its own rules of procedure and methods of conducting its business.

The Commission shall render regularly quarterly reports to the Security Council, or more frequently if it thinks fit.

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

The Commission shall have the staff necessary to perform its functions, including persons able to act as border observers and to report on the observance of frontier conventions recommended under this resolution, the state of the frontier area, and cognate matters.

After the representative of the United States had completed his remarks, the Security Council, on the suggestion of the President, agreed to hear statements by the representatives of the four Governments concerned.

The representative of Greece was the first speaker. He stated that the Commission of Investigation had made certain recommendations. So far as those recommendations went, and in the light of the powers of the Commission, the recommendations were good. Greece, he said, favored their adoption by the Security Council

and pledged itself to carry out its part in them fully and in good faith. He went on to state that the adequacy of those recommendations, however, was open to serious question.

The representative of Albania, the next speaker, stated that the disturbed situation on the Albanian frontier with Greece—which Albania regretted—was a situation provoked by Greece, which was prompted by an expansionist policy and which did not take account of the desires of the peoples to live in peace. He went on to state that there was abundant documentation which showed that the causes of the civil war then in full swing throughout the territory of Greece were of an internal character. He argued that Greek Government circles provoked the civil war which was taking place throughout Greece by their policy of terrorism toward the democratic masses, and by their policy of uprooting national minorities. He claimed that there were Greek witnesses who by their false statements to the Commission of Investigation gained not only liberty but also the protection of the Greek authorities. It had been found, he continued, that the Greek Government authorities had exerted physical and moral pressure upon witnesses in order to bring false statements before the Commission.

The Albanian representative concluded by asserting that the report of the Commission suffered from a marked incertitude. Five countries had not wished the neighboring countries of Greece to be declared responsible, he continued, and, accordingly, Albanian responsibility had been declared by only six representatives of the Commission. The result was rather meager; it was not of a binding character, he maintained.<sup>1</sup>

#### 8. THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS AND INFORMATION ON ARMED FORCES OF THE UNITED NATIONS

By a letter dated December 27, 1947, addressed to the Secretary-General, the representative of the U.S.S.R. submitted a proposal regarding the implementation of the resolution adopted by the General Assembly on December 14, 1946, on the "Principles Governing the General Regulation and Reduction of Armaments". The letter advocated the establishment of a commission, to be composed of the representatives of countries members of the Security Council, which should be charged with

preparing and submitting to the Council, within a period of not later than three months, proposals for the general regulation and reduction of armaments and armed forces.

At its 88th meeting on December 31, 1946, the Security Council placed the U.S.S.R. proposal on its agenda, but discussion of the substance of the question was postponed to a later date. The United States representative, however, submitted a draft resolution at the meeting which proposed that the Security Council give first priority to the establishment of international control over atomic energy by considering and acting on the report of the Atomic Energy Commission to the Council. Thereafter, the proposal continued, the Council would consider what further measures it should take, and in what order of priority, for the implementation of the General Assembly resolution.

At the 90th meeting of the Security Council on January 9, 1947, the U.S.S.R. representative contended that the United States draft resolution required the Council to consider at the present time only one question envisaged by the General Assembly, namely, the control of atomic energy, and left to the future the consideration of other questions. This procedure was not in conformity with, but was rather a contradiction of the General Assembly resolution. He argued that the Assembly resolution did not give any priority to consideration of any questions involved but he emphasized the necessity for the Security Council to proceed without delay with the working out of measures on both questions—the general reduction of armaments and armed forces and the control of atomic energy. The resolution did not provide for postponement of consideration of any of the questions set forth in it nor for postponement of adoption by the Council of appropriate measures. The United States proposal, he contended, would lead to delay in the working out of practical measures in the general regulation and reduction of armaments and armed forces, since it artificially made the solution of this task dependent on the progress and results of the consideration of the report of the Atomic Energy Commission.

<sup>1</sup> The Yearbook of the United Nations covers events only through July 1, 1947. The Greek Question continued to be discussed by the Council, and it should be noted that other viewpoints regarding the conclusions and the proposals of the Commission were subsequently expressed at the Security Council, but are not here presented.

The United States representative felt that effective international control of atomic energy was the key to the whole problem and must come first. He found it difficult to believe that regulation of armaments generally could be effectively achieved without general agreement on the fundamental problems relating to the control of atomic energy. He felt that substantial progress in the crucial field of international atomic energy control was a prerequisite to success in the general field of the regulation of armaments. Establishment of a system of effective regulation was fundamentally a problem of devising effective international controls and safeguards which would protect complying States against the hazards of violations and evasions.

In the view of the United States, he continued, the field of atomic energy was a test case. Unless the Council was able to devise safeguards which the nations of the world would feel were adequate to protect them against the use of atomic weapons, they would have no security. On the other hand, if the Council could devise an international system with the necessary safeguards to protect the nations from atomic weapons, the problem of applying these same principles to the lesser weapons should not prove of insurmountable difficulty.

The Australian and French representatives expressed the belief that simultaneous action was possible in both fields—atomic energy and armaments generally. In the opinion of the Australian representative, neither the U.S.S.R. nor the United States proposal excluded the other. The representative of France believed that the Security Council could combine the two studies and find a procedure enabling the Council simultaneously to start work on the report on atomic energy and to create a committee on disarmament and set it to work. He presented to the Council a draft resolution embodying those ideas.

The representative of Poland suggested that the Security Council adopt formally the resolution of the General Assembly. He advanced a legal and a political reason for such action. With respect to the legal aspect, he stated that although the Security Council was not bound automatically to accept recommendations of the General Assembly, by doing so it would help to remove all legal doubts of the Council's being bound to the recommendations contained in the resolution. From the political viewpoint,

it was important to take such action in order that the Council might manifest to the world that the purposes and recommendations contained in the resolution coincided with the objectives which the Council wished to attain.

After these remarks, the President of the Council announced the Council's formal acceptance of the resolution of the General Assembly.

At the 92nd meeting of the Security Council of January 15 the representative of Australia submitted a resolution to the Council. He explained that although the Australian delegation was in general agreement with the purpose of both the United States and the U.S.S.R. resolutions, he did not think that either of them, taken by itself, would be sufficient to give effect to the recommendation which the Security Council had accepted. The Australian resolution had therefore been drafted in an attempt to combine both the United States and the U.S.S.R. viewpoints, and to bring about action which would meet the main purpose of both of those countries and which would be likely to lead to concerted and co-operative action by all of the powers concerned in discharging the great responsibility placed upon the Security Council in respect of disarmament. It was the view of Australia that if its resolution were accepted by the Council, then the new disarmament committee—proposed in the resolution—should commence work on general disarmament immediately, and the Atomic Energy Commission should also continue its work without waiting for the formal endorsement by the Security Council of its first report. Co-ordination of the two bodies could be ensured by the fact that their membership would be almost identical with each other and with the Security Council. Moreover, their work would be under constant review by the Security Council.

The representative of Colombia, at the 93rd meeting of the Council on January 15, submitted an alternative proposal which, he believed, gave the constructive suggestions made by the Australian and French delegations more flexibility, and allowed a little more time to the Security Council to consider the various proposals.

At the same meeting the representative of the United States asked that a decision on the various proposals submitted be postponed for a period of approximately three weeks, in order to allow himself—a newcomer to the deliberations of the Council—and the new Secretary of State expected shortly in the United

States Government, as well as the Council itself more time to arrive at a decision deliberately.

At the 95th meeting on January 20, the Council adopted by 9 votes to 2 (Poland and the U.S.S.R. voting against) a resolution submitted by the representative of the United States to postpone discussion on the General Assembly resolution on general regulation and reduction of armaments to February 4, 1947.

Discussion was resumed at the 98th meeting on February 4, when a new draft resolution was submitted by the representative of the United States. It proposed that the Security Council should establish a commission, composed of the members of the Council, whose function would be to make recommendations to the Council regarding the practical measures for the general regulation and reduction of armaments and armed forces. These measures would include the provision of effective safeguards, but would not relate to those matters which fell within the competence of the Atomic Energy Commission as determined by the General Assembly resolutions of January 24, 1946, and December 14, 1946.

The draft resolution further proposed that the Council should establish a committee of the Council consisting of a representative of each of its members, to make recommendations regarding the terms or reference of the proposed commission, including its relations with the Council, the Military Staff Committee and the Atomic Energy Commission.

At its next meeting after adoption of the draft resolution, the proposal continued, the Council would begin consideration of the first report of the Atomic Energy Commission dated December 31, 1946, with particular reference to the recommendations contained in Part III thereof.

The representative of the U.S.S.R. then explained why he was opposed to the new draft resolution presented by the United States. Among other things, he stated that the proposal that the Council set up a commission of the representatives of countries members of the Security Council repeated a proposal made in a Soviet motion on December 27, 1946. The reference to the Atomic Energy Commission, he contended, added nothing whatever to what had already been agreed upon. Regarding the proposal to establish a committee to determine the terms of reference of the proposed commission, he said he

could see no need for such a committee. The task of the commission, he contended, was defined precisely and exhaustively in the General Assembly resolution. It was the task of the commission to work out its own program, to work out the conduct of its own proceedings and, therefore, to set up such a committee, as proposed in the new draft resolution, would mean a delay in the consideration and preparation of practical measures to implement the Assembly resolution.

At the 99th meeting of the Council on February 4, the representative of Australia stated that his Government could not support the United States resolution as it stood. In its present form, it would give priority to the consideration of the Atomic Energy Commission's report, and it was quite plain, he argued, that the Council was not going to make any progress if it tried to establish priorities in that way. Such action would defer the commencement of work directed toward the general reduction and regulation of armaments. He went on to state that he could see no necessity for establishing a committee to make preliminary studies regarding the work to be done by the proposed commission, as it should be possible for the Security Council itself to establish the commission, to decide on its membership and to agree on its terms of reference. He added that the American draft resolution omitted any reference to other urgent matters, particularly matters requiring the attention of the Military Staff Committee, which was referred to in the Assembly resolution. He agreed that the matters relating to the control of atomic energy should be proceeded with immediately, but he also believed that action to that end should not in any way delay the consideration concurrently and on parallel lines of other matters which the General Assembly had asked the Security Council to examine.

At the suggestion of the Australian representative, the Security Council agreed that the authors of the various draft resolutions—that is to say the representatives of the U.S.S.R., the United States, France, Colombia and Australia respectively—should meet unofficially with the President of the Council (the representative of Belgium) to try to work out a common text upon which unanimous agreement of the Council could be obtained.



The Conferees met on February 5, 6 and 7. Although their deliberations resulted in a large measure of agreement, they were unable to achieve unanimous agreement on all points and therefore decided to submit to the Council a text consisting of a preamble and four paragraphs and embodying two different versions of paragraph 3. Disagreement on the point concerned the question of jurisdiction as between the Atomic Energy Commission and the proposed new commission. One version contained specific limitations to the proposed commission's field of activity; the other contained no such limitations. Concerning the text upon which full agreement was reached, paragraph 1 defined the general tasks which were incumbent upon the Security Council after it had accepted the resolution of the General Assembly of December 14, 1946; paragraph 2 pointed to the necessity of the Council's considering, as soon as possible, the report submitted by the Atomic Energy Commission, and the importance of the Council's taking a suitable decision to facilitate the work of that Commission; the last paragraph called upon the Military Staff Committee to submit to the Council, as soon as possible, the recommendations for which it had been asked by the Security Council on February 15, 1946, in pursuance of Article 43 of the Charter.

The Security Council at its 102nd meeting on February 11, decided to link the examination of the following two items on its agenda: (1) the resolution of the General Assembly on the principles governing the general regulation and reduction of armaments and proposals regarding its implementation, and (2) the resolution of the General Assembly concerning information on the armed forces of the United Nations.

In the general debate that ensued, the United States representative pressed his support of the proposal to exclude from the jurisdiction of the new commission those matters which fell within the competence of the Atomic Energy Commission. He wanted the resolution to leave no doubt as to the Council's intention in this regard. He was certain that the General Assembly would never have agreed that the Council should set up a new commission which would have authority to encroach on the jurisdiction of the Atomic Energy Commission. The United States insisted that the Council should not delegate

any such authority to the new commission. He went on to state that the work of the Atomic Energy Commission should be expedited; it was a matter of principle not to permit the overlapping or derogation of its functions.

With respect to information on armed forces of the United Nations, the United States representative contended that the debate in the General Assembly leading up to the adoption of that particular resolution revealed that the kind of information comprehended by the resolution was information on armed forces and not on weapons and armaments. He believed that the intent of the Security Council in that connection should be made clear by excluding from the competence of the proposed commission those matters relating to atomic weapons. He submitted that the terms of reference of the new commission should be so clear that it could not legally call for information regarding weapons and armaments and those other matters which fell within the competence of the Atomic Energy Commission, as determined by the General Assembly resolutions of January 24 and December 14, 1946.

At the same meeting the U.S.S.R. representative argued that the Security Council must be guided in its decisions by the resolutions of the General Assembly and must carry out carefully the tasks contained and defined in those resolutions. The resolutions adopted by the General Assembly on the general regulation and reduction of armaments and armed forces did not speak separately of provisions governing atomic weapons, on the one hand, and other conventional weapons, on the other, he stated. Atomic arms were mentioned within the general framework of arms and armaments, and there was no opposition in those resolutions of the General Assembly, as there was in the United States proposals, between atomic arms, on the one hand, and armaments of other kinds, on the other. He went on to state that the United States proposals created an artificial opposition between the Atomic Energy Commission and the proposed new commission. Such opposition diverted the attention of the Security Council from the fundamental task lying before it to secondary organizational and procedural matters and did not contribute to the rapid implementation of the resolutions adopted by the General Assembly.

On the question of information on armed forces, the representative of the U.S.S.R. summarized the attitude of his Government in the matter during the discussion in the General Assembly. He reiterated that information only on forces, without information on armaments, would be useless; but information on forces and armaments would be useful to both the Security Council and the Military Staff Committee.

Discussion was continued at the 103rd and 104th meetings of the Council on February 12. The French representative felt that in order to carry out the General Assembly's recommendation, it was the duty of the Security Council to define a method of work which would enable the Atomic Energy Commission to carry on a task that had had a very encouraging beginning, which would provide for the establishment of a disarmament commission that should in no case encroach on the sphere of the Atomic Energy Commission, and which would most urgently remind the Military Staff Committee of the task entrusted to it on February 15, 1946,—a task which, so far as the Council was aware, it had not begun to carry out.

The representative of Colombia considered it necessary to limit and define the new commission's terms of reference in some way or other.

The representative of the United Kingdom was convinced that it was not the intention of the General Assembly to give the new commission the full task of implementing the whole of the General Assembly resolution, but reserved, and rightly so, certain ground for the Atomic Energy Commission.

The representative of Brazil considered that the jurisdiction of the two commissions must be kept separate.

The Australian representative in what he termed as a last attempt to find some way out of the present impasse, submitted the following amendment dealing with the jurisdiction of the new commission:

Those matters which fall within the competence of the Atomic Energy Commission, as determined by the General Assembly resolutions of January 24 and December 14, 1946, shall be dealt with in accordance with such resolutions, and the jurisdiction of the commission hereby established shall be without prejudice to the competence and jurisdiction of the Atomic Energy Commission.

The Australian representative admitted that the draft amendment did not settle the question of jurisdiction once and for all but that it did allow a certain amount of flexibility.

The representative of the U.S.S.R. proposed the following amendment to replace the provisions on jurisdiction:

The results of the work of this commission, and also the results of the work of the Atomic Energy Commission, must be a basis for working out the measures for general regulation and reduction of armaments.

After the general debate was closed, the Security Council proceeded to vote paragraph by paragraph on the draft disarmament resolution submitted to it by the sponsors of the five separate proposals. It was understood that each amendment would be considered in relation to the paragraph to which it referred, and that after a decision on each of the individual paragraphs was taken, there would be a final vote on the resolution as a whole.

The preamble and the first and second paragraphs of the resolution were adopted without discussion.

Two votes (Australia and Syria) were cast in favor of the Australian amendment to provide less precise terms of reference; 5 against (Belgium, Brazil, China, the United Kingdom and the United States); and there were 4 abstentions (Colombia, France, Poland and the U.S.S.R.).

Two votes (Poland and the U.S.S.R.) were cast in favor of the U.S.S.R. amendments; 8 against (Belgium, Brazil, China, Colombia, France, Syria, the United Kingdom and the United States); and there was 1 abstention (Australia).

A vote was then taken on the proposal of the U.S.S.R. to vote on paragraph 3 by subparagraphs. Australia, Colombia, France, Poland, Syria and the U.S.S.R. voted for; Brazil and the United States voted against; and Belgium, China and the United Kingdom abstained. As the proposal failed to obtain the affirmative vote of seven members of the Council, it was not adopted.

The representative of the U.S.S.R. then proposed that paragraph 3 be divided into and voted upon two parts. The first part of the paragraph which he favored would include that part of paragraph 3 not limiting the

jurisdiction of the new commission; the second part included the limitations on its jurisdiction. On the proposal to divide paragraph 3 into two parts, Australia, Colombia, Poland, Syria and the U.S.S.R. voted in favor; Brazil and the United States voted against; and Belgium, China, France and the United Kingdom abstained.

A vote was then taken on the whole of paragraph 3. Australia, Belgium, Brazil, China, Colombia, France, Syria, the United Kingdom and the United States voted for; and Poland and the U.S.S.R. abstained.

Explaining his absention, the U.S.S.R. representative stated that it was clear that the U.S.S.R. delegation supported and voted in favor of that part of the text which envisaged the establishment, of a commission, for that was proposed in the original Soviet proposal; in favor of that part which referred to the composition, as that was also proposed by the U.S.S.R.; and, finally, in favor of the provision that the commission should formulate proposals to ensure the implementation of the General Assembly resolution of December 14. He went on to state that he abstained from voting on the first part only because in his opinion it was artificially and incorrectly tied to the second part as a result of the erroneous procedure adopted by the Council.

The Security Council concluded voting on the draft disarmament resolution at its 105th meeting on February 13. At the meeting, the last paragraph of the draft was disposed of and then a vote on the resolution as a whole was taken. The last paragraph as originally drafted was as follows:

To request the Military Staff Committee to submit to it, as soon as possible, the recommendations for which it has been asked by the Security Council on February 15, 1946, in pursuance of Article 43 of the Charter.

The United Kingdom submitted an amendment to the last paragraph which consisted of adding the following words:

and as a first step to submit to the Security Council, not later than April 30, 1947, the recommendations with regard to the basic principles which should govern the organization of the United Nations Armed Force.

A vote was taken on the United Kingdom amendment and it was adopted by 9 votes, with 2 abstentions. Australia, Belgium, Brazil, China, Colombia, France, Syria, the United

Kingdom and the United States voted in favor; Poland and the U.S.S.R. abstained.

The Australian representative's amendment, which consisted of adding the words "and as a matter of urgency" after the words, "to request the Military Staff Committee to submit to it, as soon as possible," was then voted upon. Australia, Belgium, Brazil, China, Colombia, France, Syria, the United Kingdom and the United States voted for; Poland and the U.S.S.R. abstained.

A vote was then taken on the draft resolution as a whole. Australia, Belgium, Brazil, China, Colombia, France, Poland, Syria, the United Kingdom and the United States voted for and the U.S.S.R. abstained.

The final text of the resolution of the Security Council concerning the implementation of the resolutions of the General Assembly regarding the principles governing the general regulation and reduction of armaments and information on armed forces of the United Nations was as follows:

The Security Council, having accepted the resolution of the General Assembly of 14 December 1946 and recognizing that the general regulation and reduction of armaments and armed forces constitute a most important measure for strengthening international peace and security, and that the implementation of the resolution of the General Assembly on this subject is one of the most urgent and important tasks before the Security Council,

#### RESOLVES:

1. to work out the practical measures for giving effect to the resolutions of the General Assembly on 14 December 1946 concerning, on the one hand, the general regulation and reduction of armaments and armed forces, and the establishment of international control to bring about the reduction of armaments and armed forces, and, on the other hand, information concerning the armed forces of the United Nations;
2. to consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions in order to facilitate its work;
3. to set up a Commission consisting of representatives of the Members of the Security Council with instructions to prepare and to submit to the Security Council within the space of not more than three months, the proposals:

- (a) for the general regulation and reduction of armaments and armed forces, and
- (b) for practical and effective safeguards in connection with the general regulation and reduction of armaments which the Com-

mission may be in a position to formulate. In order to ensure the implementation of the above-mentioned resolutions of the General Assembly of 14 December 1946, in so far as these resolutions relate to armaments within the new Commission's jurisdiction. The Commission shall submit a plan of work to the Council for approval.

Those matters which fall within the competence of the Atomic Energy Commission as determined by the General Assembly Resolution of 24 January 1946 and 14 December 1946 shall be excluded from the jurisdiction of the Commission hereby established.

The title of the Commission shall be the Commission for Conventional Armaments. The Commission shall make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

4. to request the Military Staff Committee to submit to it, as soon as possible and as a matter of urgency, the recommendations for which it has been asked by the Security Council on 16 February 1946 in pursuance of Article 43 of the Charter, and as a first step, to submit to the Security Council not later than 30 April 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations Armed Force.

The Commission for Conventional Armaments held its first meeting at Lake Success on March 24, 1947.<sup>1</sup>

## 9. FREE TERRITORY OF TRIESTE

### a. Consideration of Annexes to Peace Treaty with Italy

At the 88th meeting of the Security Council of December 31, 1946, the President of the Council—the representative of the United States—notified the members of a letter from the Chairman of the Council of Foreign Ministers to the Secretary-General, dated December 12, 1946, and received by the Secretary-General on December 20, dealing with the decisions of the Council of Foreign Ministers regarding Trieste. The letter was not included in the provisional agenda of that meeting, however, as the President felt that the Governments represented on the Council would desire to send instructions to their representatives, and that it would be better to have the item considered at an early meeting in the new year.

The letter explained that the Council of Foreign Ministers had prepared a peace treaty

with Italy which would come into force when ratified by the four powers—France, the U.S.S.R., the United Kingdom, and the United States.

The treaty would establish a Free Territory of Trieste whose independence and integrity would be ensured by the Security Council. The permanent statute and the provisional statute of the Territory appeared as an annex to the treaty, as did an instrument on the Free Port of Trieste.

In order to permit the Security Council to study the texts in question, the relevant articles and annexes of the draft peace treaty with Italy were transmitted with the letter, which advised that the Ministers of Foreign Affairs had instituted a Committee which would hold itself at the disposal of the Security Council for the purpose of furnishing it with all necessary information concerning the Free Territory, its statute and the provisions concerning the Free Port of Trieste.

The letter stated that the Ministers of Foreign Affairs were desirous that the texts submitted on the terms of the treaty for approval by the Security Council should be decided on by the Council before January 15, 1947, as the signing of the treaty of peace with Italy was to occur at the beginning of February.

Transmitted with the letter were the following: Description of Frontiers, General Provisions Concerning the Status of the Free Territory of Trieste, Property and Debt Provisions Relating to the Free Territory of Trieste, Technical Guarantees, Instrument for the Provisional Regime of the Free Territory of Trieste, Permanent Statute for the Free Territory of Trieste and Instrument for the Free Port of Trieste.

The item was placed on the agenda of the Security Council at its 89th meeting of January 7, 1947. At the meeting the representative of Australia stated that the proposals before the Security Council were to the effect that the Council should accept various new responsibilities and, in particular, the responsibility of assuring the integrity and the independence of the Free Territory. The acceptance of such responsibilities was clearly not authorized by the Charter, he stated. No

<sup>1</sup> See sections of Yearbook on Commission for Conventional Armaments, Atomic Energy Commission and Military Staff Committee.

amendment of the Charter had yet been proposed, and to accept these responsibilities in the absence of such an amendment would be a grave precedent affecting all Members of the United Nations. He asked further what countries would be bound by the obligation to ensure the integrity and independence of the Free Territory.

In reply to the representative of Australia, the representative of the U.S.S.E. stated that the power to assume responsibility in respect of the execution of the task outlined in the documents was given to the Council by a whole series of articles contained in the Charter and in particular by Article 24.

The representative of the United States stated that the particular problem of Trieste had been rightly brought to the Security Council by the Council of Foreign Ministers. He contended that the only possible solution for the Trieste Territory was internationalization, and that it seemed far more in keeping with the spirit of the world organization than the Security Council, representing the United Nations, should be the body charged with the responsibility for guaranteeing that Territory, rather than the principal powers which were engaged in the war, or any single power arbitrarily chosen as a so-called trustee. He then presented the following draft resolution:

The Security Council having received and examined the Annexes to the proposed Peace Treaty with Italy relating to the creation and government of the Free Territory of Trieste (including an arrangement for a Free Port), hereby records its approval of the said Annexes, and its acceptance of the responsibilities devolving upon it under the same, and directs the Secretary-General to notify the United States of America, France, the United Kingdom and the U.S.S.R., of its action.

As a matter of clarification, the representative of the U.S.S.R. explained to the members of the Council that the Council was not asked to approve all the documents passed to it by the Council of Foreign Ministers, but only the following documents: (1) the instrument for the Free Port of Trieste; (2) the instrument for the provisional regime of the Free Territory of Trieste; (3) the permanent Statute for the Free Territory of Trieste. The other documents were submitted to the Security Council for its information.

Discussion of the item was continued at the 91st meeting of the Council on January 10, 1947. At that meeting, the Assistant Sec-

retary-General in charge of Security Council affairs, by direction of the Secretary-General, submitted to the Council a statement with regard to the legal issues raised in connection with the question of Trieste. The legal questions raised were: (1) the authority of the Security Council to accept the responsibilities imposed by the three instruments relating to the Free Territory of Trieste, and (2) the obligation of Members of the United Nations to accept and carry out the decisions of the Security Council pursuant to these instruments. With respect to (1), the Assistant Secretary-General stated that in paragraph 1 of Article 24 the words "primary responsibility for the maintenance of international peace and security," coupled with the phrase, "acts on their behalf," constituted a grant of power sufficiently wide to enable the Security Council to approve the documents in question and to assume the responsibilities arising therefrom. Furthermore, he continued, the records of the San Francisco Conference demonstrated that the powers of the Security Council under Article 24 were not restricted to the specific grants of authority contained in Chapters VI, VII, VIII and XII. It was recognized in the discussion at San Francisco that the responsibility to maintain peace and security carried with it a power to discharge this responsibility.

With respect to the second legal question raised, the Assistant Secretary-General stated that Article 24 provided that in carrying out its duties, the Security Council acted on behalf of Members of the United Nations. Moreover, Article 25 expressly provided that "the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". Further, at the San Francisco Conference, there was a proposal in Committee III/1 to limit the obligation of the Security Council solely to those decisions of the Council undertaken pursuant to the specific powers enumerated in Chapters VI, VII, VIII and XII of the Charter. This amendment was put to a vote in the Committee and rejected. The rejection of this amendment, he concluded, was clear evidence that the obligation of the Members to carry out the decisions of the Security Council applied equally to decisions made under Article 24 and to the decisions made under the grant of specific powers.

At the same meeting, the representative of the United States asked for leave to revise the resolution he had submitted to the Council at the last meeting. After a number of observations had been offered concerning the revised draft and after the part directing the Secretary-General to notify the Council of Foreign Ministers of its action had been deleted in order to meet objections of certain members of the Council who felt that it was entirely unnecessary, the following resolution was put to a vote:

The Security Council, having received and examined the Annexes to the proposed Peace Treaty with Italy relating to the creation and government of the Free Territory of Trieste (including an arrangement for a Free Port), hereby records its approval of the three following documents:

1. The instrument for the provisional regime of the Free Territory of Trieste;
2. The permanent Statute for the Free Territory of Trieste;
3. The instrument for the Free Port of Trieste;

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

Belgium, Brazil, China, Colombia, France, Poland, Syria, the United Kingdom, the United States and the U.S.S.R. voted for the resolution. Australia abstained from voting.

The text of the three documents approved follows:

#### INSTRUMENT FOR THE PROVISIONAL REGIME OF THE FREE TERRITORY OF TRIESTE<sup>1</sup>

##### ARTICLE 1

The present provisions shall apply to the administration of the Free Territory of Trieste pending the entry into force of the Permanent Statute.

The Governor shall assume office in the Free Territory at the earliest possible moment after the entry into force of the present Peace Treaty. Pending assumption of office by the Governor, the Free Territory shall continue to be administered by the Allied military commands within their respective zones.

##### ARTICLE 2

On assuming office in the Free Territory of Trieste, the Governor shall be empowered to select from among persons domiciled in the Free Territory, and after consultation with the Governments of Yugoslavia and Italy, a Provisional Council of Government. The Governor shall have the right to make changes in the composition of the Provisional Council

of Government whenever he deems it necessary. The Governor and the Provisional Council of Government shall exercise their functions in the manner laid down in the provisions of the Permanent Statute, as and when these provisions prove to be applicable and in so far as they are not superseded by the present Instrument. Likewise, all other provisions of the Permanent Statute shall be applicable during the period of the provisional regime as and when these provisions prove to be applicable and in so far as they are not superseded by the present Instrument. The Governor's actions will be guided mainly by the needs of the population and its well-being.

##### ARTICLE 3

The seat of Government will be established in Trieste. The Governor will address his reports directly to the President of the Security Council and will, through that channel, supply the Security Council with all necessary information on the administration of the Free Territory.

##### ARTICLE 4

The first concern of the Governor shall be to ensure the maintenance of public order and security. He shall appoint, on a provisional basis, a Director of Public Security, who will reorganize and administer the police force and security services.

##### ARTICLE 5

(a) From the date of the coming into force of the present Treaty, troops stationed in the Free Territory shall not exceed 5,000 men for the United Kingdom, 5,000 men for the United States of America and 5,000 men for Yugoslavia.

(6) These troops shall be placed at the disposal of the Governor for a period of ninety days after his assumption of office in the Free Territory. As from the end of that period, they will cease to be at the disposal of the Governor and will be withdrawn from the Territory within a further period of forty-five days, unless the Governor advises the Security Council that, in the interests of the Territory, some or all of them should not, in his view, be withdrawn. In the latter event, the troops required by the Governor shall remain until not later than forty-five days after the Governor has advised the Security Council that the security services can maintain internal order in the Territory without the assistance of foreign troops.

(c) The withdrawal prescribed in paragraph (6) shall be carried out so as to maintain, in so far as possible, the ratio prescribed in paragraph (a) between the troops of the three Powers concerned.

##### ARTICLE 6

The Governor shall have the right at any time to call upon the commanders of such

<sup>1</sup> Annex VII of the Peace Treaty.

contingents for support, and such support shall be given promptly. The Governor shall, whenever possible, consult with the military commanders concerned before issuing his instructions but shall not interfere with the military handling of the forces in the discharge of his instructions. Each commander has the right to report to his Government the instructions which he has received from the Governor, informing the Governor of the contents of such reports. The Government concerned shall have the right to refuse the participation of its forces in the operation in question, informing the Security Council accordingly.

#### ARTICLE 7

The necessary arrangements relating to the stationing, administration and supply of the military contingents made available by the United Kingdom, United States of America and Yugoslavia shall be settled by agreements between the Governor and the commanders of those contingents.

#### ARTICLE 8

The Governor, in consultation with the Provisional Council of Government, shall be responsible for organizing the elections of members of the Constituent Assembly in accordance with the conditions provided for in the Statute for elections to the popular Assembly.

The elections shall be held not later than four months after the Governor's assumption of office. In case this is technically impossible, the Governor shall report to the Security Council.

#### ARTICLE 9

The Governor shall, in consultation with the Provisional Council of Government, prepare the provisional budget and the provisional export and import programmes and shall satisfy himself that appropriate arrangements are made by the Provisional Council of Government for the administration of the finances of the Free Territory.

#### ARTICLE 10

Existing laws and regulations shall remain valid unless and until revoked or suspended by the Governor. The Governor shall have the right to amend existing laws and regulations and to introduce new laws and regulations in agreement with the majority of the Provisional Council of Government. Such amended and new laws and regulations, as well as the acts of the Governor in regard to the revocation or suspension of laws and regulations shall be valid unless and until they are amended, revoked or superseded by acts of the popular Assembly or the Council of Government within their respective spheres after the entry into force of the Constitution.

#### ARTICLE 11

Pending the establishment of a separate currency regime for the Free Territory, the Italian lira shall continue to be the legal tender within the Free Territory. The Italian Government shall supply the foreign exchange and currency needs of the Free Territory under conditions no less favourable than those applying in Italy.

Italy and the Free Territory shall enter into an agreement to give effect to the above provisions as well as to provide for any settlement between the two Governments which may be required.

### PERMANENT STATUTE FOR THE FREE TERRITORY OF TRIESTE<sup>1</sup>

#### ARTICLE 1

##### Area of Free Territory

The area of the Free Territory of Trieste shall be the territory within the frontiers described in Articles 4 and 22 of the present Treaty as delimited in accordance with Article 5 of the Treaty.

#### ARTICLE 2

##### Integrity and independence

The integrity and independence of the Free Territory shall be assured by the Security Council of the United Nations. This responsibility implies that the Council shall:

- (a) Ensure the observance of the present Statute and in particular the protection of the basic human rights of the inhabitants;
- (6) Ensure the maintenance of public order and security in the Free Territory.

#### ARTICLE 3

##### Demilitarization and neutrality

1. The Free Territory shall be demilitarized and declared neutral.
2. No armed forces, except under direction of the Security Council, shall be allowed in the Free Territory.
3. No para-military formations, exercises or activities shall be permitted within the Free Territory.
4. The Government of the Free Territory shall not make or discuss any military arrangements or undertakings with any State.

#### ARTICLE 4

##### Human rights and fundamental freedoms

The Constitution of the Free Territory shall ensure to all persons under the jurisdiction of the Free Territory, without distinction as to ethnic origin, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association. Citizens of the Free Territory shall be assured of equality of eligibility for public office.

<sup>1</sup> Annex VI of the Peace Treaty.

ARTICLE 5

Civic and political rights

No person who has acquired the citizenship of the Free Territory shall be deprived of his civic or political rights except as judicial punishment for the infraction of the penal laws of the Free Territory.

ARTICLE 6

Citizenship

1. Italian citizens who were domiciled on 10 June 1940 in the area comprised within the boundaries of the Free Territory, and their children born after that date, shall become original citizens of the Free Territory with full civil and political rights. Upon becoming citizens of the Free Territory they shall lose their Italian citizenship.

2. The Government of the Free Territory shall, however, provide that the persons referred to in paragraph 1 over the age of eighteen years (or married persons whether under or over that age) whose customary language is Italian shall be entitled to opt for Italian citizenship within six months from the coming into force of the Constitution under conditions to be laid down therein. Any person so opting shall be considered to have re-acquired Italian citizenship. The option of the husband shall not constitute an option on the part of the wife. Option on the part of the father, or if the father is not alive, on the part of the mother, shall, however, automatically include all unmarried children under the age of eighteen years.

3. The Free Territory may require those who take advantage of the option to move to Italy within a year from the date on which the option was exercised.

4. The conditions for the acquisition of citizenship by persons not qualifying for original citizenship shall be determined by the Constituent Assembly of the Free Territory and embodied in the Constitution. Such conditions shall, however, exclude the acquisition of citizenship by members of the former Italian Fascist Police (OVRA) who have not been exonerated by the competent authorities, including the Allied military authorities who were responsible for the administration of the area.

ARTICLE 7

Official languages

The official languages of the Free Territory shall be Italian and Slovene. The Constitution shall determine in what circumstances Croat may be used as a third official language.

ARTICLE 8

Flag and coat-of-arms

The Free Territory shall have its own flag and coat-of-arms. The flag shall be the traditional flag of the City of Trieste and the arms shall be its historic coat-of-arms.

ARTICLE 9

Organs of government

For the government of the Free Territory there shall be a Governor, a Council of Government, a popular Assembly elected by the people of the Free Territory and a Judiciary, whose respective powers shall be exercised in accordance with the provisions of the present Statute and of the Constitution of the Free Territory.

ARTICLE 10

Constitution

1. The Constitution of the Free Territory shall be established in accordance with democratic principles and adopted by a Constituent Assembly with a two-thirds majority of the votes cast. The Constitution shall be made to conform to the provisions of the present Statute and shall not enter into force prior to the coming into force of the Statute.

2. If in the opinion of the Governor any provisions of the Constitution proposed by the Constituent Assembly, or any subsequent amendments thereto, are in contradiction to the Statute, he may prevent their entry into force, subject to reference to the Security Council if the Assembly does not accept his views and recommendations.

ARTICLE 11

Appointment of Governor

1. The Governor shall be appointed by the Security Council after consultation with the Governments of Yugoslavia and Italy. He shall not be a citizen of Yugoslavia or Italy or of the Free Territory. He shall be appointed for five years and may be re-appointed. His salary and allowances shall be borne by the United Nations.

2. The Governor may authorize a person selected by him to act for him in the event of his temporary absence or temporary inability to perform his duties.

3. The Security Council, if it considers that the Governor has failed to carry out his duties, may suspend him and, under appropriate safeguards of investigation and hearing, dismiss him from his office. In the event of his suspension or dismissal, or in the event of his death or disability, the Security Council may designate or appoint another person to act as Provisional Governor until the Governor recovers from his disability or a new Governor is appointed.

ARTICLE 12

Legislative authority

The legislative authority shall be exercised by a popular Assembly consisting of a single chamber elected on the basis of proportional representation, by the citizens of both sexes of the Free Territory. The elections for the Assembly shall be conducted on the basis of universal, equal, direct and secret suffrage.



## ARTICLE 13

## Council of Government

1. Subject to the responsibilities vested in the Governor under the present Statute, executive authority in the Free Territory shall be exercised by a Council of Government which will be formed by the popular Assembly and will be responsible to the Assembly.

2. The Governor shall have the right to be present at all meetings of the Council of Government. He may express his views on all questions affecting his responsibilities.

3. When matters affecting their responsibilities are discussed by the Council of Government, the Director of Public Security and the Director of the Free Port shall be invited to attend meetings of the Council and to express their views.

## ARTICLE 14

## Exercise of judicial authority

The judicial authority in the Free Territory shall be exercised by tribunals established pursuant to the Constitution and laws of the Free Territory.

## ARTICLE 15

## Freedom and independence of Judiciary

The Constitution of the Free Territory shall guarantee the complete freedom and independence of the Judiciary and shall provide for appellate jurisdiction.

## ARTICLE 16

## Appointment of Judiciary

1. The Governor shall appoint the Judiciary from among candidates proposed by the Council of Government, or from among other persons, after consultation with the Council of Government unless the Constitution provides for a different manner for filling judicial posts; and, subject to safeguards to be established by the Constitution, may remove members of the Judiciary for conduct incompatible with their judicial office.

2. The popular Assembly, by a two-thirds majority of votes cast may request the Governor to investigate any charge brought against a member of the Judiciary which, if proved, would warrant his suspension or removal.

## ARTICLE 17

## Responsibility of the Governor to the Security Council

1. The Governor, as the representative of the Security Council, shall be responsible for supervising the observance of the present Statute including the protection of the basic human rights of the inhabitants and for ensuring that public order and security are maintained by the Government of the Free Territory in accordance with the present Statute, Constitution and laws of the Free Territory.

2. The Governor shall present to the Security Council annual reports concerning the operation of the Statute and the performance of his duties.

## ARTICLE 18

## Rights of the Assembly

The popular Assembly shall have the right to consider and discuss any matters affecting the interests of the Free Territory.

## ARTICLE 19

## Enactment of legislation

1. Legislation may be initiated by members of the popular Assembly and by the Council of Government, as well as by the Governor, in matters which in his view affect the responsibilities of the Security Council as defined in Article 2 of the present Statute.

2. No law shall enter into force until it shall have been promulgated. The promulgation of laws shall take place in accordance with the provisions of the Constitution of the Free Territory.

3. Before being promulgated, legislation enacted by the Assembly shall be presented to the Governor.

4. If the Governor considers that such legislation is in contradiction to the present Statute, he may, within ten days following presentation of such legislation to him, return it to the Assembly with his comments and recommendations. If the Governor does not return the legislation within such ten days, or if he advises the Assembly within such period that it calls for no comments or recommendation on his part, the legislation shall be promulgated forthwith.

5. If the Assembly makes manifest its refusal to withdraw legislation returned to the Assembly by the Governor, or to amend it in conformity with his comments or recommendations, the Governor shall, unless he is prepared to withdraw his comments or recommendations—in which case the law shall be promulgated forthwith—immediately report the matter to the Security Council. The Governor shall likewise transmit without delay to the Security Council any communication which the Assembly may wish to make to the Council on the matter.

6. Legislation which forms the subject of a report to the Security Council under the provisions of the preceding paragraph shall only be promulgated by the direction of the Security Council.

## ARTICLE 20

## Rights of Governor with respect to administrative measures

1. The Governor may require the Council of Government to suspend administrative measures which in his view conflict with his responsibilities as defined in the present Statute (observance of the Statute; maintenance of public order and security; respect for human rights). Should the Council of Government object, the Governor may suspend these administrative measures and the Governor or the Council of Government may refer the whole question to the Security Council for decision.

2. In matters affecting his responsibilities as defined in the Statute the Governor may propose to the Council of Government the adoption of any administrative measures. Should the Council of Government not accept such proposals the Governor may, without prejudice to Article 22 of the present Statute, refer the matter to the Security Council for decision.

#### ARTICLE 21

##### Budget

1. The Council of Government shall be responsible for the preparation of the budget of the Free Territory, including both revenue and expenditure, and for its submission to the popular Assembly.

2. If the Assembly should fail to vote the budget within the proper time limit, the provisions of the budget for the preceding period shall be applied to the new budgetary period until such time as the new budget shall have been voted.

#### ARTICLE 22

##### Special powers of Governor

1. In order that he may carry put his responsibilities to the Security Council under the present Statute, the Governor may, in cases which in his opinion permit of no delay, and which threaten the independence or integrity of the Free Territory, public order or respect of human rights, directly order and require the execution of appropriate measures subject to an immediate report thereon being made by him to the Security Council. In such circumstances the Governor may himself assume, if he deems it necessary, control of the security services

2. The popular Assembly may petition the Security Council concerning any exercise by the Governor of his powers under paragraph 1 of this Article.

#### ARTICLE 23

##### Power of pardon and reprieve

The power of pardon and reprieve shall be vested in the Governor and shall be exercised by him in accordance with provisions to be laid down in the Constitution.

#### ARTICLE 24

##### Foreign relations

1. The Governor shall ensure that the foreign relations of the Free Territory shall be conducted in conformity with the Statute, Constitution, and laws of the Free Territory. To this end the Governor shall have authority to prevent the entry into force of treaties or agreements affecting foreign relations which, in his judgment, conflict with the Statute, Constitution or laws of the Free Territory.

2. Treaties and agreements, as well as exequaturs and consular commissions, shall be signed jointly by the Governor and a representative of the Council of Government.

3. The Free Territory may be or become a party to international conventions or become

a member of international organizations provided the aim of such conventions or organizations is to settle economic, technical, cultural, social or health questions.

4. Economic union or associations of an exclusive character with any State are incompatible with the status of the Free Territory.

6. The Free Territory of Trieste shall recognize the full force of the Treaty of Peace with Italy, and shall give effect to the applicable provisions of that Treaty. The Free Territory shall also recognize the full force of the other agreements or arrangements which have been or will be reached by the allied and associated Powers for the restoration of peace.

#### ARTICLE 25

##### Independence of Governor and staff

In the performance of their duties, the Governor and his staff shall not seek or receive instructions from any Government or from any other authority except the Security Council. They shall refrain from any act which might reflect on their position as international officials responsible only to the Security Council.

#### ARTICLE 26

##### Appointment and removal of administrative officials

1. Appointments to public office in the Free Territory shall be made exclusively on the ground of ability, competence and integrity.

2. Administrative officials shall not be removed from office except for incompetence or misconduct and such removal shall be subject to appropriate safeguards of investigation and hearing to be established by law.

#### ARTICLE 27

##### Director of Public Security

1. The Council of Government shall submit to the Governor a list of candidates for the post of Director of Public Security. The Governor shall appoint the Director from among the candidates presented to him, or from among other persons, after consultation with the Council of Government. He may also dismiss the Director of Public Security after consultation with the Council of Government.

2. The Director of Public Security shall not be a citizen of Yugoslavia or Italy.

3. The Director of Public Security shall normally be under the immediate authority of the Council of Government from which he will receive instructions on matters within his competence.

4. The Governor shall:

(a) Receive regular reports from the Director of Public Security, and consult with him on any matters coming within the competence of the Director;

(6) Be informed by the Council of Government of its instructions to the Director of Public Security and may express his opinion thereon.

## ARTICLE 28

## Police force

1. In order to preserve public order and security in accordance with the Statute, the Constitution and the laws of the Free Territory, the Government of the Free Territory shall be empowered to maintain a police force and security services.

2. Members of the police force and security services shall be recruited by the Director of Public Security and shall be subject to dismissal by him.

## ARTICLE 29

## Local government

The Constitution of the Free Territory shall provide for the establishment on the basis of proportional representation of organs of local government on democratic principles, including universal, equal, direct and secret suffrage.

## ARTICLE 30

## Monetary system

The Free Territory shall have its own monetary system.

## ARTICLE 31

## Railways

Without prejudice to its proprietary rights over the railways within its boundaries and its control of the railway administration, the Free Territory may negotiate with Yugoslavia and Italy agreements for the purpose of ensuring the efficient and economical operation of its railways. Such agreements would determine where responsibility lay for the operation of the railways in the direction of Yugoslavia or Italy respectively and also for the operation of the railway terminal of Trieste, and of that part of the line which is common to all. In the latter case such operation may be effected by a special commission comprised of representatives of the Free Territory, Yugoslavia and Italy under the chairmanship of the representative of the Free Territory.

## ARTICLE 32

## Commercial aviation

1. Commercial aircraft registered in the territory of any one of the United Nations which grants on its territory the same rights to commercial aircraft registered in the Free Territory, shall be granted international commercial aviation rights, including the right to land for refueling and repairs, to fly over the Free Territory without landing and to use for traffic purposes such airports as may be designated by the competent authorities of the Free Territory.

2. These rights shall not be subject to any restrictions other than those imposed on a basis of non-discrimination by the laws and regulations in force in the Free Territory and in the countries concerned, or resulting from the special character of the Free Territory as neutral and demilitarized.

## ARTICLE 33

## Registration of vessels

1. The Free Territory is entitled to open registers for the registration of ships and vessels owned by the Government of the Free Territory or by persons or organizations domiciled within the Free Territory.

2. The Free Territory shall open special maritime registers for Czechoslovak and Swiss ships and vessels upon request of these Governments as well as for Hungarian and Austrian ships and vessels upon the request of these Governments after the conclusion of the treaty of peace with Hungary and the treaty for the re-establishment of the independence of Austria respectively. Ships and vessels entered in these registers shall fly the flags of their respective countries.

3. In giving effect to the foregoing provisions, and subject to any international convention which may be entered into concerning these questions, with the participation of the Government of the Free Territory, the latter shall be entitled to impose such conditions governing the registration, retention on and removal from the registers as shall prevent any abuses arising from the facilities thus granted. In particular as regards ships and vessels registered under paragraph 1 above, registration shall be limited to ships and vessels controlled from the Free Territory and regularly serving the needs or the interests of the Free Territory. In the case of ships and vessels registered under paragraph 2 above, registration shall be limited to ships and vessels based on the port of Trieste and regularly and permanently serving the needs of their respective countries through the port of Trieste.

## ARTICLE 34

## Free Port

A Free Port shall be established in the Free Territory and shall be administered on the basis of the provisions of an international instrument drawn up by the Council of Foreign Ministers, approved by the Security Council, and annexed to the present Treaty.<sup>1</sup> The Government of the Free Territory shall enact all necessary legislation and take all necessary steps to give effect to the provisions of such instrument.

## ARTICLE 35

## Freedom of transit

Freedom of transit shall, in accordance with customary international agreements, be assured by the Free Territory and the States whose territories are traversed, to goods transported by railroad between the Free Port and the States which it serves, without any discrimination and without customs duties or charges other than those levied for services rendered.

<sup>1</sup> Annex VIII of the Peace Treaty.

ARTICLE 36

Interpretation of Statute

Except where any other procedure is specifically provided under any Article of the present Statute, any dispute relating to the interpretation or execution of the Statute, not resolved by direct negotiations, shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations shall be requested to make the appointment. The decision of the majority of the members of the commission shall be the decision of the commission, and shall be accepted by the parties as definitive and binding.

ARTICLE 37

Amendment of Statute

This Statute shall constitute the permanent Statute of the Free Territory, subject to any amendment which may hereafter be made by the Security Council. Petitions for the amendment of the Statute may be presented to the Security Council by the popular Assembly upon a vote taken by a two-thirds majority of the votes cast.

ARTICLE 38

Coming into force of Statute

The present Statute shall come into force on a date which shall be determined by the Security Council of the United Nations.

INSTRUMENT FOR THE FREE  
PORT OF TRIESTE<sup>1</sup>

ARTICLE 1

1. In order to ensure that the port and transit facilities of Trieste will be available for use on equal terms by all international trade and by Yugoslavia, Italy and the States of Central Europe, in such manner as is customary in other free ports of the world:

(a) There shall be a customs-free port in the Free Territory of Trieste within the limits provided for by, or established in accordance with, Article 3 of the present Instrument;

(b) Goods passing through the Free Port of Trieste shall enjoy freedom of transit as stipulated in Article 16 of the present Instrument.

2. The international regime of the Free Port shall be governed by the provisions of the present Instrument.

ARTICLE 2

1. The Free Port shall be established and administered as a State corporation of the Free Territory, having all the attributes of

a juridical person and functioning in accordance with the provisions of this Instrument.

2. All Italian State and para-statal property within the limits of the Free Port which, according to the provisions of the present Treaty, shall pass to the Free Territory shall be transferred, without payment, to the Free Port.

ARTICLE 3

1. The area of the Free Port shall include the territory and installations of the free zones of the port of Trieste within the limits of the 1939 boundaries.

2. The establishment of special zones in the Free Port under the exclusive jurisdiction of any State is incompatible with the status of the Free Territory and of the Free Port.

3. In order, however, to meet the special needs of Yugoslav and Italian shipping in the Adriatic, the Director of the Free Port, on the request of the Yugoslav or Italian Government, and with the concurring advice of the International Commission provided for in Article 21, may reserve to merchant vessels flying the flags of either of these two States the exclusive use of berthing spaces within certain parts of the area of the Free Port.

4. In case it shall be necessary to increase the area of the Free Port such increase may be made upon the proposal of the Director of the Free Port by decision of the Council of Government with the approval of the popular Assembly.

ARTICLE 4

Unless otherwise provided for by the present Instrument, the laws and regulations in force in the Free Territory shall be applicable to persons and property within the boundaries of the Free Port and the authorities responsible for their application in the Free Territory shall exercise their functions within the limits of the Free Port.

ARTICLE 5

1. Merchant vessels and goods of all countries shall be allowed unrestricted access to the Free Port for loading and discharge both for goods in transit and goods destined for or proceeding from the Free Territory.

2. In connexion with importation into, exportation from, or transit through the Free Port, the authorities of the Free Territory shall not levy on such goods customs duties or charges other than those levied for services rendered.

3. However, in respect of goods, imported through the Free Port for consumption within the Free Territory or exported from this Territory through the Free Port, appropriate legislation and regulations in force in the Free Territory shall be applied.

ARTICLE 6

Warehousing, storing, examining, sorting, packing and repacking and similar activities which have customarily been carried on in

<sup>1</sup> Annex VIII of the Peace Treaty.

the free zones of the Port of Trieste shall be permitted in the Free Port under the general regulations established by the Director of the Free Port.

#### ARTICLE 7

1. The Director of the Free Port may also permit the processing of goods in the Free Port.

2. Manufacturing activities in the Free Port shall be permitted to those enterprises which existed in the free zones of the port of Trieste before the entry into force of the present Instrument. Upon the proposal of the Director of the Free Port, the Council of Government may permit the establishment of new manufacturing enterprises within the limits of the Free Port.

#### ARTICLE 8

Inspection by the authorities of the Free Territory shall be permitted within the Free Port to the extent necessary to enforce the customs or other regulations of the Free Territory for the prevention of smuggling.

#### ARTICLE 9

1. The authorities of the Free Territory will be entitled to fix and levy harbour dues in the Free Port.

2. The Director of the Free Port shall fix all charges for the use of the facilities and services of the Free Port. Such charges shall be reasonable and be related to the cost of operation, administration, maintenance and development of the Free Port.

#### ARTICLE 10

In the fixing and levying, in the Free Port, of harbour dues and other charges under Article 9, as well as in the provision of the services and facilities of the Free Port, there shall be no discrimination in respect of the nationality of the vessels, the ownership of the goods or on any other grounds.

#### ARTICLE 11

The passage of all persons into and out of the Free Port area shall be subject to such regulations as the authorities of the Free Territory shall establish. These regulations, however, shall be established in such a manner as not unduly to impede the passage into and out of the Free Port of nationals of any State who are engaged in any legitimate pursuit in the Free Port area.

#### ARTICLE 12

The rules and by-laws operative in the Free Port and likewise the schedules of charges levied in the Free Port must be made public.

#### ARTICLE 13

Coastwise shipping and coastwise trade within the Free Territory shall be carried on in accordance with regulations issued by the authorities of the Free Territory, the provisions of the present Instrument not being

deemed to impose upon such authorities any restrictions in this respect.

#### ARTICLE 14

Within the boundaries of the Free Port, measures for the protection of health and measures for combating animal and plant diseases in respect of vessels and cargoes shall be applied by the authorities of the Free Territory.

#### ARTICLE 15

It shall be the duty of the authorities of the Free Territory to provide the Free Port with water supplies, gas, electric light and power, communications, drainage facilities and other public services and also to ensure police and fire protection.

#### ARTICLE 16

1. Freedom of transit shall, in accordance with customary international agreements, be assured by the Free Territory and the States whose territories are traversed to goods transported by railroad between the Free Port and the States which it serves, without any discrimination and without customs duties or charges other than those levied for services rendered.

2. The Free Territory and the States assuming the obligations of the present Instrument through whose territory such traffic passes in transit in either direction shall do all in their power to provide the best possible facilities in all respects for the speedy and efficient movement of such traffic at a reasonable cost, and shall not apply, with respect to the movement of goods to and from the Free Port, any discriminatory measures with respect to rates, services, customs, sanitary, police or any other regulations.

3. The States assuming the obligations of the present Instrument shall take no measures regarding regulations or rates which would artificially divert traffic from the Free Port for the benefit of other seaports. Measures taken by the Government of Yugoslavia to provide for traffic to ports in southern Yugoslavia shall not be considered as measures designed to divert traffic artificially.

#### ARTICLE 17

The Free Territory and the States assuming the obligations of the present Instrument shall, within their respective territories and on non-discriminatory terms, grant, in accordance with customary international agreements, freedom of postal, telegraphic and telephonic communications between the Free Port area and any country for such communications as originate in or are destined for the Free Port area.

#### ARTICLE 18

1. The administration of the Free Port shall be carried on by the Director of the Free Port who will represent it as a juridical

person. The Council of Government shall submit to the Governor a list of qualified candidates for the post of Director of the Free Port. The Governor shall appoint the Director from among the candidates presented to him after consultation with the Council of Government. In case of disagreement the matter shall be referred to the Security Council. The Governor may also dismiss the Director upon the recommendation of the International Commission or the Council of Government.

2. The Director shall not be a citizen of Yugoslavia or Italy.

3. All other employees of the Free Port will be appointed by the Director. In all appointments of employees preference shall be given to citizens of the Free Territory.

#### ARTICLE 19

Subject to the provisions of the present Instrument, the Director of the Free Port shall take all reasonable and necessary measures for the administration, operation, maintenance and development of the Free Port as an efficient port adequate for the prompt handling of all the traffic of that port. In particular, the Director shall be responsible for the execution of all kinds of port works in the Free Port; shall direct the operation of port installations and other port equipment; shall establish in accordance with legislation of the Free Territory, conditions of labour in the Free Port; and shall also supervise the execution in the Free Port of orders and regulations of the authorities of the Free Territory in respect to navigation.

#### ARTICLE 20

1. The Director of the Free Port shall issue such rules and by-laws as he considers necessary in the exercise of his functions as prescribed in the preceding Article.

2. The autonomous budget of the Free Port will be prepared by the Director, and will be approved and applied in accordance with legislation to be established by the popular Assembly of the Free Territory.

3. The Director of the Free Port shall submit an annual report on the operations of the Free Port to the Governor and the Council of Government of the Free Territory. A copy of the report shall be transmitted to the International Commission.

#### ARTICLE 21

1. There shall be established an International Commission of the Free Port, hereinafter called "the Commission," consisting of one representative from the Free Territory and from each of the following States: France, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics, United States of America, Federated People's Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, provided that such State has assumed the obligations of the present Instrument.

2. The representative of the Free Territory shall be the permanent Chairman of the Commission. In the event of a tie in voting, the vote cast by the Chairman shall be decisive.

#### ARTICLE 22

The Commission shall have its seat in the Free Port. Its offices and activities shall be exempt from local jurisdiction. The members and officials of the Commission shall enjoy in the Free Territory such privileges and immunities as are necessary for the independent exercise of their functions. The Commission shall decide upon its own secretariat, procedure and budget. The common expenses of the Commission shall be shared by member States in an equitable manner as agreed by them through the Commission.

#### ARTICLE 23

The Commission shall have the right to investigate and consider all matters relating to the operation, use and administration of the Free Port or to the technical aspects of transit between the Free Port and the States which it serves, including unification of handling procedures. The Commission shall act either on its own initiative or when such matters have been brought to its attention by any State or by the Free Territory or by the Director of the Free Port. The Commission shall communicate its views or recommendations on such matters to the State or States concerned, or to the Free Territory, or to the Director of the Free Port. Such recommendations shall be considered and the necessary measures shall be taken. Should, the Free Territory or the State or States concerned deem however that such measures would be inconsistent with the provisions of the present Instrument, the matter may at the request of the Free Territory, or any interested State be dealt with as provided in Article 24.

#### ARTICLE 24

Any dispute relating to the interpretation or execution of the present Instrument, not resolved by direct negotiations shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations shall be requested to make the appointment. The decision of the majority of the members of the commission shall be the decision of the commission, and shall be accepted by the parties as definitive and binding.

#### ARTICLE 25

Proposals for amendments to the present Instrument may be submitted to the Security

Council by the Council of Government of the Free Territory or by three or more States represented on the International Commission. An amendment approved by the Security Council shall enter into force on the date determined by the Security Council.

#### ARTICLE 26

For the purposes of the present Instrument a State shall be considered as having assumed the obligations of this Instrument if it is a party to the Treaty of Peace with Italy or has notified the Government of the French Republic of its assumption of such obligations.

#### b. Appointment of a Governor

By a letter dated June 13, 1947, addressed to the Secretary-General, the representative of the United Kingdom requested that an early date be fixed for the discussion by the Security Council of the question of the appointment of a Governor of the Free Territory of Trieste. The question was placed on the provisional agenda at the 143rd meeting of the Security Council.

At the 143rd meeting of the Security Council on June 20, 1947, the representative of the U.S.S.R. spoke against the inclusion of this question in the agenda of the Security Council. He argued that the Security Council could not discuss the matter until the peace treaty with Italy had been ratified. The discussion of the question in the Security Council before a corresponding previous decision had been taken by the representatives of the four powers which participated in the decision of the Foreign Ministers' Conference of December 12, 1946, would only be a loss of time inasmuch as no decision could possibly be taken by the Security Council until agreement had been reached by the representatives of the four powers.

The representative of Australia stated, among other things, that it seemed clear that:

(1) it was not necessary for the Permanent Statute to come into force before the appointment of the Governor; and (2) it was necessary for the Instrument for the Provisional Regime to come into force before the Governor was formally appointed. He went on to state that the Security Council was not concerned at the moment with the formal appointment of the Governor. All it was concerned with was making the selection and deciding who he should be so that immedi-

ately the Treaty entered into force, the formal appointment could be made. If the Council did not take this anticipatory action, the assumption of office by the Governor would be indefinitely delayed; and until he assumed office, the Free Territory would continue to be administered by the Allied Military Commands within their respective zones. It was essential, therefore, that the Security Council proceed at once to discuss possible candidates for the Governorship.

By a vote of 9 in favor, with 1 vote against (U.S.S.R.) and with France abstaining, the Security Council admitted the discussion of the appointment of a Governor of Trieste to its agenda, and decided, further, to hold a closed meeting while discussing possible candidates.

A private meeting of the Security Council was held on the afternoon of the same day. In a communique released by the Council after the meeting it was stated that the members of the Council exchanged their views and decided to meet on that matter in a few days. The President of the Council, who was authorized by the Council to speak with the representatives of the press after the meeting, stated that no new names of candidates were introduced at the private meeting.

#### 10. INCIDENTS IN THE CORFU CHANNEL

On January 10, 1947, the Secretary-General received a communication from the Government of the United Kingdom requesting the Security Council to take up, under Article 35 (1) of the Charter, a dispute between Great Britain and Albania. The matter concerned the damaging by mines of the British destroyers *Volage* and *Saumarez* in the Corfu Channel, close to the Albania shores, on October 22, 1946. As a result of explosions, 44 sailors were killed, 42 were injured, and the two ships were crippled, one becoming a total loss.

The United Kingdom in a communication to the Albanian Government had requested an apology and compensation for the loss of life and property involved. As the Albanian reply to the British communication was considered unsatisfactory by the United Kingdom, the case was submitted to the Security Council.

The Security Council on January 20, 1947, by a vote of 10 in favor and 1 abstention (the U.S.S.R.), admitted the dispute to its agenda.

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



the beginning of the discussion rather than at the end of it.

The representative of China observed that several delegations had referred to the fact that the case could have been taken to the International Court in the first place, but he reminded those delegations that, since Albania was not a member of the United Nations, it could not have been compelled to appear before the Court. However, since it had accepted the obligations of the Members of the United Nations when it accepted the Council's invitation to participate in the discussion, it was now, like any Member of the United Nations, obliged to comply with both the provisions of the Charter and the Statute of the International Court.

A vote was taken on April 9, 1947, on the United Kingdom proposal to recommend "that the United Kingdom and the Albanian Governments should immediately refer the dispute to the International Court of Justice in accordance with the provisions of the Statute of the Court."

The result of the voting was as follows: Affirmative—Australia, Belgium, Brazil, China, Colombia, France, Syria and the United States. Abstention—Poland and the U.S.S.R. Being a party to the dispute, the United Kingdom did not vote. The President of the Council announced that the resolution was carried.

On May 23, 1947, the Secretary-General received notification that the United Kingdom had filed with the International Court of Justice its applications against the Albanian People's Republic in the Corfu Channel Case.

#### II. TRUSTEESHIP AGREEMENT FOR THE FORMER JAPANESE MANDATED ISLANDS

On February 17, 1947, the Secretary-General of the United Nations received from the United States representative on the Security Council a letter enclosing the text of a draft Trusteeship Agreement for the former Japanese mandated islands. The Secretary-General was requested to submit the draft Agreement to the Security Council for its approval, and he was further requested to place this matter on the agenda of the Security Council at an early date. The area included in the Agreement took in the Marshall, Mariana and Caroline Islands—a total of 98 islands with a population of some 48,000.

The draft Trusteeship Agreement differed from the eight United Nations Trusteeship

Agreements already in effect by its designation of the former Japanese mandated islands as a strategic area. Article 82 of the Charter provides that there may be designated in any Trusteeship Agreement a strategic area or areas to include part or all of the Trust Territory. Under Article 83, all functions of the United Nations relating to such strategic areas, including the approval of the terms of the Trusteeship Agreements and of their alteration or amendment, are exercised by the Security Council. Subject to the provisions of the Trusteeship Agreements and without prejudice to security considerations, the Security Council is to avail itself of the assistance of the Trusteeship Council on political, economic, social and educational matters in the strategic areas.

The letter and the enclosed draft Trusteeship Agreement were placed on the agenda of the Security Council at its 113th meeting held on February 26, 1947.

In explaining the purpose of the draft Agreement, the United States representative to the Security Council reiterated the declaration made by President Truman on November 6, 1946, that "the United States is prepared to place under trusteeship, with the United States as the Administering Authority, the Japanese mandated islands and any Japanese islands for which it assumes responsibility as a result of the Second World War."

Final disposition of islands which were under Japanese sovereignty before the war must await the peace settlement with Japan, the United States representative went on to state. The draft Trusteeship Agreement submitted to the Security Council for its approval related only to the former Japanese mandated islands, which had never belonged to Japan but were part of the League of Nations mandates system.

The United States representative described the strategic value of the mandated islands to Japan in its campaign of aggression. The purpose of the United States, he maintained, was to defend the security of these islands in a manner that would contribute to the building up of genuine, effective and enforceable collective security for all Members of the United Nations.

He stated that in conformity with the provisions of the Charter for strategic areas, the Trust Territory would contain bases, and that the United States might from time to

time specify certain areas as closed for security reasons. The Council was assured that the United States would faithfully support the principle of effective supervision by the United Nations within the limits imposed by its obligation to administer that area in such a way as to preserve the security of the United States and to strengthen collective security under the United Nations. The United States representative concluded by stating that it was the profound belief of the Government of the United States and of the American people that the administration of those islands by the United States in accordance with the terms of the draft Agreement would contribute both to the maintenance of international peace and security and to the well-being and advancement of the inhabitants of the islands.

The representative of the U.S.S.R. considered that the question of the former Japanese mandated islands was within the competence of the Security Council, that the Council was empowered to take a decision upon it and that it was not required to observe any delay in such a decision. He stated that it was the opinion of the Soviet delegation that it would be right and proper to place the area of the former Japanese mandated islands under the trusteeship of the United States, as the Soviet Government considered that the United States forces played a decisive role in the victory over Japan.

The discussion of the matter was continued at the 116th meeting of the Council on March 7, 1947. At that meeting the representative of the United Kingdom stated that while his Government was entirely agreeable in principle to the United States Government's ultimately becoming the Administering Authority in respect of the mandated area, his Government had doubts, on a strictly legal basis, as to the propriety of the Security Council considering the draft Trusteeship Agreement for the mandated islands pending final disposal of the islands under the peace treaty with Japan. He continued that if, however, the majority of the members of the Council wished to proceed in the sense requested by the United States representative, he would not oppose the adoption of such a course.

The Australian representative stated that the decision made by the Security Council should be finally confirmed at the Peace Conference settling the Pacific war, and that States not members of the Security Council

who were belligerents in that war should have an opportunity to discuss the terms of trusteeship.

At the 118th meeting of the Council on March 12, it was agreed to extend an invitation to the Governments of India and New Zealand, as well as to those members of the Far Eastern Commission<sup>1</sup> not already represented on the Security Council, to participate in the discussions of the United States Draft Trusteeship Agreement.

At the same meeting, the representative of Australia proposed to add a new article as Article 17) which read as follows:

This Agreement is subject to confirmation in the interim or final treaty of peace between Japan and the Allied Powers, victorious in the war against Japan, it being understood that by such treaty Japan shall be required to surrender all its rights, if any, relating to the control and administration of the present territories, and such territories shall be formally detached from any form of control by Japan.

At the meeting of the Security Council on March 17, representatives of Canada, India, the Netherlands, New Zealand, and the Philippines—as Governments interested in the discussion of the draft Agreement—took their places at the Council table.

At that meeting, the President of the Council—the representative of Brazil—gave his opinion on the constitutional aspects of the Australian amendment. He thought it difficult to accept the idea that a decision by the Council on matters relating to trusteeship for strategic areas should require confirmation by any other international body, whether linked with the United Nations or not. It was his opinion that if the Council approved the Trusteeship Agreement, that decision was final so far as

<sup>1</sup> The Far Eastern Commission, with headquarters in Washington, D.C., was established by the Council of Foreign Ministers at Moscow on December 16 to 26, 1946, to replace the Far Eastern Advisory Commission (established in October 1945), but to be composed of the same members: Australia, Canada, China, France, Great Britain, India, Netherlands, New Zealand, the Philippines, the U.S.S.R. and the United States. The functions of the Commission, limited, inter alia, with regard to the conduct of military operations and territorial changes, are to formulate policies for the carrying out of the terms of the Japanese surrender, to review directives within its jurisdiction to and from the Supreme Commander of Japan, and to discuss such other matters as may be proposed by a majority of its members with China, Great Britain, the U.S.S.R. and the United States concurring.

the United Nations was concerned and could be revoked only by another decision of the Security Council itself. On the other hand, he stated, it seemed highly undesirable for the Council to give a directive, so to speak, to a conference not held under the auspices of the United Nations.

To avoid any possible misunderstanding as to the position of Australia, the first line of the Australian amendment was redrafted to read:

This agreement will enter into force on the date on which the interim or final treaty of peace between Japan and the Allied Powers, victorious in war against Japan, becomes binding on Japan.

The Australian representative submitted that nothing in the Charter precluded the inclusion in the terms of the Trusteeship Agreement of a provision that the Agreement should become effective on a date later than that on which the Security Council approved the Agreement. In fact, Article 16 of the Draft Agreement stated that "the present agreement shall come into force" when approved by the Security Council and "by the Government of the United States after due constitutional process."

He submitted that the amendment did not intend nor did it in fact impair or lessen the jurisdiction of the Council. It simply proposed to postpone the entry into force of an Agreement in order to recognize the relationship between the approval of the Agreement and the disposal of the Japanese mandated islands at the Peace Conference. He denied that the amendment attempted to lay down any directive as to how the other conference should proceed.

The representative of the United States challenged the legality of the Australian amendment. He stated that the United Nations had the sole, exclusive and supreme authority over trusteeship and that no other authority equalled it. It was, therefore, the first duty of the Security Council to protect and save the authority and effectiveness of the United Nations. Furthermore, he argued, the United Nations had no authority under the Charter to make the peace terms. It was not given any commitment with respect to the treaty of peace between Japan and the victorious Powers.

With respect to the position of Japan, the United States representative stated that by signing the act of surrender that country had forfeited any rights to the mandated islands.

The document of surrender, signed individually or through General Douglas MacArthur, Supreme Commander of the Allied Powers, showed that Japan had there accepted the Potsdam Declaration, which stated:

The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the Islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as we determine.

Finally, he continued, the United States, if it should accept the trusteeship, would have to do so according to its constitutional forms. It would not be reasonable to ask the United States to take a trusteeship responsibility on an Agreement that contained a provision that would make the effectiveness of the Agreement contingent upon the signing of a peace treaty with Japan at some future date.

At the 123rd meeting of the Council on March 28, the representative of Australia stated that it was the intention of his Government to approve the proposed draft Agreement, but to postpone its operation until the successful belligerent nations had met formally together for the making of a peace settlement with Japan. In view of the fact that the Security Council agreed to Australia's suggestion that the nations which fought against Japan be admitted to the Council itself for the purpose of stating their views on the United States trusteeship proposal, Australia had decided not to press the proposal to amend the Draft Agreement by adding a new article. For the above reason, he stated, the Australian delegation would fully endorse and support the United States proposal.

The representatives of the other interested States—non-members of the Security Council—then expressed their viewpoints on the draft Trusteeship Agreement.

The Netherlands representative said that in respect to both the immediate future and long-term aspect of the great problem of avoiding war in the Pacific, his country unreservedly approved the United States proposal.

The representative of New Zealand stated that his Government had no thought of opposing or obstructing the substance of the proposal made by the Government of the United States, but it was his Government's view that no disposition of the mandated islands could be final until it was endorsed by the terms of the peace settlement.

The representatives of Canada, India and the Philippine Republic were in favor of

United States administration of the mandated islands.

At the 124th meeting on April 2, the Security Council voted on the draft Agreement article by article, and in that way disposed of the various amendments that had been offered.

The preamble and the majority of the articles as originally proposed by the United States were approved unanimously. There was extensive debate, however on some of the articles.<sup>1</sup>

In connection with Article 8, there was a United Kingdom proposal to delete from the end of paragraph 1 the words "except the Administering Authority." These words, stated the United Kingdom representative, gave a preferential position to the United States that did not seem to be in strict accordance with the Charter. He argued that according to the Charter there should be equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals in the strategic area as in any other territory under trusteeship.

The United States representative replied that the proposal made by his Government was for the designation of the former Japanese mandated islands as a strategic area. In such an area, the security objective must be an over-riding consideration. Such a provision in a strategic area was justified, in the view of his Government, by Article 76 (d) and Article 83 (2) of the Charter. Article 76 (d), he stated, provided for equal treatment of all Members of the United Nations and their nationals, "without prejudice to the attainment of the foregoing objectives," one of which was the furtherance of international peace and security. Article 83 (2) provided for the manner in which Article 76 should be carried out in a strategic area, by stating that the provisions of Article 76 should be applicable to the people of the territory, rather than to the people outside. He continued by stating that those islands, in the light of experience, were an economic liability and were not assets to the Administering Authority, and therefore did not present an opportunity for important economic development. The question would have to be determined by the other members of the Security Council, as the United States representative would not vote. On the question of whether the amendment should be taken or not, if the United States had a vote, it would vote "no," he continued,

but the United States was not going to use that vote to exercise the veto. On such questions as this, he concluded, it was perfectly clear that the United States, where it might be obliged in view of its responsibilities to withdraw the tender of an Agreement, should certainly not exercise a veto in the Security Council.

When the vote was taken on Article 8, Poland, the United Kingdom and the U.S.S.R. voted in favor of the amendment; Australia, Belgium, Brazil, Colombia, France and Syria against it, and China and the United States abstained. The amendment therefore failed to pass. As there were no further amendments to Article 8, it was approved without further discussion.

There was a United Kingdom proposal to re-draft Article 13. The United Kingdom representative expressed the hope that some provision might be inserted for notifying the Security Council when areas were closed, if possible giving reasons.

To this the United States representative replied that his Government considered this article of such great importance that it could not accede to the suggested change. He asked, however, if the United Kingdom representative would be satisfied if the records should show that the United States contemplated that notification would be made to the Security Council whenever the proviso contained in Article 13 came into use. The act of specification was an act of notification, he added, and it was the purpose of the United States to keep the Security Council notified.

The United Kingdom representative expressed satisfaction at the declaration made by the United States representative and withdrew his amendment, whereupon the original article was approved.

Article 15 in its original draft form read:

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

The U.S.S.R. proposed that the article be re-drafted so as to read:

The terms of the present agreement may be altered and amended or the term of its validity discontinued by the decision of the Security Council.

The United States indicated willingness to accept the following wording:

<sup>1</sup> For text of Trusteeship Agreement see pp. 398 ff.

The terms of the present agreement shall not be altered, amended or terminated except by agreement of the Administering Authority and the Security Council.

The U.S.S.R. representative contended that the original text did not give full recognition to the rights and powers of the Council, and that the second United States draft diminished these rights and powers still further.

The United States representative replied that inasmuch as the United States was a party to the Agreement, it probably could not accept an amendment of the nature of that proposed by the U.S.S.R. representative, as the amendment would be in violation of the Charter. He went on to state that the whole theory of the trusteeship system was that there must be at least two parties to any Trusteeship Agreement, and it would be an astonishing interpretation of the Charter to assume that that party which, by the Charter, had only the function of approval should be given exclusively the function of determining the terms of the Agreement. For an amendment, he continued, determined the terms of an agreement, and certainly the power of termination, given over to the Security Council alone, was in violation of the spirit of the Charter and of the theory of agreement. He stated that that was an occasion when he could not vote, because he would have to vote against the amendment. Such an action would constitute a veto, and he was not going to exercise a veto. He concluded by stating that the position of the United States would be that of refraining from voting, and the whole matter might result in a withdrawal by the principal party to the performance of the trust, that was, the United States.

The President of the Council—the representative of China—suggested the following as an alternative for Article 15:

The terms of the present agreement shall not be altered or amended except in accordance with the provisions of the Charter.

The President's proposal was not accepted by the United States, and the President therefore did not press it. The Polish representative, however, submitted formally an amendment equivalent to the unsustained amendment of the President.

The U.S.S.R. amendment and the Polish amendment respectively were put to a vote

and lost. The United States representative then stated that his revised draft had been offered only as a compromise and was therefore not pending in view of the decision on the other amendments. The original Article 15 was then approved with 8 favorable votes; Poland, Syria and the U.S.S.R. abstained.

The text of the Trusteeship Agreement as finally approved unanimously by the Security Council on April 2, 1947, was as follows:

#### Preamble

WHEREAS Article 75 of the Charter of the United Nations provides for the establishment of an International Trusteeship System for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

WHEREAS under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate: and

WHEREAS on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

WHEREAS Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

NOW, THEREFORE, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

#### Article 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the Trusteeship System established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the Trust Territory.

#### Article 2

The United States of America is designated as the administering authority of the Trust Territory.

#### Article 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the Trust Territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

## Article 4

The administering authority, in discharging the obligations of trusteeship in the Trust Territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the International Trusteeship System, as set forth in Article 76 of the Charter, to the people of the trust territory.

## Article 5

In discharging its obligations under Article 76 (a) and Article 84, of the Charter, the administering authority shall ensure that the Trust Territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. to establish naval, military and air bases and to erect fortifications in the Trust Territory;
2. to station and employ armed forces in the territory; and
3. to make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the Trust Territory.

## Article 6

In discharging its obligations under Article 76 (b) of the Charter, the Administering Authority shall:

1. foster the development of such political institutions as are suited to the Trust Territory and shall promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the Trust Territory a progressively increasing share in the administrative services in the Territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the Territory; and shall take other appropriate measures toward these ends;
2. promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

3. promote the social advancement of the inhabitants and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and the other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

## Article 7

In discharging its obligations under Article 76 (c), of the Charter, the Administering Authority shall guarantee to the inhabitants of the Trust Territory freedom of conscience, and, subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement.

## Article 8

1. In discharging its obligations under Article 76 (d) of the Charter, as defined by Article 83 (2) of the Charter, the Administering Authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the Trust Territory no less favourable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority.

2. The Administering Authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the Trust Territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other States, designed to attain for the inhabitants of the Trust Territory treatment of the Members of the United Nations and other States no less favorable than that granted by them to the nationals of

other States. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the Trust Territory.

#### Article 9

The administering authority shall be entitled to constitute the Trust Territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the Trust Territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

#### Article 10

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission regional authority, or technical organization, or other voluntary association of States, may co-operate with specialized international bodies, public or private, and may engage in other forms of international co-operation.

#### Article 11

1. The Administering Authority shall take the necessary steps to provide the status of citizenship of the Trust Territory for the inhabitants of the Trust Territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the Trust Territory when outside the territorial limits of the Trust Territory or of the territory of the administering authority.

#### Article 12

The Administering Authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the Trust Territory.

#### Article 18

The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

#### Article 14

The Administering Authority undertakes to apply in the Trust Territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the Trust Territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

#### Article 15

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

#### Article 16

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

### 12. SPECIAL AGREEMENTS UNDER ARTICLE 43 OF THE CHARTER AND THE ORGANIZATION OF THE UNITED NATIONS ARMED FORCES

By a letter dated April 30, 1947, the Deputy Representative of the United States on the Security Council requested that the Secretary-General place the report of the Military Staff Committee<sup>1</sup> on the provisional agenda of the next meeting of the Security Council.

The item was placed on the agenda at the 138th meeting of the Council on June 4. In the general discussion that followed, the United States representative stated that one vital task remained undone in the organizational structure of the United Nations. That was to conclude and put into force the special agreements called for in Article 43 of the Charter which would enable the Security Council to fulfil its responsibilities as the enforcement agency of the United Nations. He stated that the concept of the nature and strength of the United Nations armed forces was based to a very considerable extent on the experience of the last war.

The representative of Belgium asked that note should be taken of Belgium's reservations regarding the proposals of the Military Staff Committee which tended to neglect threats to peace, breaches of the peace, and acts of aggression, when those were directly or indirectly the act of a Great Power.

At the 139th meeting on June 6 the representative of the U.S.S.R. stated that it followed from the report of the Military Staff Committee that that organ had not succeeded in solving the question as to what principle should govern the determination of contributions in armed forces to be made available to the Security Council by States. He went on to state that the U.S.S.R. insisted on the preservation of the equal position of all of the permanent members of the Security Council in the contribution of armed forces by them. That equal position would be secured, he con-

<sup>1</sup> See pp. 424 ff.

tinned, if all permanent members contributed armed forces on the principle of equality rather than on the principle of comparable contributions as proposed by other delegations. He argued that the principle of equality in the contribution of armed forces by the five permanent members of the Security Council was based on the provisions of the United Nations Charter, which laid the main responsibility for the maintenance of international peace on the permanent members of the Council. In addition to the serious divergence on the principle governing the determination of contributions in armed forces, the U.S.S.R. representative stated, a number of less serious divergences appeared in the report of the Military Staff Committee on the question of bases, on the location of armed forces, on the withdrawal of forces, on the logistical support of armed forces and on the question of air forces.

The representative of Australia stated that the Charter made it abundantly clear that the functions of the Military Staff Committee were limited to advising and assisting the Security Council, and that even in the case of strategic direction the ultimate responsibility and the ultimate decision rested with the Security Council as a whole, including of course the non-permanent members. The "most extraordinary doctrine" put before the Council by the representative of the U.S.S.R. placing the five powers in a special position in comparison with other Member States of the United Nations was not, he contended, in strict conformity with the Charter, but rather a direct contradiction of everything contained in it. He argued that the past practices of the Military Staff Committee in not making information available to the non-permanent members of the Council as to the matters under discussion made it impossible for the non-permanent members to discharge their obligations under the Charter. He asked that the latter should be associated with the Military Staff Committee during their term of office.

After the general discussion of the report of the Military Staff Committee had terminated, the Security Council at its 141st meeting on June 16 adopted a Syrian resolution calling for a consideration of the report, article by article, by the full Council. This resolution was adopted by 9 votes, with 2 abstentions (Poland and the U.S.S.R.).

The Security Council began its detailed discussion of the report of the Military Staff Committee at its 142nd meeting on June 18. At the suggestion of the President, the Council agreed to discuss the report chapter by chapter with a view to reaching agreement on all articles on which unanimity had been achieved in the Military Staff Committee. The articles of the report on which unanimity could not be achieved in the Military Staff Committee would be taken up by the Council subsequently.

Deferring the adoption of the whole of the report of the Military Staff Committee to a later date, the Security Council adopted, without changes, Articles 1, 2, 3 and 4 of the report.

Speaking on Article 5, the Australian representative stated that there was no substance to "moral weight" (used in the article) as a principle on which the size of the forces was to be determined. He desired, therefore, that the article be further reconsidered by the Military Staff Committee with a view to amending it. At a subsequent meeting of the Security Council (145th meeting), the Council, by a vote of 8 in favor, and with 3 abstentions (China, Poland and the U.S.S.R.), adopted the following text for Article 5:

As the moral weight and the potential power behind any decision to employ the Armed Forces made available to the Security Council by Member Nations of the United Nations in enforcement action will be very great, this fact will directly influence the size of the Armed Forces required to be made available under the special agreements.

The representative of Belgium suggested an amendment to Article 6 for the purpose of bringing the terminology used in the report of the Military Staff Committee into harmony with that used in the Charter. Explaining his amendment, he stated that according to Article 43 of the Charter of the United Nations, it was the function of the Security Council to take the initiative in the negotiation of special agreements between itself and States Members. Under these agreements, the Members of the United Nations would be obliged to hold in reserve certain armed forces which they had undertaken to place in that manner at the disposal of the Security Council on its call; that was to say, upon a definite hypothesis. This hypothesis was realized when the Security Council made a call for the armed forces,



compulsorily held in reserve for the purpose under the terms of the special agreements, to be made available to it. The Security Council could make this call only in conformity with special agreements which had already been duly concluded.

He went on to state that the obligation to make armed forces available to the Security Council thus presupposed not only the conclusion of special agreements, but also a call from the Security Council. So long as the call had not been made, there was not, in the sense of the Charter, any armed force available to the Security Council. There were only armed forces obligatorily held in reserve in anticipation of a case, which might never arise, in which the Security Council would make a call to have those forces, effectively placed at its disposal, made available to it. This distinction was of practical importance, he said. He went on to say that before a call was made by the Security Council, the armed forces envisaged in the special agreements remained under the command of the States to which they belonged. They could pass under the authority of the Security Council only after the Council had requested that they be made available to it.

The Belgian amendment was put to a vote at the Council's 145th meeting and approved. The text of Article 6 as amended was as follows:

The Armed Forces specified in the special agreements and which are to be made available to the Security Council, on its call, by Members of the United Nations shall be limited to a strength sufficient to enable the Security Council to take prompt action in any part of the world for the maintenance or the restoration of international peace and security as envisaged in Article 42 of the Charter.

Article 9 was approved without change.

As a consequence of the amendment of Article 6, Article 10, with an amendment also proposed by the representative of Belgium, was approved by the Council. Its text was as follows:

In order to facilitate the early establishment of the Armed Forces which, in accordance with the special agreements, are to be made available to the Security Council, on its call, the permanent members of the Security Council shall contribute initially the major portion of these forces. As the contributions of other Members of the United Nations become available they shall be added to the forces already contributed.

Article 11 of the report of the Military Staff Committee was discussed by the Security Council at its 146th meeting on June 23. At that meeting the representative of Syria supported the principle of comparable contribution of the armed forces. The capability of a Member nation must serve as a basis for the measurement of the contribution of the armed forces, he said. He pointed out that if the principle of equality was accepted for the great powers, the same principle must be adopted for the small nations as well.

The representative of Australia stated that the proposition that all of the Members of the United Nations ought to make equal contributions seemed completely unsound. It was quite devoid of the reality of the international situation and the reality of what one would call the military situation of the Members of the United Nations at the present time. He argued that there should be a comparable contribution, not an equal one.

The representative of the U.S.S.R. argued that the principle of comparable contributions could not be approved, because such a solution would mean that some of the powerful and influential Member States of the United Nations would be placed in a privileged position with respect to the armed forces to be made available to the Security Council. He went on to state that since the armed forces to be made available to the Security Council should not be numerous there should be no difficulty on the part of the States Members in making their contributions on the principle of equal contributions.

The representative of the United Kingdom stated that on the strict interpretation of the principle of equality of contributions, the Security Council would have the weakest possible force at its disposal.

The United States representative stated that the spirit and purpose of the military clauses of the Charter were to put into the hands of the United Nations an effective force for quick and immediate use in case there was any real danger to peace. He argued that if from that overall force, as a practical result, there were to be excluded, through the principle of equality, all of the advantages of modern technological development in transport, weapons and other instruments which might be very quickly effective in stopping the attempted aggression, the force at the disposal of the United Nations might not even have the mobility to

accomplish its task, much less the means, the weapons and the numbers.

On the suggestion of the representative of the United Kingdom, the Security Council decided to request the Military Staff Committee:

(1) to prepare and submit to the Council, ... on the basis of Articles 5 and 6 of its report, an estimate of the overall strength of the Armed Forces which should be made available to the Security Council, indicating the approximate strength and composition of the separate components, land, sea, and air;

(2) to indicate if possible ... the proportion of this overall strength that in its opinion should be provided on the basis of equality by the five permanent members of the Security Council.

The Military Staff Committee discussed the questions and submitted to the Security Council on June 30 a report on the matter. Since the Military Staff Committee was unable to achieve a common view, and in view of the insufficient time available for the discussion, the report included the views of the various delegations of the Military Staff Committee on the subjects taken up. The text of the report follows:

REPORT FROM THE MILITARY STAFF COMMITTEE TO THE PRESIDENT OF THE SECURITY COUNCIL

1. Concerning question (1) of the letter from the President of the Security Council dated 26 June 1947, the following table shows the proposals made by the French, United Kingdom and United States delegations regarding the provisional estimate of overall strength and composition of the Armed Forces which should be made available to the Security Council. The Chinese delegation agreed with the United Kingdom proposal.

	FRANCE	U.K. <sup>1</sup>	U.S.
<b>AIR FORCES</b>			
Bombers	775	600	1250
Strategic	(225)		(Includes only
Medium	(150)		strategic and
Light	(400)		tactical bombers)
Fighters	300	400	2250
			(Includes fighter
			bombers)
Reconnaissance	200	—	—
Miscellaneous		200	300
<b>TOTAL</b>	<b>1275</b>	<b>1200</b>	<b>3800</b>
			(does not include
			air transport
			requirements)

**GROUND FORCES**

Divisions	16	8-12	20
Armored	(3)		
Airborne	(3)		
Motorized or			
Mountain	(10)		

**NAVAL FORCES**

Battleships	3	2	3
Carriers	6	4	6
Cruisers	9	6	15
Destroyers	18-24	24	84
Escort Vessels	30	48	
Minesweepers	30	24	
Submarines	12	12	90
Assault shipping			
and craft for			
number of			
divisions shown		Two-thirds	
		(2 regimental	
		combat teams	
		or brigade	
		groups)	

NOTE: All proposals provide for appropriate naval auxiliaries without specifying exact numbers.

2. The opinions of the various delegations in the Military Staff Committee regarding the three estimates shown in paragraph 1 are as follows:

- The Chinese delegation is in full agreement with the Provisional Estimate proposed by the United Kingdom delegation.
- The French delegation adheres to its Provisional Estimate but points out that its estimate is in close agreement to that of the United Kingdom delegation.
- The U.S.S.R. delegation was unable at the present time to present any Provisional Estimate for reasons stated below in its position (p. 405).
- The United Kingdom delegation adheres to its Provisional Estimate shown in paragraph 1 above.
- The United States delegation adheres to its Provisional Estimate shown in paragraph 1 above.
- The Chinese, French, United Kingdom and United States delegations agree that the figures which they support are tentative and do not constitute a commitment of their respective Governments but are submitted in accordance with the expressed desire of the Security Council that an estimate be submitted to the Council by Monday 30 June 1947.

3. Concerning question (2) of your letter the opinions of the various delegations are as follows:

- The Chinese delegation considers that practically no fraction of the overall

<sup>1</sup> The Chinese delegation supported the provisional estimate of the United Kingdom delegation.

strength can be supplied on a basis of equality by the five Permanent Members of the Security Council.

b. The French delegation considers that three-fourths of the initial overall strength should be provided jointly by the five Permanent Members of the Security Council, but considers it difficult to assess what percentage of that fraction should be provided on the basis of equality.

c. The U.S.S.R. delegation finds it possible and necessary to answer the second question of the Security Council. The U.S.S.R. delegation, on the basis of Article 10 and Article 11 (in the U.S.S.R. wording) of the General Principles, considers that the major portion of the Armed Forces should be contributed by the five Permanent Members of the Security Council on the principle of equality.

d. The United Kingdom delegation does not consider it possible for the Military Staff Committee to reply to question (2) until question (1) has been resolved and until a decision has been reached on the percentage of the overall strength to be furnished jointly by the five Permanent Members of the Security Council.

e. The United States delegation considers that no appreciable fraction of the overall strength could be supplied on a basis of equality by the five Permanent Members of the Security Council.

4. The positions of the various delegations with regard to both question (1) and question (2) are set forth in detail below.

#### POSITION OF THE CHINESE DELEGATION

Since certain factors are unknown, the Chinese delegation can only base its preliminary estimate of the overall strength on the following factors:

I. The requirements of the Security Council which fall into two parts:

(1) Early establishment of the United Nations Armed Forces.

(2) Possible military tasks consisting of:

(a) Independent strategic employment of air forces as envisaged in Article 45 of the Charter.

(b) Measures as mentioned in Article 42 of the Charter.

(c) Strategic consideration in the geographical distribution of the forces.

II. Capabilities of the Member Nations:

(1) Their present military strength (as far as is known to the Chinese delegation).

(2) Possible contributions by the five Permanent Members of the Security Council as estimated by the Chinese delegation.

Using the above factors as the basis of its calculation the Chinese delegation has arrived at figures in its own estimate somewhat close to those proposed by the United Kingdom delegation. Hence, in order to facilitate the draft of the report to the Security Council and to minimize the number of divergent views, the Chinese delegation is prepared to give its full support to the U.K. proposal. However, the Chinese delegation desires to make it clear that these are but figures of a provisional estimate of the overall strength of the Armed Forces made available to the Security Council by the Member Nations of the United Nations.

As regards question (2), the Chinese delegation considers that practically no fraction of the overall strength can be supplied on a basis of equality by the five Permanent Members of the Security Council.

#### POSITION OF THE FRENCH DELEGATION

The French delegation, in order to arrive at the estimate set out on Page 3, as a basis, specially took Articles 42 and 46 of the Charter which stipulate that forces capable of maintaining or restoring the peace should be made available to the Security Council. Article 45, which refers to air forces, was also taken into consideration.

Moreover, the French delegation was influenced by the same rules which guided it during the discussion of the General Principles. These ideas are set out clearly in the comments which appear with the General Principles. The French delegation, in addition, based its calculations on the following:

1. Unofficial information in its possession, on the military strength of Nations other than the five Permanent Members.

2. The present state of disarmament.

3. Factors of economic and military power which back up the forces made available to the Security Council.

4. Special measures proposed by the French delegation during the discussion on General Principles, i.e., the location and distribution of the Armed Forces made available to the Security Council, depending upon the various contingencies and plans set up by the Military Staff Committee.

Finally, in this estimate it was attempted to provide that forces made available to the Security Council would be sufficient to halt any conflict, though not too large to constitute too heavy a burden, especially for the Permanent Members who would, according to the French Plan, supply three quarters of these forces.

It suffices to compare these figures with those in effect during the landing operations in the last war to observe that they correspond to actual necessity.

<sup>1</sup> See p. 403 of this Yearbook.

After having seen the figures furnished by the United Kingdom delegation the French delegation stresses that the air forces in the two estimates are almost identical; it was deliberately proposed that the land forces should be of considerable importance because they would undoubtedly be partly contributed by the other Member Nations. As concerns the naval forces, the French delegation considers that they should be flexible and include sizeable air strength to enable them to operate in any part of the world. That is why the French delegation considered that it would be necessary to have the elements for the assembling of three "task forces" provided with a certain number of aircraft carriers.

Concerning the second question, the French delegation considered that the reply embodies three factors:

1. Estimate of the overall strength.
2. Estimate of the percentage of this strength to be provided by the five Permanent Members.
3. Estimate of the percentage which could be provided by the five Permanent Members on the principle of equality.

Considering that, at the present stage of work, only an approximation of the first factor and even remoter approximation of the second factor has been reached, the French delegation considered that it was not possible at the present stage of work to give a reply on the third factor. For this reason the French delegation replied to the second question as follows:

1. 75% of the total forces will be provided by the Permanent Members.
2. It is difficult to assess, at present, what proportion of that 75% could be provided on the principle of equality.

The French delegation stresses that these estimates are of an unofficial character and are in no way binding on its Government. They constitute a form of estimate as the result of discussions, and having only as object to give some information to the members of the Security Council.

#### POSITION OF THE U.S.S.R. DELEGATION

The U.S.S.R. delegation considers it impossible for the Military Staff Committee to present even a preliminary estimate of the overall strength of the Armed Forces to be made available to the Security Council until the Security Council has taken decisions on the General Principles for the organization of the Armed Forces.

The U.S.S.R. delegation also considers that before proceeding with the actual determination of the estimates of the overall strength of the Armed Forces the Military Staff Committee should agree upon what factors (conditions) should determine the strength and composition of the Armed Forces to be made available to the Security Council.

The preparation of any recommendation on the question of the overall strength required time in view of the complexity of this matter even if agreed Principles were to be had.

Concerning Question (2), the U.S.S.R. delegation on the basis of Article 10 and Article 11 (in the Soviet wording) of the General Principles, considers that the major portion of the Armed Forces should be contributed by the five Permanent Members of the Security Council on the principle of equality.

#### POSITION OF THE U.K. DELEGATION

With regard to question (1) of the letter of the President of the Security Council, the United Kingdom delegation submits a provisional estimate of the United Nations Forces as shown in the table in paragraph 1. The United Kingdom delegation wishes to make it clear that its estimate is strictly provisional and that it has not received approval of His Majesty's Government. The figures must therefore be viewed in this light. In making this estimate, the U.K. delegation has taken into account the relevant General Principles governing the Organization of the United Nations Forces contained in the Report of the Military Staff Committee.

The United Kingdom delegation does not consider it possible to answer question (2) of the President of the Security Council until question (1) has been resolved, and until a decision has been reached on the percentage of the overall strength to be furnished jointly by the Permanent Members of the Security Council. In the opinion of the U.K. delegation, it is not necessary to explore the possible or probable individual contributions of the five Permanent Members to appreciate that the overall strength provisionally estimated by any one of the four delegations could not be made available to the Security Council if the five Permanent Members were required to make identical contributions.

#### POSITION OF THE U.S. DELEGATION

Concerning question (1), the estimate of overall strength submitted by the U.S. delegation is based on the following fundamentals:

a. That the overall strength of the Forces to be made available to the Security Council should enable the Security Council to constitute balanced, effective forces able to take prompt action in any part of the world for the maintenance of international peace and security, including urgent military measures envisaged in Article 45 of the Charter.

6. That the forces made available to the Security Council should be sufficient to enable the Security Council to carry out the tasks envisaged in Article 42 of the Charter.

In presenting its provisional estimate, the U.S. delegation emphasizes that it does not consider that any useful or authoritative estimate of the overall strength can be made

by the Military Staff Committee until the Security Council resolves the divergences in the General Principles. Moreover, the figures submitted by the U.S. Delegation are tentative, do not commit the U.S. Government in any way, nor prejudice the U.S. proposal of opposition to the principle of equality. The Members of the U.S. Delegation have submitted these figures because of the expressed desire of a majority of the Delegations to submit an estimate to the Security Council in conformity with the request of the President of the Security Council.

Concerning question (2), the U.S. Delegation considers that no appreciable fraction of the overall strength could be supplied on the basis of equality by the five Permanent Members of the Security Council.

When the report of the Military Staff Committee was discussed at the Council's 149th meeting on June 30, the representative of the U.S.S.R. stated that a series of proposals regarding the general principles governing the overall strength and the organization of the armed forces to be made available to the Security Council was still the subject of divergences among the members of the Council. For that reason, he argued, it was not possible to elaborate any estimates regarding the overall strength of the armed forces to be made the composition of armed forces. He went on to state that the delegations which submitted estimates submitted them not as having been approved by their governments, not as official estimates, but only as provisional, unofficial, tentative estimates. The Security Council was an official organ of the United Nations, he continued. How, therefore, he asked, could it study proposals which were submitted to it unofficially? He concluded by saying that he was not able to discuss the question of whether the proposals submitted by various delegations on the Military Staff Committee were right or not, nor was he able to discuss the question of whether or not they met the requirements of the Security Council or the requirements of the maintenance of international peace and security.

The representative of Poland stated that he was rather puzzled as to how, from the figures presented in the report of the Military Staff Committee, the conclusion could be drawn that the principle of equality in the provision of armed forces was impractical and inapplicable.

On the initiative of the representative of Australia, the Council decided to ask the Military Staff Committee the following two questions: 1) When they spoke about the overall strength, did they mean the contributions of the Permanent Members? 2) Did the Military Staff Committee mean the contributions by all the Members of the United Nations under the special agreements?

Discussion on Article 11 was to be continued by the Security Council.

Article 12 was approved without change.

Article 13, with an amendment by the representative of Belgium, was approved by the Council. Its text was as follows:

No Member of the United Nations shall be urged to increase the strength of its Armed Forces or to create a particular component thereof for the specific purpose of making a contribution to the Armed Forces which in accordance with the special agreements are to be made available to the Security Council, on its call, by Members of the United Nations.

Articles 14 and 15 were adopted without change.

Article 18 was discussed at the 145th meeting of the Security Council on June 24. The representative of Belgium submitted an amendment to the article which resulted in a lengthy debate. Several alternative amendments and sub-amendments were suggested and finally the representative of Belgium agreed to accept an amendment suggested by the representative of the United States and the representative of Poland. This amendment would leave the original text of Article 18 unchanged, except for adding at the end of the first line the words "as a result of its call," making the first line read: "The Armed Forces made available to the Security Council as a result of its call." As several members of the Council raised doubts as to the interpretation of Article 18, asking whether this article applied to the overall strength of the armed forces or only to a force made available to the Security Council on its call, the Council agreed to request the Military Staff Committee for an interpretation of Article 18.

The reply of the Military Staff Committee was discussed at the 149th meeting of the Council. The text of the reply was as follows:

In reply to your letter of June 24, 1947, I have the honor to inform you that at the

49th meeting of the Military Staff Committee on June 26, 1947, the Military Staff Committee unanimously agreed to the following interpretation of Article 18 of the report of the Military Staff Committee:

Article 18 of the General Principles was intended to establish the principle that the Armed Forces specified in the special agreements may be called for in whole or in part only by decision of the Security Council for employment under Article 42 of the Charter. When so called for, they may be employed by the Security Council only for the period necessary for the fulfillment of the tasks envisaged in Article 42 of the Charter.

Article 18 of the General Principles cannot be interpreted to impair the right of a Member Nation to use all or any part of its armed forces under Article 51 of the Charter, nor can Article 18 of the General Principles be interpreted to impair the exercise of exclusive command by a Member Nation over its armed forces which have been pledged to the Security Council in the special agreements but not yet called up for employment by the Security Council.

The representative of the United States then proposed that the original text of Article 18 be deleted and be replaced by part of the first paragraph of the reply from the Military Staff Committee. This proposal was put to a vote but failed to carry, and the President of the Council ruled that Article 18 in its original form would be maintained. After further discussion, it was decided that the explanation contained in the first paragraph of the reply of the Military Staff Committee should be added to the report with the understanding that the interpretation would be considered as the one accepted by the Security Council.

Article 19 was adopted without change.

Article 22 was amended by the representative of Belgium and adopted by the Security Council. Its text was as follows:

The degree of readiness of the Armed Forces which are to be made available to the Security Council, on its call, by individual Member Nations of the United Nations is fixed by the Security Council, on the advice of the Military Staff Committee, as a result of the negotiations in concluding the Special Agreements with those Member Nations under Article 43 of the Charter.

Article 23 was subjected to a slight drafting amendment to read as follows:

The degree of readiness of the Armed Forces should be maintained at a level which will enable these Forces to start in good time to fulfill the Security Council's measures envisaged in Article 42 of the Charter.

Article 24 was also subjected to a slight drafting amendment to read as follows:

These Armed Forces shall be either maintained in readiness for combat or brought up to readiness for combat within the time-limits to be specified in the Special Agreements.

Articles 29, 30 and 35 were adopted without change.

Article 36 as amended by the representative of Belgium and adopted by the Security Council reads as follows:

The Armed Forces specified in the special agreements shall remain under the exclusive command of the respective contributing States, except when operating under the Security Council, having been made available to it on its call.

Articles 37, 38, 39 and 40 were adopted by the Security Council without any changes.

The Security Council continued to be seized of the matter.<sup>1</sup>

### 13. QUESTIONS NOT PLACED ON THE AGENDA a. The Polish Army in Italy

By a letter dated February 15, 1946, addressed to the Secretary-General, the representative of the U.S.S.R. drew the attention of the members of the Security Council to the facts set forth in an enclosed memorandum of the Government of the Federated People's Republic of Yugoslavia on the question of the Polish émigré army in Italy. The letter stated that the Yugoslav Government regarded the events referred to in its memorandum as a possible future threat to peace, calm and order on the Yugoslav-Italian frontier and had requested the Government of the U.S.S.R. to bring the matter to the knowledge of the members of the Security Council.

The Yugoslav memorandum presented information on a continuing movement of units of the Polish Army in Italy, under the command of General Anders, towards the north and northeast so as to approach closer to the frontier of Yugoslavia. It was noted that the state of mind of these units was hostile to the Yugoslav Government, as evidenced by

<sup>1</sup> See Military Staff Committee, pp. 422 ff.

the aggressive and ostensibly threatening tone that this Army was recruiting troops from Yugoslav quisling groups and supporting these groups in Italy.

In a letter dated February 17, 1946, addressed to the Secretary-General, the Secretary of State for Foreign Affairs of the United Kingdom stated that the abovementioned letter of the Soviet Government had been the first communication received by his Government concerning movements of the Polish forces in Italy and that he felt the proper course of the Yugoslav Government should have been to bring the matter to his notice through diplomatic channels. The letter further stated that Polish troops in Italy were widely distributed and that those in the area mentioned in the Yugoslav memorandum were performing guard duties only; none were, or would be, employed east of the province of Udine, and, as their guard duties diminished, they would be moved south of the River Po and east of Bologna. It was noted that all recruiting had been forbidden for several months and that there was no information to confirm the statement that the Polish forces were in close touch with Yugoslav dissident elements.

This question was not placed on the Council's agenda.

#### 6. Franco-Siamese Relations

In a memorandum submitted to the Secretary-General on May 31, 1946, the Siamese Chargé d'Affaires in Washington, D.C., stated that he was bringing incidents occurring on the Siam-Indo-China border to the knowledge of the United Nations, hoping to serve the general interests in making every effort for the maintenance of peaceful and friendly relations between the nations of the world. The memorandum noted the deterioration of relations between Siam and France since the termination of the war in the Pacific and the declaration by the French Government that it considered that a state of hostility existed between the two countries; as proof of a desire to maintain friendly relations with France, the Siamese Government had continued to welcome and aid French refugees, to allow French nationals complete freedom, and had opened negotiations with a view to bringing about a satisfactory solution to the question of territories retroceded to Siam in 1941.

In spite of these marks of good will, the memorandum continued, a tense situation had all along prevailed on the border area where the Mekong River separated the two countries. The memorandum cited incidents which had developed since the end of the last war, classified into the following five categories:

- (1) arbitrary arrest of Siamese nationals;
- (2) wanton fusillade;
- (3) plunder and looting;
- (4) violation of Siamese territory;
- (5) arbitrary control of the Mekong River traffic, search of Siamese boats and confiscation of properties belonging to Siamese nationals.

It was stated that in a recent case the Siamese Government had considered it advisable to seek the good offices of the British and American Governments in persuading the French Government, and thereby the French authorities in Indo-China, to discontinue the use of force in a question which could be solved through normal and peaceful procedure; however, the French authorities in the border region continued to create trouble.

This question was not placed on the Council's agenda.<sup>1</sup>

Subsequently the Secretary-General received two letters dated November 28, 1946, from the French and Siamese Governments respectively, advising that the dispute between these two countries which was brought to the attention of the Security Council had been settled by negotiation and that the Siamese representative had been instructed by his Government to withdraw its complaint.

The letters were discussed at the 81st meeting of the Security Council on November 29, 1946. The President of the Council — the representative of the United States — speaking on behalf of all members of the Council, expressed deep satisfaction that the French and Siamese Governments had reached a settlement of their difficulties by means of negotiations directly between themselves in accordance with the spirit and principles of the Charter. He went on to state that since the original Siamese complaint had never been placed on the agenda of the Council, the Council could now consider the matter closed and that no further action by the Council was necessary.

<sup>1</sup> See pp. 418, 419.

c. Presence of Foreign Troops in Non-Enemy Countries

At the 57th meeting of the Security Council, on August 29, 1946, the representative of the U.S.S.R. presented a statement concerning the presence of Allied troops on the territory of States which were Members of the United Nations, or other States, not including former enemy countries. The representative of the U.S.S.R. stated that "the presence of Allied armies over a long period after the conclusion of the war, which is not called for by the necessities of war, cannot fail to provoke a wholly natural anxiety among the peoples of these countries in which until now these foreign armies are still situated. At the same time, world public opinion, which is interested in the speedy establishment of peace and the maintenance of universal security, is following with unconcealed anxiety the situation created in these countries." The representative of the U.S.S.R., therefore, requested that the Council should adopt a decision binding States Members of the United Nations to submit to the Security Council within a period of two weeks information on the following points:

(1) In what places in the territory of the United Nations or other States not in-

cluding ex-enemy territories and in what numbers the armed forces of other United Nations were situated.

(2) At what places in the abovementioned territories air or sea bases were established and what was the size of the garrison of these bases belonging to the armed forces of other States Members of the United Nations.

The information to be provided under these two heads was to refer to the situation as it existed on August 1, 1946.

The question of admitting this statement to the agenda of the Security Council was discussed on September 23 and 24. After protracted discussion, during which the representatives of Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the United Kingdom and the United States each presented the views of their Governments, the Council decided not to include on the agenda the statement made by the representative of the U.S.S.R. on August 29. Poland and the U.S.S.R. voted affirmatively for the Soviet proposition; Egypt and France abstained; and Australia, Brazil, China, Mexico, the Netherlands, the United Kingdom and the United States voted against.

## D. ORGANIZATIONAL MATTERS

### 1. ELECTION OF OFFICERS OF THE UNITED NATIONS

#### a. Nomination of the Secretary-General

At its fourth meeting (private) on January 30, 1946, pursuant to Article 97 of the Charter, the Security Council decided to recommend to the General Assembly that Trygve Lie be appointed Secretary-General of the United Nations.

At its 20th plenary meeting on February 1 the General Assembly, upon this recommendation, appointed Mr. Lie as Secretary-General.

#### b. Election of Members of the International Court of Justice

In accordance with the Statute of the International Court of Justice, the Council, at its ninth meeting on February 6, 1946, and the General Assembly, at the 23rd, 24th and

25th plenary meetings on February 6, 1946, elected the following members of the International Court of Justice:

For a nine-year term:

Dr. Alejandro Alvarez (Chile)  
Dr. José Philadelpho de Barros Azevedo (Brazil)  
Professor Jules Basdevant (France)  
Dr. José Gustavo Guerrero (El Salvador)  
Sir Arnold Duncan McNair (United Kingdom)

For a six-year term:

Dr. Isidro Fabela Alfaro (Mexico)  
Green H. Hackworth (United States)  
Dr. Helge Klaestad (Norway)  
Professor Sergei Borisovich Krylov (U.S.S.R.)  
Dr. Charles de Visscher (Belgium)



For a three-year term:

Dr. Abdel Hamid Badawi Pasha (Egypt)  
 Dr. Hsu Mo (China)  
 John E. Read (Canada)  
 Dr. Bogdan Winiarski (Poland)  
 Dr. Milovan Zoricic (Yugoslavia)

## 2. PROCEDURAL MATTERS

### a. Committee of Experts

At its first meeting held in London on January 17, 1946, the Security Council appointed a Committee of Experts, to be composed of a representative of each of the eleven members of the Council, for the purpose of revising the Provisional Rules of Procedure, which the Council had adopted upon recommendation of the Preparatory Commission.

### 6. Rules of Procedure of the Security Council

As instructed by the Council at its first, sixth and 23rd meetings, the Committee of Experts drafted Provisional Rules of Procedure and recommendations concerning communications from private individuals and non-governmental bodies. After minor amendments the Council adopted these Provisional Rules of Procedure and recommendations at the 31st meeting and agreed that the Committee of Experts should formulate additional provisional rules for submission to the Council.

Additional Provisional Rules of Procedure drafted by the Committee of Experts were adopted by the Council at its 41st, 42nd, 44th and 48th meetings. At the 138th meeting the Council adopted a rule on the election of Members of the International Court of Justice.<sup>1</sup>

### c. Letter Addressed by the Secretary-General to the President of the Security Council regarding the Iranian Case.

The Committee of Experts had been requested by the Security Council at its 33rd meeting on April 16, 1946, to study the letter addressed by the Secretary-General to the President of the Council regarding the question of the retention of the Iranian case on the agenda of the Security Council. The Committee examined this question but was unable to formulate a common opinion; the report which it submitted to the Council at its 36th meeting on April 23, 1946, summarized the arguments advanced during the discussion in the Committee.

### d. Rules of Procedure of the Atomic Energy Commission.

At its fourth meeting on July 3, 1946, the Atomic Energy Commission adopted Provisional Rules of Procedure submitted by the Committee on Rules of Procedure of the Atomic Energy Commission. By a letter of July 5, 1946, the Chairman of the Atomic Energy Commission<sup>2</sup> in accordance with the Provisional Rules of Procedure to the Security Council for approval. The Security Council at its 50th meeting on July 10, 1946, approved the Provisional Rules of Procedure of the Atomic Energy Commission<sup>2</sup> in accordance with the resolution of January 24, 1946, of the General Assembly.

### e. Draft Statute and Draft Rules of Procedure of the Military Staff Committee

At the 23rd meeting of the Security Council it was agreed to postpone consideration of the Report of the Military Staff Committee concerning its Statute and Rules of Procedure. The Committee of Experts was instructed to examine the Report. It was agreed that, pending the approval of the Report by the Council, the Military Staff Committee was authorized to carry out its business along the lines suggested in its Report.

At the 25th meeting consideration of the Report was further postponed pending examination by the Committee of Experts. Up to June 30, 1947, the Committee was still examining the Report.

### f. Definition of Conditions under which the International Court of Justice shall be open to States not Parties to the Statute

By a letter dated May 1, 1946, addressed to the Secretary-General of the United Nations, the President of the International Court of Justice brought to the attention of the Security Council Article 35, Paragraph 2, of the Statute of the International Court of Justice, which specifies that the conditions under which the Court shall be open to States not parties to the Statute shall be laid down by the Security Council. He requested that

<sup>1</sup> Text of Provisional Rules of Procedure is to be found in Annex VI.

<sup>2</sup> The text of the Provisional Rules of Procedure of the Atomic Energy Commission is reproduced in Annex VII.

the Court be informed of any decisions the Council saw fit to take in this matter. At its 50th meeting the Council referred this letter, together with a memorandum of the Secretary-General in regard to it, to the Committee of Experts and instructed the Committee to prepare a draft resolution for the Council.

At its 76th meeting on October 15, 1946, the Security Council considered the report submitted by the Committee of Experts at the end of September. The draft resolution submitted by the Committee of Experts provided:

(1) The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely: that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter.

(2) Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future.

The representative of the Netherlands, who was then Chairman of the Committee of Experts, explained that the principles underlying the draft resolution were:

(1) to give the freest possible access to the Court to States not parties to the Statute.

(2) Not to put any new obligations on the parties to the Statute. The parties to the Statute would have the advantage of bringing before their own Court any State non-party willing to appear, but under no condition would the parties to the Statute be forced to appear before the Court against their own will and consent.

The text of the resolution was adopted unanimously.

The representatives of Poland then submitted the following resolution:

In accordance with the spirit of the resolutions adopted by the General Assembly in

London on 9 February and 10 February 1946, the above resolution does not apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power.

After lengthy discussion of the merits of the Polish proposal, particularly in relation to the Franco regime in Spain, the Security Council by a vote of 7 to 4 rejected the resolution. France, Mexico, Poland and the U.S.S.R. voted in favor of the proposal; Australia, Brazil, China, Egypt, the Netherlands, the United Kingdom and the United States voted in the negative.

g. Conditions on which Switzerland may become a Party to the Statute of the International Court of Justice

Max Petitpierre, Chief of the Swiss Federal Political Department, in a letter forwarded to the Secretary-General of the United Nations on October 26, 1946, by F. Gyax, Swiss Consul-General in New York, expressed the desire of the Swiss Federal Council to ascertain the conditions on which Switzerland could, in pursuance of Article 93, Paragraph 2, of the Charter, become a party to the Statute of the International Court of Justice.

Article 93, paragraph 2, of the Charter provides that a State which is not a member of the United Nations may become a party to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

The letter from the Swiss Federal Political Department was placed on the agenda of the Security Council at its 78th meeting on October 30, 1946. At that meeting the Council decided to turn the matter over to its Committee of Experts for consideration as soon as possible and to report back to the Security Council.

The report and recommendation of the Council's Committee of Experts were considered and adopted by the Security Council at its 80th meeting, held on November 15, 1946. The recommendation was as follows:

The Security Council recommends that the General Assembly, in accordance with Article 93 (2) of the Charter, determine the conditions on which Switzerland may become a party to the Statute of the International Court of Justice, as follows:

Switzerland will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Switzerland and ratified as may be required by Swiss constitutional law, containing:

- (a) Acceptance of the provisions of the Statute of the International Court of Justice;
- (b) acceptance of all obligations of a Member of the United Nations under Article 94 of the Charter; and
- (c) an undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government.

The report, containing the recommendation, was forwarded to the President of the General Assembly. The Assembly on December 11, 1946, adopted the recommendation.

#### h. Application of Articles 11 and 12 of the Statute of the International Court of Justice

At the ninth meeting held on February 6, 1946, it had been agreed, on the motion of the representative of the United Kingdom, that the Council should propose to the Assembly that both the Assembly and the Council as separate bodies, or the Assembly alone, should ask the International Court of Justice for an advisory opinion on the interpretation of the word "meeting" as used in Articles 11 and 12 of the Statute of the International Court of Justice. The question had arisen in connection with the election of judges for the International Court of Justice.

Acting Secretary-General A.D.K. Owen in a letter dated January 28, 1947, transmitted to the President of the Security Council for consideration the resolution of the General Assembly of November 19, 1946, on the rules of procedure with respect to the election of members of the Court.

The resolution and the letter were brought to the attention of the Security Council at its 97th meeting on January 3, 1947, and were placed on the agenda of the Security Council at its 138th meeting on June 4, 1947. The United States representative submitted the following draft resolution to the Council:

#### THE SECURITY COUNCIL

HAVING CONSIDERED the Resolution of the General Assembly of 19 November 1946, adopted provisionally and subject to the con-

currence of the Security Council the following Rule of Procedure:

#### RULE 99A

Any meeting of the General Assembly held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

#### RESOLVES:

1. To concur in the Rule of Procedure quoted above; and
2. To adopt the following Rule of Procedure:

#### CHAPTER 11

#### Relations with Other United Nations Organs

#### RULE 61

Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

#### TRANSMITS:

this Resolution to the General Assembly for its information.

The President of the Council stated that the Council could either examine the draft resolution immediately or it could transmit it to the Council's Committee of Experts for study and recommendation. He believed that the second alternative would be more in conformity with the tradition of the Council.

The representative of the U.S.S.R. suggested that if a single member of the Council felt that the matter should be referred to the Committee of Experts, then it should be so ordered; otherwise the Council could proceed to deal immediately with the matter.

The Council decided unanimously to examine the draft resolution immediately.

The representative of Australia stated that for lack of a rule such as the one now proposed, there had been in the past hopeless confusion between the Security Council and the General Assembly. It had happened, he contended, that the President of the Security Council gave one ruling and the President of the General Assembly gave another ruling. Adoption of the draft resolution would obviate the difficulty.

The draft resolution was then put to a vote and adopted unanimously by the Council.

### 3. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

#### a. Rules of Procedure

At the 41st and 42nd meetings of the Security Council on May 16 and 17, 1946, the Committee of Experts recommended the following rules of procedure concerning the admission of new Members:

#### Rule 55

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall be accompanied by a declaration of its readiness to accept the obligations contained in the Charter.

#### Rule 56

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly, or, if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

#### Rule 57

The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership.

In order to assure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendations not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.

The representative of Australia opposed the adoption of these rules and reserved the decision of the Australian Government on this matter. He argued that membership in the United Nations involved obligations far wider

than the obligations in respect to security, and fitness for membership must be judged in regard to the total obligations under the Charter; that the Security Council's recommendation could only concern matters relating to security; and that, in general, the initiative for the admission of new Members rested with the General Assembly. The representative of Australia suggested, as a possible procedure for the organization as a whole, that applications for membership should be first placed before the General Assembly, which would decide whether or not to transmit them to the Security Council; the Security Council would make its report to the General Assembly and the General Assembly would then take the final decision. He therefore proposed the following resolution:

That the consolidation of Chapter X of the proposed rules of procedure be deferred; that the President of the Security Council be asked to discuss with the President of the General Assembly the best method of consultation between the appropriate representatives of the General Assembly and the Security Council with a view to bringing about the adoption by both the General Assembly and the Security Council, early in September 1946, of rules appropriate to each organ regarding the admission of new Members,

The representative of the United Kingdom stated that although the Assembly granted admission to a new Member, the recommendation of the Security Council was required; its responsibility was, therefore, not limited, nor should its recommendation concern only matters in relation to security. He supported, therefore, the adoption of the rules recommended by the Committee of Experts.

The representative of China stated that Rule 106 of the General Assembly made it evident that the Assembly interpreted Article 4 of the Charter in the sense that the decision of the General Assembly regarding the admission of a proposed Member, while not prejudiced on the merits of the case by the recommendation of the Security Council, was nevertheless subsequent to such a recommendation being made by the Council.

The representative of Mexico stated that Article 4 (2) of the Charter made the power of the General Assembly to decide on the question of admission of new Members dependent upon the recommendation of the Security Council. He did not think that the

text submitted by the Committee of Experts involved an encroachment by the Security Council on the powers of the General Assembly, whose important part in the United Nations organization the Government of Mexico was ever anxious to protect and even increase.

The representative of the U.S.S.R. supported the recommendation of the Committee of Experts. He stressed the words "upon the recommendation of the Security Council" in Article 4 (2), and drew the conclusion that the General Assembly could not take a decision without the recommendation of the Security Council.

The resolution proposed by the representative of Australia received one vote and was rejected. The rules proposed by the Committee of Experts were then adopted by ten votes.

#### 6. Resolutions of May 17 and July 24, 1946

At the 42nd meeting of the Security Council on May 17, 1946 the following resolution, submitted by the representative of the United States, was adopted:

#### THE SECURITY COUNCIL,

Taking into account the fact that, under Article 4 of the Charter, membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter, and, in the judgment of the Organization, are able and willing to carry out these obligations; and

Taking into account the fact that the General Assembly, which acts to admit applicant States to membership on the recommendation of the Security Council, will meet for the second part of its first session on 3 September 1946;

#### RESOLVES THAT:

1. Applications for membership which have been or may be received by the Secretary-General shall be considered by the Security Council at a meeting or meetings to be held in August 1946 for this specific purpose.

2. Applications for membership which have been or may be received by the Secretary-General before 15 July 1946 shall be referred to a committee composed of a representative of each of the members of the Security Council for examination and report to the Council not later than 1 August 1946.

As a result of the postponement of the second part of the first session of the General Assembly, which had been scheduled to convene on September 3, 1946, the Security Council,

at the 51st meeting on July 24, 1946, resolved to modify the dates mentioned in the above resolution by as many days later as the interval between September 3, 1946, and the day on which the General Assembly would actually be convened.

#### c. Applications for Membership

The applications for membership received by the Secretary-General were as follows:

- (a) People's Republic of Albania, received January 25, 1946.
- (b) Mongolian People's Republic, dated June 24, 1946.
- (c) Afghanistan, dated July 2, 1946.
- (d) The Hashemite Kingdom of Trans-jordan, dated June 26, 1946.
- (e) Ireland, dated August 2, 1946.
- (f) Portugal, dated August 2, 1946.
- (g) Republic of Iceland, dated August 2, 1946.
- (h) Siam, dated August 3, 1946.
- (i) Sweden, dated August 9, 1946.
- (j) Hungary, dated April 22, 1947.
- (k) Italy, dated May 7, 1947.

The applications were referred to the Committee on the Admission of New Members, which consisted of one representative from each member of the Security Council. The Committee was convened on July 31, 1946, and submitted its first report on the first nine applications to the Security Council. The Security Council considered the report of the Committee on August 28 and 29, 1946.

During the general discussion of the Committee's report the representative of the United States proposed that the Security Council recommend to the General Assembly the admission of all applicants "to accelerate advancement of the universality of membership." This proposal was supported by the Secretary-General, who pointed out that the founding Members of the United Nations and all of the great powers had agreed on numerous occasions that the United Nations must be as universal as possible. The representatives of Brazil, Egypt and Mexico supported the United States proposal.

The representative of the U.S.S.R. stated that the Council should not simply apply a general standard to a block of countries, but must study each application separately in the light of the circumstances and the facts relevant to each case. In this contention he was supported by the representative of Australia. As a result of the opposition which the United

States proposal encountered, the representative of the United States agreed to withdraw his proposal without a vote.

The Council then decided to discuss the applications one by one in chronological order and to defer voting on each application until the discussion of all applications had been completed.

(1). Application of the People's Republic of Albania

By a letter received on January 25, 1946, addressed to the Executive Secretary of the United Nations, the Vice-Premier of Yugoslavia requested that the Security Council recommend to the General Assembly the admission of the People's Republic of Albania. The letter enclosed a telegram from the President of the People's Republic of Albania, addressed to the President and Vice-Présidents of the General Assembly, renewing the application made to the President of the Preparatory Commission on December 20, 1945, for the admission of Albania as a Member of the United Nations. In the telegram the President called attention to the immense sacrifice made by the Albanian people during the long and arduous struggle against the Axis powers, and he declared on behalf of his Government that his country was prepared to assume all the obligations arising from the Charter of the United Nations.

At the Council's third meeting on January 28, 1946, it was agreed without objection that this application be placed on the agenda.

By a letter dated February 9, 1946, addressed to the Secretary-General, the Yugoslav Deputy Minister for Foreign Affairs requested that his delegation be allowed to be heard at the meeting of the Security Council at which the Albanian application would be examined.

By letter dated February 12, 1946, addressed to the President of the Security Council, the Greek Minister for Foreign Affairs stated that in view of the fact that Albania had joined the Axis Powers by sending fifteen battalions against Greece in 1941, the Greek Government felt that the admission of Albania should be postponed until the next session of the Assembly, in the hope that meanwhile normal relations would be established between the two countries. He further stated that the admission of Albania especially affected the interests of Greece and asked the Security Council to invite Greece to partici-

pate, in accordance with Article 31 of the Charter, in the discussions of the Security Council regarding this matter.

At the Council's eighteenth meeting on February 13, 1946, it was agreed to receive the letter from the Greek Foreign Minister, but the question of consideration of the letter was deferred. At the same meeting, the following resolution submitted by the representative of the United States was adopted by seven votes:

I move that this item be kept on our agenda, but disposition be deferred pending further study until the Security Council convenes at the temporary headquarters.

The Albanian application was the subject of lengthy discussion in the Committee on the Admission of New Members. The representative of the U.S.S.R. stated that in his opinion the Albanian people and the present Republican Government could not be blamed for the declaration of war on Greece in 1940, which was made by the Italian Government and the quisling government of Albania. He stressed the contribution of the Albanian underground movement to the Allied war effort and expressed his belief that Albania possessed all the capacities of a stable, independent and democratic State and was able and willing to carry out the obligations of the Charter. The representatives of the United Kingdom and the United States pointed to the fact that their Governments did not maintain diplomatic relations with the Government of Albania and expressed doubt as to whether the Albanian Government was peace-loving and able and willing to carry out the obligations of the Charter of the United Nations.

On August 5, 1946, the representative of Greece to the United Nations sent to the Acting Secretary-General a memorandum regarding the admission of Albania. This memorandum reproached the Albanians with having joined forces with the Italians and having fought with fanaticism with them against Greece. It called attention to the unsettled border situation between Greece and Albania and declared the Greek Government's opposition to the admission of Albania to membership in the United Nations pending a settlement between the two countries. A second memorandum was submitted by the Greek representative on August 15, 1946.

The representative of Yugoslavia to the United Nations sent a memorandum, dated August 10, 1946, to the Acting Secretary-General, urging that Albania was worthy to become a Member of the United Nations.

The Committee on the Admission of New Members decided to present a questionnaire to the Albanian representative in New York to obtain additional information on various points as requested by several of the representatives. The list of questions was submitted to the representative of Albania on August 9, 1946. A reply was received under date of August 14, 1946.

On August 20, 1946, the Albanian representative sent a memorandum to the Chairman of the Committee on the Admission of New Members in reply to the Greek memorandum of August 5, 1946.

When the application for membership of the People's Republic of Albania came before the Security Council for discussion, the arguments presented in the Committee on the Admission of New Members were reiterated by the representatives of the respective Governments. A proposal by the representative of the United States to postpone consideration of the application of the Republic of Albania until a later date was not adopted.

## (2). Application of the Mongolian People's Republic

By a telegram dated June 24, 1946, addressed to the Secretary-General, the Prime Minister and Foreign Minister of the Mongolian People's Republic requested the admission of the Mongolian People's Republic as a Member of the United Nations. He drew attention to the fact that the people of the Mongolian People's Republic took part on the side of the United Nations in the struggle against the fascist States. They had declared war against Japan on August 10, 1945, and had taken part in military operations against that country. In the name of the Mongolian People's Republic, the Prime Minister and Foreign Minister declared that his country was prepared to undertake all the obligations arising out of the United Nations Charter and to observe all provisions of the Charter.

The Representative of China proposed to the Committee on the Admission of New Members that consideration of the application of the Mongolian People's Republic be postponed for a year, as the Mongolian People's Republic

had exchanged diplomatic representatives with the U.S.S.R. only.

The representative of the U.S.S.R., in supporting the application of the Mongolian People's Republic, stressed the contribution of the Mongolian Republic "in the common struggle of the democracies against fascist aggressors and the Axis powers." The representatives of Australia, Egypt, the Netherlands, the United Kingdom and the United States stated that the available information was not sufficient to show whether the Mongolian People's Republic was capable of fulfilling the obligations of the United Nations Charter.

On July 31, 1946, the Secretary-General, upon the Committee's request, sent a telegram to the Government of the Mongolian People's Republic asking it to appoint, a representative, available in New York, to whom a request for information could be addressed. As no reply to this telegram was received, the Committee, on August 12, 1946, telegraphed a list of questions to the Government of the Mongolian People's Republic to obtain additional information as requested by several delegates. On August 16, 1946, the Committee decided to approach the Government of the U.S.S.R. to inquire of the Mongolian People's Republic whether it had received the two telegrams.

A reply to the questionnaire was received on August 28, 1946. The representative of China declared that his Government found the replies of the Mongolian People's Republic satisfactory and was now prepared to support the application of the Mongolian People's Republic for membership in the United Nations. Other representatives, however, maintained their original objections. A proposal by the representative of the United States that the Security Council postpone voting on the application of the Mongolian People's Republic was withdrawn in view of the adverse decision of the Security Council on a like resolution in regard to the admission of Albania.

## (3). Application of Afghanistan

By telegram dated July 2, 1946, addressed to the Secretary-General, the Prime Minister of Afghanistan transmitted the application for the admission of Afghanistan to membership in the United Nations. He stated that Afghanistan had long shown itself to be a peace-loving State constantly devoted to the

ideals of international co-operation, and declared that his country was prepared to accept the obligations contained in the Charter.

The application of Afghanistan was supported by all of the members of the Committee on the Admission of New Members. No opposition to Afghanistan's application was voiced at the meetings of the Security Council on August 28 and 29, 1946.

(4). Application of the Hashemite Kingdom of Trans-jordan

By letter dated June 26, 1946 addressed to the Secretary-General, the Minister for Foreign Affairs of the Hashemite Kingdom of Trans-jordan requested, on behalf of his Government, admission to membership in the United Nations, and stated that, being a peace-loving nation, his country was prepared to undertake the obligations embodied in the Charter of the United Nations.

In the Committee on the Admission of New Members, the representatives of the United Kingdom and Egypt supported the application of Trans-jordan for membership in the United Nations. The Egyptian representative, however, pointed out that the treaty between Trans-jordan and Great Britain, concluded on March 22, 1946, contained an agreement concerning the stationing of British forces in Trans-jordan. Such a provision, he stated, could be considered contrary to the principle of sovereign equality of all United Nations Members provided for in Article 2 (1) of the Charter. The United Nations, at a later date, should examine the relationship of the provisions of the treaty of March 22, 1946, to the Charter of the United Nations.

The representative of the U.S.S.R. stated that he could not support the application of Trans-jordan, as the U.S.S.R. did not maintain diplomatic relations with Trans-jordan. The representative of Poland questioned whether Trans-jordan had de jure and de facto attained independence. He stated that he did not consider the way in which the British mandate was terminated to be in conformity with the procedure adopted by the Council of the League of Nations in regard to other mandates; nor had the requirements of the United Nations Charter been met when the mandate was terminated. The representative of Poland suggested that the application of Trans-jordan be postponed for one year.

The Committee on the Admission of New Members decided to prepare a questionnaire based on the statement by the Polish delegate, to be sent to the representative of Trans-jordan in New York. The questionnaire was despatched to the representative of Trans-jordan on August 15, 1946. A reply was received on August 20, 1946.

When the application of Trans-jordan was discussed by the Security Council, the representative of the U.S.S.R. stated that his Government could not consider that a country which had no diplomatic relations with the U.S.S.R. satisfied the requirements imposed by the Charter of the United Nations upon a State applying for membership in the United Nations. This statement was criticized by the representatives of Australia, Brazil, Egypt, France, the United Kingdom and the United States as raising a condition of membership not contained in Article 4 of the United Nations Charter, which article alone should govern the admission of new Members. The representative of France pointed to the fact that the U.S.S.R. had supported the application of the Mongolian People's Republic, although that country maintained diplomatic relations with only two other States Members of the United Nations.

(5). Application of Ireland

By a telegram dated August 2, 1946, the Minister for External Affairs of Ireland applied for the admission of Ireland to membership in the United Nations. He declared that Ireland was prepared to accept the obligations contained in the United Nations Charter.

The representative of the U.S.S.R. opposed the application of Ireland on the ground that the U.S.S.R. did not maintain diplomatic relations with Ireland. No other member of the Security Council opposed the application.

(6). Application of Portugal

By a telegram dated August 2, 1946, the Portuguese Ambassador in Washington informed the Acting Secretary-General "that the Portuguese Government, having decided to participate in the United Nations and agreeing to carry out the obligations imposed by their Charter, have instructed me to submit Portugal's application for membership, under the provisions of Chapter II, Article 4, of the Charter." The representative of Australia expressed doubt whether Portugal's application



contained categorical and formal acceptance of the obligations under the Charter. The Committee on the Admission of New Members therefore decided to authorize the Secretariat to approach the Ambassador of Portugal with a request for a clearer acceptance of the obligations. By a letter of August 15, 1946, the Ambassador of Portugal confirmed that Portugal accepted fully all obligations under the Charter, and that the original application was intended to have that meaning.

Brazil, China, France, Mexico, the Netherlands, the United Kingdom and the United States supported Portugal's application for membership in the United Nations. The representative of the United Kingdom, as well as the representatives of the United States, France, China, Brazil and the Netherlands stressed the help Portugal had given to the United Nations during the war by permitting the use of the Azores to British and American air forces and by assisting refugees from France and other European countries under fascist control. The representative of the United States stated that at the Potsdam Conference the U.S.S.R., the United Kingdom and the United States had agreed to support the applications for membership from those States which had remained neutral during the war and which fulfilled the qualifications set forth in Article 4 of the Charter.

The representative of Poland expressed doubts concerning the admission of Portugal in view of its close relations with Spain and the former German Government. Furthermore, he considered Portugal's "ideology" close to that of fascism, which the United Nations fought for more than five years.

The representative of the U.S.S.R. declared that he could not support the application of Portugal because there were no diplomatic relations between the U.S.S.R. and Portugal.

#### (7). Application of Iceland

By a letter dated August 2, 1946, the Minister of Iceland in Washington informed the Secretary-General that the Icelandic Parliament had on July 25, 1946, passed a resolution authorizing the Icelandic Government to apply for membership in the United Nations. In submitting Iceland's application, the Minister of Iceland declared his country's willingness to assume the obligations embodied in the Charter of the United Nations.

No member of the Security Council voiced any objections to the admission of Iceland to membership in the United Nations.

#### (8). Application of Siam

By a letter dated May 20, 1946, addressed to the Secretary-General, the Siamese Minister for Foreign Affairs expressed the earnest desire of his country and people to join the United Nations. He called attention to the fact that Siam was an original and faithful member of, and fervent believer in, the former League of Nations and that during the Japanese occupation an attempt was made to form a Siamese Government-in-Exile with the ultimate aim of participating in the United Nations. He declared that Siam and the Siamese people were ready to assume their full responsibility in carrying out the obligations as set forth in the Charter of the United Nations.

In a letter of July 9, 1946, to the Siamese representative in New York the Acting Secretary-General inquired whether the Siamese Government desired that the letter of May 20 be submitted to the Membership Committee of the Security Council. The Siamese representative requested in a reply of July 11 that the letter of May 20 be not submitted to the Membership Committee until he had received further instructions from Bangkok.

By a letter dated August 3, 1946, the Siamese Chargé d'Affaires in Washington transmitted a formal request from the Siamese Minister of Foreign Affairs for the admission of Siam to membership in the United Nations. The message from the Siamese Government restated "the earnest desire of Siam to join the other democracies in the task of upholding the lofty ideals which have inspired the founders of the United Nations."

In the Committee on the Admission of New Members, France expressed opposition to the admission of Siam on the ground that Siam in 1941, by a treaty signed in Tokyo, obtained cession of territories which had belonged to French Indo-China. Until current negotiations between France and Siam for the restitution of these territories were completed, France would continue to consider herself, *de facto*, in a state of war with Siam.

In a letter of August 19, 1946, the Siamese representative in New York confirmed the

French representative's statement that discussions concerning the French-Siamese territorial dispute were under way, and expressed confidence that an agreement would be reached at an early date.

The French representative subsequently announced to the Committee on the Admission of New Members that negotiations between Siamese and French representatives scheduled to take place in Washington had not materialized as a result of serious incidents which had occurred on August 7, 1946, in the territory of Cambodia, which was under French sovereignty.

By a letter of August 24, the Siamese representative pointed to the fact that Siam, in principle, had agreed to a French proposal to submit the border dispute to the International Court of Justice. Siam previously had called the attention of the Security Council to the French-Siamese dispute and had expressed its willingness to accept the rules of the Charter of the United Nations concerning the pacific settlement of disputes. In view of this evidence of Siam's determination to settle its differences with France by peaceful means, the Siamese representative hoped that Siam's application would be considered favorably.

The representative of the U.S.S.R. stated that he could not support Siam's application as the U.S.S.R. did not maintain diplomatic relations with Siam.

By a letter dated August 28, 1946, addressed to the Secretary-General the representative of Siam in the matter of Siam's application to the United Nations requested that consideration by the Security Council be adjourned until a settlement of the territorial dispute between Siam and France had been settled. For this reason, Siam's application was not voted on when the Council considered the first report of its Committee on the Admission of New Members.

On November 29, 1946, the representative of Siam — Prince Wan Waithayakon — addressed a further letter to the Secretary-General. He stated that a settlement of the territorial dispute with France had been effected and he therefore requested that consideration by the Security Council of Siam's application be proceeded with in due course.

The Security Council placed the application of Siam on the agenda of its 83rd meeting

on December 12, 1946. The representative of China at that meeting proposed the following resolution:

The Security Council, having taken note of the unanimous approval by its members of the application of Siam for Membership in the United Nations, recommends to the General Assembly that it admit Siam to Membership in the United Nations.

The resolution was accepted unanimously by the Council and forwarded immediately to the General Assembly.

#### (9) Application of Sweden

By a telegram of August 9, 1946, the Minister of Foreign Affairs of Sweden, on behalf of the Swedish Government acting with the consent of the Riksdag, submitted his country's application for membership in the United Nations and declared that Sweden was ready to accept the obligations contained in the Charter of the United Nations.

No member of the Security Council voiced any objections to the admission of Sweden to membership in the United Nations.

#### d. Voting on Individual Applications

After the Security Council had discussed all eight applications for membership in the United Nations, the representative of Mexico recalled the United States proposal for the admission of all eight applicants. He stated that no objection to the admission of any one of the applicant States had been raised which could be considered insurmountable. He proposed, therefore, the adoption of a resolution embodying the admission of all applicant States. As the representatives of the U.S.S.R., the United Kingdom and Australia stated that they could not support the Mexican proposal, the representative of Mexico withdrew his resolution.

The Security Council voted separately on each application for membership in the United Nations. The representative of Australia abstained from voting on any of the applications, because of the view taken by the Australian Government that the procedure adopted by the Security Council in regard to the admission of new Members was incorrect and that applications should be dealt with in the first instance by the General Assembly. The representative of Australia stated that his

abstention was made for reasons relating to procedure and not for reasons relating to the merits of any application. The Australian Government would be prepared at a proper time to support the applications of Ireland, Sweden, Trans-jordan, Afghanistan and Iceland. This statement, however, should not be taken as an indication that at the proper time Australia would not support the application of any or all of the other applicant states.

By ten affirmative votes, with the representative of Australia abstaining, the Security Council decided to recommend the following three States to the General Assembly for membership in the United Nations:

Afghanistan  
The Republic of Iceland  
Sweden

The result of the voting on the other five States, whose applications were not carried, were as follows:

People's Republic of Albania  
Affirmative: Brazil, France, Mexico, Poland, U.S.S.R.  
Negative: Netherlands, United Kingdom, United States  
Abstaining: Australia, China, Egypt

Mongolian People's Republic  
Affirmative: Brazil, China, France, Mexico, Poland, U.S.S.R.  
Negative: Netherlands, United Kingdom, United States  
Abstaining: Australia, Egypt

Hashemite Kingdom of Trans-jordan  
Affirmative: Brazil, China, Egypt, France, Mexico, Netherlands, United Kingdom, United States  
Negative: Poland, U.S.S.R.  
Abstaining: Australia

Ireland  
Affirmative: Brazil, China, Egypt, France, Mexico, Netherlands, Poland, United Kingdom, United States  
Negative: U.S.S.R.  
Abstaining: Australia

Portugal  
Affirmative: Brazil, China, Egypt, France, Mexico, Netherlands, United Kingdom, United States  
Negative: Poland, U.S.S.R.  
Abstaining: Australia

e. Recommendations of the Security Council to the General Assembly

At its 57th meeting, on August 29, 1946, the Security Council unanimously decided (the

representative of Australia abstaining) to recommend to the General Assembly, the admission of Afghanistan, the Republic of Iceland and Sweden to membership in the United Nations. The text of the resolution read as follows:

THE SECURITY COUNCIL,

Having received and considered the report submitted by the Committee on the Admission of New Members regarding application for membership in the United Nations presented by the People's Republic of Albania, the Mongolian People's Republic, Afghanistan, the Hashemite Kingdom of Trans-jordan, Ireland, Portugal, the Republic of Iceland, Siam, Sweden;

Having considered in the course of its debates each of the above-mentioned applications; and

Having taken due notice of the statements of opinions of the members of the Security Council in regard to those applications;

RECOMMENDS

To the General Assembly that it admit to membership in the United Nations the following applicants;

Afghanistan, Republic of Iceland, and Sweden.

The resolution was transmitted by the President of the Security Council, by a telegram dated August 30, 1946, to the President of the General Assembly of the United Nations.

f. Application of Hungary

Aldar Szegedy Maszak, Minister of Hungary to the United States, addressed a letter, dated April 22, 1947, to the Secretary-General concerning the application of Hungary for admission to membership in the United Nations. The Minister declared Hungary's readiness to accept the obligations contained in the Charter. He drew attention to the fact that the treaty of peace with Hungary had already been signed at Paris on February 12, 1947, and that, therefore, the limitations imposed on his country's sovereignty by the Armistice Agreement were of a temporary character and would lose their effect on the coming into force of the peace treaty.

Hungary's application for membership in the United Nations was admitted to the agenda of the Security Council's 132nd meeting, held on April 30, 1947. Before asking members of the Council to make observations, the President—the representative of China—stated that the matter had been considered

by the Legal Department of the Secretariat, who saw no objection to placing this application on the agenda of the Security Council.

The representative of Australia considered the application to be premature and out of order. He argued that the Security Council had limited jurisdiction, jurisdiction specifically laid down and defined in the Charter mainly for the maintenance of peace and security; the question of the admission of a new Member did not affect only the Security Council, because the General Assembly itself had to decide whether in its judgment the State could comply with all the obligations of membership. Some of the obligations were of an economic and social character. He contended that the Council had no right to arrogate to itself the right to decide all those questions and recommend accordingly.

He went on to state that the Peace Treaty for Hungary would come into effect on the ratification of three of the permanent members of the Security Council (the U.S.S.E., the United Kingdom and the United States), and only one State had up to then ratified the Treaty (the United Kingdom). Hungary was therefore still bound by the terms of the Armistice, which imposed limitations on its sovereignty. Consequently, he argued, the application was from a State which was not a sovereign body, and the whole principle of the United Nations was the sovereign equality of all the Members. He moved that the Security Council defer the application of Hungary for consideration at a more appropriate time.

The President of the Council emphasized that in regard to the admission of new Members, the Charter required the General Assembly to reach a decision only "upon the recommendation of the Security Council." If the Security Council did not make such recommendation as provided by the Charter, it would not be fulfilling its functions.

The Australian resolution was put to a vote and lost. A Syrian resolution, amended by the representative of the U.S.S.R., was then voted upon and approved by the Council by 10 votes in favor and 1 against (Australia). The resolution provided that the application of Hungary should be referred to the Council's Membership Committee for study and a report at the appropriate time.

#### g. Application of Italy

Count Carlo Sforza, Minister of Foreign Affairs of Italy, in a letter dated May 7, 1947, addressed to the Secretary-General applied for Italy's admission to membership in the United Nations. The Minister stated that the Italian Government fully accepted the principles laid down in the United Nations Charter and was willing to assume the obligations deriving from membership. He went on to state that "the Italian Government is confident that the United Nations will appreciate the willing contribution which will be made to its activities by Italy—who by her sacrifices has already given proof of her will to co-operate in the common cause, in particular by her contribution to the United Nations in the war during two years of co-belligerency."

The Security Council first discussed the application at its 136th meeting on May 22, 1947. The Australian representative, for reasons similar to those he gave previously in connection with the application of Hungary for admission into the United Nations felt that the application was out of order and that it should not be received nor entertained by the Council.

At its 137th meeting on May 22, 1947, the Security Council adopted a Chinese proposal by ten votes, Australia abstaining, which referred Italy's application to the Council's Membership Committee for study and report.

#### h. Sub-Committee of the Security Council on Rules Concerning the Admission of New Members

By a letter dated November 25, 1946, the Secretary-General requested the President of the Security Council to bring to the attention of the Council the resolution of the General Assembly requesting the Security Council to appoint a committee to confer with a committee on procedures of the General Assembly with a view to preparing rules governing the admission of new Members which would be acceptable both to the General Assembly and to the Security Council.

At the 81st meeting on November 29, 1946, the Council instructed the Committee of Experts to name a small committee from its own number to meet with the committee which would be appointed by the Assembly, and to report any proposals back to the Council for further instructions.

At the 83rd meeting on December 12, the President of the Security Council announced that the Chairman of the Committee of Experts had informed him that a Sub-Committee had been appointed, consisting of the representative of China as Chairman, and the representatives of Brazil and Poland. The President went on to state that the President of the General Assembly would be informed that this Sub-Committee was ready to meet with a committee of the Assembly.

The terms of reference of the Council's Sub-Committee as decided by the Security Council on November 29 were "to listen to the proposals which the Committee appointed by the Assembly may have to make, and to

report those proposals back to the Council for further instructions."

The General Assembly Committee on Procedure for the Admission of New Members held its first meeting at Lake Success on May 26, 1947. The Committee decided to invite representatives of Brazil, China and Poland, the three countries designated by the Security Council, to attend its meetings.

The General Assembly and the Security Council Committees held a series of four conferences between May 28 and June 11, 1947. The General Assembly Committee then drafted its proposals and transmitted them to the Security Council Committee with an explanatory letter dated June 30, 1947.

#### E. THE MILITARY STAFF COMMITTEE

Article 47 of the United Nations Charter provides for the establishment of a Military Staff Committee to advise and assist the Security Council on all questions relating to the 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.

To enable it to discharge its responsibility for maintaining international peace and security, the Security Council is vested with powers not only for the peaceful settlement of international disputes but for taking enforcement measures to deal with threats to the peace, breaches of peace and acts of aggression. These enforcement measures may include the taking of action by air, sea or land forces in order to maintain or restore international peace and security. Military demonstrations, blockade and other operations by air, sea or land forces of Member States are also within the scope of these powers of the Security Council.

In order to enable the Security Council to take such action Member States have undertaken under Article 43 of the Charter to make available to the Security Council, on its call, armed forces, assistance and facilities.

These forces are to be placed at the disposal of the Security Council on terms to be laid down in agreements to be negotiated between the Council and Member States or groups of States. The agreements will determine the numbers and types of forces, their degree of

readiness and general location, and the nature of the facilities and assistance to be provided.

Further, Article 45 of the Charter provides that in order to enable the Security Council to take urgent military measures, Members are to hold immediately available national air force contingents for combined international enforcement action.

It was in order to equip the Security Council with the most authoritative military advice and assistance for exercising these powers that the Charter created the Military Staff Committee.

The Military Staff Committee is composed of the Chiefs of Staffs or their representatives of China, France, the United Kingdom, the United States and the U.S.S.R. — the five permanent members of the Security Council. The Committee can invite any other Member country to be associated with it whenever it considers that the efficient discharge of its duties renders such participation desirable.

In general, the Committee is to assist the Security Council on all questions relating to the Council's military requirements, the employment and command of forces placed at the Council's disposal, the regulation of armaments and possible disarmament. The Committee is responsible under the Security Council for the strategic direction of the armed forces to be placed at the disposal of the Council. It is also to assist the Security Council in determining the strength and readiness of air force contingents which Members are

to hold immediately available and the plans for their combined action.

At the second meeting of the Security Council of January 25, 1946, the Council decided to request the permanent members of the Security Council to direct their Chiefs of Staff to meet, or to appoint representatives who were to meet for the purpose of constituting the Military Staff Committee and drawing up proposals for its organization.

In response to this directive the representatives of the Chiefs of Staff of Armed Forces of China, France, the United Kingdom, the United States and the U.S.S.R. assembled in London on February 3, 1946, and the Military Staff Committee was established. The Committee adjourned on February 14, pending the move of the Security Council to New York, met again in New York on March 25 and has been functioning continuously since then.

The Security Council at its 23rd meeting on February 16, 1946, directed the Military Staff Committee, as its first task, to examine from the military point of view the provisions of Article 43 of the Charter, i.e., the provisions relating to Member States making armed forces, assistance and facilities available to the Council.

The Military Staff Committee decided that as a first step towards the accomplishment of its task it should formulate recommendations to the Security Council as to the basic principles which should govern the organization of the United Nations forces, further action to be postponed until its report to the Security Council had been approved. Accordingly, it formed a Sub-Committee to formulate recommendations.

The Sub-Committee first met on March 28, 1946. Views submitted by the delegations of China, France, the United Kingdom, the United States and the U.S.S.R. were studied.

The Military Staff Committee formed a second Sub-Committee for the purpose of preparing a standard form of agreement between the Security Council and the Member nations of the United Nations concerning the provision of armed forces.

The General Assembly in its resolution on disarmament of December 14, 1946, had recommended that the Security Council accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. On February 13, 1947, the Security Council requested the Military Staff

Committee, as a first step towards the implementation of Article 43, to submit to the Council not later than April 30, 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations armed forces. In accordance with this directive the Military Staff Committee prepared its report and submitted it on April 30 to the Security Council for consideration.

The report included both recommendations agreed upon by all of the delegations represented on the Military Staff Committee and the proposals of individual delegations on which unanimous decision was not achieved in the Committee. The question of financial expenditures which might arise in connection with the fulfilment by countries—Members of the United Nations—of measures envisaged in Article 4-2 of the Charter, was not reflected in the recommendations proposed.

The report set forth the recommendations in the form of 41 articles and was divided into ten chapters. Chapter I, containing two articles, dealt with the purpose of armed forces made available to the Security Council of Member nations of the United Nations; Chapter II, containing 2 articles, dealt with the composition of armed forces; Chapter III, containing 4 articles, dealt with the overall strength of armed forces; Chapter IV, containing nine articles, dealt with the contribution of armed forces by Member Nations; Chapter V, containing four articles, dealt with the employment of armed forces; Chapter VI, containing four articles, dealt with the degree of readiness of armed forces; Chapter VII, containing three articles, dealt with the provision of assistance and facilities, including rights of passage, for armed forces; Chapter VIII, containing three articles, dealt with the logistical support of armed forces; Chapter IX, containing four articles, dealt with the general location of armed forces; Chapter X, containing six articles, dealt with the strategic direction and command of armed forces.

Appended to the report were two annexes. Annex "A" discussed the positions of the delegations of the Military Staff Committee on the articles of the general principles governing the organization of armed forces on which the Military Staff Committee did not reach unanimity. Annex "B" contained general comments by the French delegation.

Among the sixteen articles on which unanimity was not reached Articles 26 and 32 contained three alternative proposals; the remaining 14 articles each contained two alternative proposals. The text of the report follows.

GENERAL PRINCIPLES GOVERNING  
THE ORGANIZATION OF THE ARMED  
FORCES MADE AVAILABLE TO THE  
SECURITY COUNCIL BY MEMBER  
NATIONS OF THE  
UNITED NATIONS

REPORT BY THE MILITARY STAFF COMMITTEE

CHAPTER I

Purpose Of Armed Forces

Article 1

Armed Forces made available to the Security Council by Member Nations of the United Nations are intended for the maintenance of the restoration of international peace and security in cases:

- a. of existence of any threat to international peace;
- b. of any breach of international peace and security;
- c. of any act of aggression,

when measures undertaken by the Security Council in accordance with Article 41 of the United Nations Charter would be inadequate or have proved to be inadequate and when the threat to international peace and security is such that it necessitates the employment of these armed forces.

Article 2

These Armed Forces may not be employed for purposes inconsistent with the purposes, principles and spirit of the United Nations Charter as defined in its Preamble and Chapter I.

CHAPTER II

Composition of Armed Forces

Article 3

Armed Forces made available to the Security Council by Member Nations of the United Nations in accordance with Article 43 of the Charter shall be composed of units (formations) of national armed forces, land, sea and air which are normally maintained as components of armed forces of Member Nations of the United Nations.

Article 4

These Armed Forces shall be made available to the Security Council from the best trained and equipped units (formations) of Member Nations of the United Nations.

CHAPTER III

Overall Strength of Armed Forces

Article 5

The moral weight and the potential power behind any decision to employ the Armed Forces made available to the Security Council by Member Nations of the United Nations in enforcement action will be very great, and this fact will directly influence the size of the Armed Forces required.

Article 6

The Armed Forces made available to the Security Council by Member Nations of the United Nations shall be limited to a strength sufficient to enable the Security Council to take prompt action in any part of the world for the maintenance or the restoration of international peace and security as envisaged in Article 42 of the Charter.

Article 7

Accepted by the Chinese, French, U.K. and U.S. Delegations:

An estimate of the overall strength of the Armed Forces and the strength of the Services, land, sea and air, constituting those forces will be made by the Security Council with the assistance of the Military Staff Committee, and used as a basis for negotiating the Special Agreements referred to in Article 43 of the Charter. The final decision regarding the overall strength required will be made by the Security Council as a result of these negotiations.

[The U.S.S.R. Delegation accepts Article 7 conditionally. The final acceptance of Article 7 by the U.S.S.R. Delegation will depend on the acceptance by the other Delegations of the Principle of Equality regarding strength and composition of Armed Forces contributed by the five Permanent Members of the Security Council, as stated in the proposal by the U.S.S.R. Delegation for Article 11.]

Article 8

Accepted by the Chinese, French, U.K. and U.S. Delegations:

In order to adapt the overall strength of the Armed Forces to international conditions, this overall strength and the strength of the Services constituting these Forces, may be changed on the initiative of the Security Council by additional agreements between the Security Council and the Member Nations of the United Nations.

[The U.S.S.R. Delegation accepts Article 8 conditionally. The final acceptance of Article 8 by the "U.S.S.R. Delegation will depend on the acceptance by other Delegations of the Principle of Equality regarding strength and composition of Armed Forces contributed by the five Permanent Members of the Security

Council, as stated in the proposal by the U.S.S.R. Delegation for Article 11.]

#### CHAPTER IV

#### Contribution of Armed Forces by Member Nations

##### Article 9

All Member Nations shall have the opportunity as well as the obligation to place armed forces, facilities and other assistance at the disposal of the Security Council on its call and in accordance with their capabilities and the requirements of the Security Council.

##### Article 10

In order to facilitate the early establishment of the Armed Forces made available to the Security Council, the Permanent Members of the Security Council shall contribute initially the major portion of these Forces. As the contributions of other Nations of the United Nations become available they shall be added to the forces already contributed.

##### Article 11

Accepted by the Chinese, French, U.K. and U.S. Delegations:

Each of the five Permanent Members of the Security Council will make a comparable initial overall contribution to the Armed Forces made available to the Security Council by Member Nations of the United Nations. In view of the differences in size and composition of national forces of each Permanent Member and in order to further the ability of the Security Council to constitute balanced and effective combat forces for operations, these contributions may differ widely as to the strength of the separate components, land, sea and air.

Accepted by the U.S.S.R. Delegation :

Permanent Members of the Security Council shall make available armed forces (land, sea and air) on the Principle of Equality regarding the overall strength and the composition of these forces. In individual instances, deviations from this principle are permitted by special decisions of the Security Council, if such a desire is expressed by a Permanent Member of the Security Council.

##### Article 12

The size and composition of contributions of individual Member Nations will be determined on the initiative of the Security Council, and on the advice of the Military Staff Committee, in the process of negotiations with each Member Nation in accordance with Article 43 of the Charter.

##### Article 13

No Member Nation of the United Nations shall be urged to increase the strength of its armed forces or to create a particular component thereof for the specific purpose of making

a contribution to the Armed Forces made available to the Security Council by Member Nations of the United Nations.

##### Article 14

Contributions by Member Nations of the United Nations, other than the Permanent Members of the Security Council, may not necessarily be represented by armed forces. Such other Member Nations which may be unable to furnish armed forces may fulfil their obligation to the United Nations by furnishing facilities and other assistance in accordance with agreements reached with the Security Council.

##### Article 15

Proposals for changes in the size or composition of contributions of a Member Nation or a group of Nations may be initiated by the Security Council or by the Member Nation or group of Nations. Any change in contributions will be effected by additional agreements between the Security Council and the respective Member Nation or group of Nations.

##### Article 16

Accepted by the Chinese, French, U.K. and U.S. Delegations:

The strength and composition of national air force contributions made available to the Security Council shall be determined as set forth in Article 12 above taking into account the obligations arising from Article 45 of the Charter.

Accepted by the U.S.S.R. Delegation:

The strength and composition of national air force contingents made available to the Security Council by Member Nations for action envisaged in Article 45 of the Charter are determined by the Security Council, with the assistance of the Military Staff Committee, within the limits of a Special agreement or Agreements referred to in Article 43 of the Charter.

##### Article 17

Accepted by the Chinese and French Delegations:

In case of self-defense (Article 51 of the Charter) and of national emergencies, Member Nations will have the right to make use of Armed Forces, which they have made available to the Security Council in conformity with the terms of special agreements. They undertake, however, to assume anew all of their obligations within the shortest possible space of time.

[Not accepted by the U.S.S.R., U.K. and U.S. Delegations.]

#### CHAPTER V

#### Employment of Armed Forces

##### Article 18

The Armed Forces made available to the Security Council by Member Nations of the



United Nations will be employed, in whole or in part, only by the decision of the Security Council and only for the period necessary for the fulfilment of the tasks envisaged in Article 42 of the Charter.

#### Article 19

In view of the military advantages which would accrue, the employment of the Armed Forces under Article 42 of the Charter should, whenever possible, be initiated in time to forestall or to suppress promptly a breach of the peace or an act of aggression.

#### Article 20

Accepted by the Chinese, French, U.K. and U.S. Delegations:

After the Armed Forces, including line of communication forces, made available to the Security Council have carried out the tasks with which they have been entrusted by the Security Council under Article 42 of the Charter, they shall be withdrawn as soon as possible to the general locations governed by the Special Agreement or Agreements provided for by Article 43 of the Charter. The time for the beginning and completion of the withdrawal shall be fixed by the Security Council.

Accepted by the U.S.S.R. Delegation:

The Armed Forces will be withdrawn to their own territories and territorial waters within a time-limit of thirty to ninety days after they have fulfilled the measures envisaged in Article 42 of the Charter, unless otherwise decided by the Security Council. This time-limit should be provided for in Agreements concluded under Article 43 of the Charter.

#### Article 21

Accepted by the U.S.S.R. delegation:

If for any reasons these Armed Forces remain in territories or territorial waters granted for the use of such forces, under agreements between the Security Council and other Member nations of the United Nations for the passage, stationing or action of these forces, they should be withdrawn to their own territories or territorial waters not later than thirty days after the expiration of the period indicated in Article 20<sup>1</sup> unless otherwise decided by the Security Council. This time-limit should be provided for in Agreements concluded under Article 43 of the Charter.

[Not accepted by the Chinese, French, U.K. and U. S. Delegations.] Accepted by the U.S.S.R. Delegation.

#### CHAPTER VI

#### Degree of Readiness of Armed Forces

#### Article 22

The degree of readiness of the Armed Forces made available by individual Member Nations of the United Nations is fixed by the Security Council, on the advice of the Military

Staff Committee, as a result of the negotiations in concluding the Special Agreements with those Member Nations under Article 43 of the Charter.

#### Article 23

The degree of readiness of the Armed Forces should be maintained at a level which will enable these Forces to start in good time with the fulfillment of the Security Council measures envisaged in Article 42 of the Charter.

#### Article 24

These Armed Forces should be either maintained in readiness for combat or brought up to readiness for combat within the time-limits to be specified in the Special Agreements.

#### Article 25

Accepted by the Chinese, French, U.K. and U.S. Delegations:

The degree of readiness of national air force contingents should be maintained at a level which will enable the United Nations to take urgent military measures in accordance with the provisions of Article 45 of the Charter.

Accepted by the U.S.S.R. Delegation:

The degree of readiness of national air force contingents made available to the Security Council by Member Nations for action envisaged in Article 45 of the Charter are determined by the Security Council, with the assistance of the Military Staff Committee, within the limits of a Special Agreement or Agreements referred to in Article 43 of the Charter.

#### CHAPTER VII

#### Provision of Assistance and Facilities, Including Rights of Passage, For Armed Forces

#### Article 26

Accepted by the Chinese, U.K. and U.S. Delegations:

The Special Agreements between the Security Council and Member Nations under Article 43 of the Charter shall include the following:

a. A general guarantee of rights of passage and of the use of such of the Member Nation's available bases as are required by Armed Forces operating under the Security Council;

b. Specific provisions covering details of bases and other assistance and facilities, including rights of passage, which Member Nations agree to make available to the Security Council on its call. Such specific provisions may be contained in the original agreement or in subsequent agreements under Article 43 of the Charter to be concluded at the appropriate time.

Accepted by the French Delegation:

Special Agreements envisaged in Article 43 of the Charter will indicate bases, assistance

<sup>1</sup> See proposal by the U.S.S.R. Delegation.

and facilities, including the right of passage, which the Member Nations will put at the disposal of the Security Council on its call.

In case of necessity, Member Nations undertake, on call of the Security Council and through additional Special Agreements, to make available to it, other bases, assistance and facilities which would have proved necessary to the operations undertaken.

Specific Agreements, concluded at the appropriate time, between the Security Council and the Member Nation concerned, will indicate the duration and the other conditions involved in the exercise of rights thus extended to the Armed Forces operating under the direction of the Security Council.

Accepted by the U.S.S.R. Delegation:

Special Agreements envisaged in Article 43 of the Charter will indicate assistance and facilities, including the rights of passage, which the Member Nations will make available to the Security Council on its call and in accordance with specific agreements concluded between the Security Council and the Member Nations concerned.

Specific Agreements, concluded at the appropriate time between the Security Council and the Member Nation concerned, will indicate the duration and the other conditions involved in the exercise of rights thus extended to the Armed Forces operating under the direction of the Security Council.

#### Article 27

Accepted by the Chinese, French, U.K. and U.S. Delegations:

A Member Nation will retain its national sovereignty, and its control and command, over bases and other facilities placed at the disposal of the Security Council.

[Not accepted by the U.S.S.R. Delegation.]

#### Article 28

Accepted by the Chinese, French, U.K. and U.S. Delegations:

If additional contributions from Permanent Members of the Security Council are requested when enforcement action under Chapter VII of the Charter is under consideration, those contributions should also be of comparable size taking into account the value of assistance and facilities as well as armed forces which any of the above Member Nations may provide.

[Not accepted by the U.S.S.R. Delegation.]

### CHAPTER VIII

#### Logistical Support; of Armed Forces

#### Article 29

Member Nations of the United Nations which, in accordance with Special Agreements, have placed armed forces at the disposal of the Security Council on its call for the carrying out of measures envisaged in Article 42 of the Charter, will provide their respective forces

with all necessary replacements in personnel and equipment and with all necessary supplies and transport.

#### Article 30

Each Member Nation will at all times maintain a specified level of reserves to replace initial personnel, transport, equipment, spare parts, ammunition and all other forms of supply for the forces which it has agreed to place at the disposal of the Security Council on its call. This reserve level will be prescribed in the Special Agreements under Article 43 of the Charter.

#### Article 31

Accepted by the Chinese, U.K. and U.S. Delegations:

Member Nations, in the event of inability to discharge to the full extent their responsibilities under Article 29 above, may invoke the aid of the Security Council, which, on the advice of the Military Staff Committee, will negotiate with other appropriate Member Nations for the provision of such assistance as it deems necessary. The agreement of Member Nations concerned must be obtained by the Security Council before the deficiencies in the contribution of one Member Nation can be made up by transfers from the contribution of another Member Nation.

Accepted by the French and U.S.S.R. Delegations:

Deviations from the principle stated in Article 29 above shall be permitted in individual instances at the request of a Member Nation, by special decisions of the Security Council on the advice of the Military Staff Committee, if this Member Nation desires to have supplies and transport made available to it for the proper provision of the Armed Forces placed by this Member Nation at the disposal of the Security Council.

### CHAPTER IX

#### General Location of Armed Forces

#### Article 32

Accepted by the Chinese, U.K. and U.S. Delegations:

Armed Forces made available to the Security Council by Member Nations when not employed by the Security Council will, within the terms of Special Agreements referred to in Article 43 of the Charter, be based at the discretion of Member Nations in any territories or waters to which they have legal right of access.

Accepted by the French Delegation:

When they are not employed by the Security Council, the Armed Forces which the Member Nation undertakes to make available to the Security Council, on its call, are stationed in the general locations governed by the Special Agreement or Agreements concluded between the Security Council and the Member Nation under Article 43 of the Charter:

(1) either within the national borders of the Member Nation or the territories or waters under its jurisdiction;

(2) or within the territory or waters of ex-enemy nations under Article 107 of the Charter or under the terms of the Peace Treaties;

(3) or within the territory or waters of other Nations where Armed Forces have access under international agreements registered with the United Nations Secretariat and published by it in accordance with Article 102 of the Charter;

(4) or in certain strategic areas specified by the Security Council and which have been the subject of specific agreements between the Security Council and the Member Nation under Articles 82 and 83 of the Charter.

Accepted by the U.S.S.R. Delegation :

Armed Forces made available to the Security Council by Member Nations of the United Nations shall be garrisoned within the frontiers of the contributing Member Nations' own territories or territorial waters, except in cases envisaged in Article 107 of the Charter.

#### Article 83

Accepted by the Chinese, French, U.K. and U.S. Delegations:

The locations of these Armed Forces should be so distributed geographically as to enable the Security Council to take prompt action in any part of the world for the maintenance or restoration of international peace and security.

[Not accepted by the U.S.S.R. Delegation.]

#### Article 34

Accepted by the Chinese, French, U.K. and U.S. Delegations:

Any displacement of forces likely to modify their availability as governed by the Special Agreement or Agreements shall be brought to the notice of the Security Council.

[Not accepted by the U.S.S.R. Delegation.]

#### Article 35

The Armed Forces made available to the Security Council by Member Nations of the United Nations, on its call, for the fulfillment of measures envisaged in Article 42 of the Charter will be based, during the carrying out of these measures, in areas designated by the Security Council.

### CHAPTER X

#### Strategic Direction and Command of Armed Forces

#### Article 36

The Armed Forces which Member Nations of the United Nations agree to make available to the Security Council shall be under the exclusive command of the respective contributing Nations, except when operating under the Security Council.

#### Article 37

When these forces are called upon for the fulfilment of measures envisaged in Article

42 of the Charter, they shall come under the control of the Security Council.

Note: The word "control" is translated into French as "autorite" and into Russian as

#### Article 38

During the period these armed forces are employed by the Security Council, the Military Staff Committee shall be responsible, under the Security Council, for their strategic direction. The time and place at which the Military Staff Committee will assume or relinquish strategic direction will be designated by the Security Council.

#### Article 39

The command of national contingents will be exercised by Commanders appointed by the respective Member Nations. These contingents will retain their national character and will be subject at all times to the discipline and regulations in force in their own national armed forces.

#### Article 40

The Commanders of national contingents will be entitled to communicate directly with the authorities of their own country on all matters.

#### Article 41

Accepted by the Chinese, U.S.S.R. and U.S. Delegations:

An overall Commander or overall Commanders of Armed Forces made available to the Security Council may be appointed by the latter, on the advice of the Military Staff Committee, for the period of employment of these forces by the Security Council.

Accepted by the French and the U.K. Delegations:

A supreme Commander or supreme Commanders of Armed Forces made available to the Security Council may be appointed by the latter, on the advice of the Military Staff Committee, for the period of employment of these forces by the Security Council.

Commanders-in-Chief of land, sea or air forces acting under the supreme Commander or Commanders mentioned above may be appointed by the Security Council on the advice of the Military Staff Committee.

### ANNEX "A"

POSITIONS OF THE DELEGATIONS OF THE MILITARY STAFF COMMITTEE ON THE ARTICLES OF THE GENERAL PRINCIPLES GOVERNING THE ORGANIZATION OF ARMED FORCES ON WHICH THE MILITARY STAFF COMMITTEE HAS NOT REACHED UNANIMITY

### CHAPTER III

#### Overall Strength of the Armed Forces

#### Article 7

#### Position of the Chinese Delegation

The Chinese Delegation accepts the Article because it considers that in determining the

overall strength of the Armed Forces made available to the Security Council, both the requirements of the Security Council and the conditions of Member Nations concerned should be taken into account.

Regarding the principle of equality as proposed by the U.S.S.R. Delegation, see the Chinese position on Article 11.

## Position of the French Delegation

See French position on Article 11 below.

## Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation conditionally accepts Article 7. The final acceptance of Article 7 by the U.S.S.R. Delegation will depend on the acceptance by the other Delegations of the principle of equality regarding the strength and composition of Armed Forces made available by the five Permanent Members of the Security Council as stated in the U.S.S.R. proposal on Article 11.

## Position of the U.K. Delegation

The arguments of the U.K. Delegation against the principle of equality are contained in full in the U.K. position for Article 11.

## Position of the U.S. Delegation

See the U.S. position on Article 11 below.

## Article 8

### Position of the Chinese Delegation

The Chinese Delegation considers that since the Security Council has been entrusted, under Article 24 of the Charter, with the responsibility for the maintenance of international peace, it is only logical that the Security Council should be given the authority to initiate proposals to change the overall strength of the Armed Forces in accordance with the prevailing international situation. Hence, this text is acceptable to the Chinese Delegation.

Regarding the principle of equality as proposed by the U.S.S.R. Delegation, see the Chinese position on Article 11.

### Position of the French Delegation

See French position on Article 11 below.

### Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation conditionally accepts Article 8. The final acceptance of Article 8 by the Soviet Delegation will depend on the acceptance by the other Delegations of the principle of equality regarding the strength and composition of Armed Forces made available by the five Permanent Members of the Security Council as it stated in the U.S.S.R. proposal on Article 11.

### Position of the U.K. Delegation

The arguments of the U.K. Delegation against the principle of equality are contained in full in the U.K. position for Article 11.

### Position of the U.S. Delegation

See the U.S. position on Article 11 below.

## CHAPTER IV

### Contribution of Armed Forces By Member Nations

#### Article 11

##### Position of the Chinese Delegation

The Chinese Delegation feels that the spirit of the Charter emphasizes throughout above all else the importance of maintenance or restoration of international peace. It is with such an object in view that the Armed Forces are going to be organized. Hence, it seems to the Chinese Delegation that how these Armed Forces are organized matters less than the fact that the United Nations do have an effective police force that would be powerful enough to guard the peace.

The Chinese Delegation is by no means unaware of the fact that the Permanent Members of the Security Council in a sense share equal responsibility in maintaining international peace and security, and does not deny that it would be an ideal to make the contributions of the Permanent Members absolutely equal down to the smallest detail. On the other hand, however, the Military Staff Committee should not blind itself to the realities of the present situation. The military conditions of the Permanent Members differ widely from one another and the strengths of their three different Services, land, sea and air, are not of the same level. Hence, it seems to the Chinese Delegation that it would be highly inadvisable to allow scrupulous regard to an ideal impractical at least at the present stage to prejudice the efficiency and effectiveness of the international force, thereby weakening the guardian of universal peace.

For the above reasons, the Chinese Delegation prefers the text accepted by the four Delegations.

##### Position of the French Delegation

The French Delegation considers that contributions from Members of United Nations should be determined on the basis of the following principles:—

A. With regard to the comparison between the contributions by each of the five Permanent Members, the French Delegation is in favour of equality of responsibility as well as equality of sacrifice and equality of rights among the five Permanent Members of the Security Council, but considers that it would be Utopian to insist that each of them provide contributions equal in quantity and in quality.

That is why the French Delegation proposes that the Armed Forces envisaged in the initial Special Agreements should be provided on the principle of equivalent contributions by the five Permanent Members of the Security Council. On this assumption, the French Delegation waives the obligation that the five Permanent Members

should provide forces of identical composition with regard to land, sea and air components, and insists solely on a comparable overall strength of the contingents.

The French Delegation foresees, should the occasion arise to appreciably increase the overall strength of the United Nations Armed Forces, the provision by the five Permanent Members, to the extent of their capacity, of additional equivalent contributions, taking into account bases, assistance and facilities.

B. With regard to the comparison of contributions by Permanent Members and by other Member Nations of United Nations, the French Delegation considers that, in spirit, the Charter entrusts the five Permanent Members with the major portion of responsibilities. The proof of this can be found in two of its main provisions:

i. Article 27 of the Charter requires the concurring votes of the five Permanent Members to adopt any decision by the Security Council on any question other than a matter of procedure.

The greater the responsibility, the greater should be the liabilities.

ii. Article 106 of the Charter entrusts the five Permanent Members with the responsibility of maintaining international peace and security, pending the coming into force of Special Agreements referred to in Article 43 of the Charter.

As long as the Charter remains in force, without amendments, this main responsibility of the five Permanent Members will be the decisive factor of the system.

Moreover, the French Delegation considers that, in practice, the vast superiority of the Permanent Members, viewed from every angle (population, economic and financial strength, area of territories, geographical distribution of these territories), is such that the greater part of the Armed Forces of United Nations will always be provided by the five Permanent Members.

#### Position of the U.S.S.R. Delegation

The principle of equality in the contribution of armed forces by the five Permanent Members of the Security Council proposed by the U.S.S.R. Delegation is based on the provisions of the United Nations Charter which lay the main responsibility for the maintenance of international peace and security on those States and that corresponds to their equal status in the Security Council.

The overall size of the armed forces made available to the Security Council will not be too large. Therefore the five States can make armed forces available on the principle of equality, that is they can contribute armed forces, land, sea and air, which would be equal in strength and composition. The principle of equality does not permit advantages in the position of any Permanent Member of the Security Council in the contribution of armed forces by that Member.

The principle of "comparable contributions" proposed by the other Delegations permits a situation when certain of the five States may, for instance, contribute the major portion of the Armed Forces chiefly in air forces, others chiefly in sea forces, and a third group chiefly in land forces, and so on. That would lead to advantages in the positions of certain States in the contribution of armed forces by these States and therefore would be in contradiction with the equal status of these States as Permanent Members of the Security Council.

#### Position of the U.K. Delegation

The U.K. Delegation considers that the existing variation in the size and composition of the three Services amongst the five Permanent Members of the Security Council must be a major consideration in determining their contributions to the United Nations Forces. It seems essential to maintain as far as possible equality of sacrifice amongst the five Permanent Members and at the same time ensure that the Security Council is provided with armed forces, from which it can select a balanced force for a specific operation.

In the opinion of the U.K. Delegation, a rigid rule of equality would not in practice be capable of implementation and in fact the proposal of the U.S.S.R. Delegation has had to recognize the need for deviations from such a principle. Furthermore by accepting deviations from this principle, an equality of sacrifice amongst the five Permanent Members would not necessarily be maintained. On the other hand, the U.K. Delegation considers that the principle of comparable overall contributions is the only realistic one, and that given goodwill, common sense and military knowledge it could be implemented among the Five Permanent Members of the Security Council without particular advantage to any specific Member. Thus the U.K. Delegation is firmly convinced that the principle of comparable overall contributions is the only practical one.

#### Position of the U.S. Delegation

The U.S. Delegation believes that the fundamental and dominant aim of the General Principles is the establishment and organization of effective United Nations Armed Forces. The contributions of all Member Nations will and should, in large measure, be based upon the capability and willingness of the Member Nations and the requirements of the Security Council. Every Member Nation should have the right to offer as its own contribution such forces as it considers reasonable and proper. Each Permanent Member should have the right to contribute armed forces equal to those contributed by any other Permanent Member, but these contributions should not be limited or restricted by this right. The Security Council will, of course, determine the acceptability of contributions offered. It is desirable that these forces should result from contributions of the Permanent

Members which are comparable or not greatly disproportionate in overall strength. However, no principle governing national contributions should jeopardize the all-important goal of effective United Nations Armed Forces.

The U.S.S.R. "Principle of Equality" is inconsistent with the goal of effective United Nations Armed Forces and with Article 9, and is, therefore, unacceptable to the United States. This principle has been interpreted by the U.S.S.R. Delegation to mean that each of the five Permanent Members of the Security Council must make available identical forces. The military power of each of the five Permanent Members does not rest on equal military forces or on equal services, land, sea and air, and probably never will. Hence, the Permanent Members should not be expected to provide equal forces. Under the "Principle of Equality" as defined by the U.S.S.R. Delegation, every component and every element of every component, contributed by the Permanent Members would be limited so that it must be equal in strength and composition to the weakest corresponding component or element provided by any Permanent Member.

It is recognized that the Soviet proposal provides that deviations from the "Principle of Equality" may be made by special decision of the Security Council. However, the U.S. Delegation believes that, if the goal of effective forces is to become a reality, the deviations would of necessity become the rule.

In the discussions leading to the formulation of this Article, there arose the question as to whether or not the Permanent Members of the Security Council should contribute, for all time, the major portion of the Armed Forces made available to the Security Council. Certain Delegations indicated the belief that the major portion of these Armed Forces should always be provided by the Permanent Members of the Security Council. Whereas this concept is no longer implicit in the proposals for this Article, the U.S. Delegation nevertheless desires to state its position on this principle.

The U.S. Delegation agrees that the Permanent Members of the Security Council should contribute initially the major portion of the Armed Forces in order to facilitate the early establishment of these forces as indicated in Article 10. It may be that the contributions of the other nations will never overtake those of the five Permanent Members. However, the U.S. Delegation cannot agree that this condition necessarily will govern for all time. It may be that the collective capabilities of the members of the United Nations, other than the Permanent Members of the Security Council, might at some time in the future exceed the capabilities of the five Permanent Members of the Security Council, in which case the U.S. Delegation conceives of no reasons why the contributions of those other Members of the United Nations should not exceed those of the Permanent Members of the Security Council.

Therefore, in recognition of the national interests of all Members of the United Nations, the U.S. Delegation is opposed to expressing as a permanent principle that the five Permanent Members would, for all time, contribute the major portion of the Armed Forces.

#### Article 16

##### Position of the Chinese Delegation

In view of the fact that the Air Force is essential to prompt military action, the Chinese Delegation believes that in determining the strength of national air force contributions of the Member Nations, the obligations arising out of Article 45 of the Charter should be taken into consideration. Hence, it prefers the text agreed upon by the four Delegations.

##### Position of the French Delegation

The French Delegation considers that the responsibilities under Article 45 of the Charter should be taken into consideration at the time when the Special Agreements envisaged in Article 43 of the Charter will be negotiated. The French Delegation considers that the national contingents referred to in Article 45 of the Charter represent only a portion of the air forces made available to the Security Council, in fulfilling the terms of the Special Agreements to which reference is made above.

##### Position of the U.S.S.R. Delegation

The General Principles for the Organization of the Armed Forces should refer to all the principal Services, land, sea, and air, and should be based on the provisions of Article 43 of the Charter.

The examination of Article 45 of the Charter can take place only after the completion of the study of Article 43 of the Charter and the conclusion of Special Agreements. After the conclusion of such Agreements, the Security Council, with the assistance of the Military Staff Committee, shall determine, under Article 45 of the Charter, what portion of the overall number of national air force contingents made available to the Security Council under the Agreements should be held immediately available for the taking of urgent military measures in case of necessity.

The proposals of the other Delegations stated in Article 16 of the General Principles on the furnishing of national air force contributions concern Article 45 of the Charter, and therefore, for reasons stated above, these proposals cannot be justified.

##### Position of the U.K. Delegation

The U.K. Delegation does not agree with the U.S.S.R. Delegation that the provisions of Article 45 of the Charter should not be reflected in the General Principles, since in the opinion of the U.K. Delegation these provisions must be taken into consideration at the time when the Special Agreements envisaged in Article 43 of the Charter are negotiated.

Article 45 of the Charter deals with the strength and composition and the state of

readiness of national air force contingents. In the opinion of the U.K. Delegation, any reference to these factors should be made separately under the appropriate Chapters of the General Principles.

The U.K. Delegation considers the implementation of Article 45 of the Charter would be carried out by the following processes :

- a. In determining the strength and composition of the total national air force contributions, the obligations arising from Article 45 of the Charter would be taken into account.
- b. The air force contingents for action envisaged in Article 45 of the Charter would be selected from amongst the national air force contributions made under Article 43 of the Charter.
- c. The Security Council, advised by the Military Staff Committee, would request Member Nations to maintain at a high degree of readiness the air force contingents selected for this purpose.

The U.K. Delegation considers that the proposal of the U.S.S.R. Delegation, being phrased in the exact wording of Article 45 of the Charter, does not give the full military interpretation of this Article.

#### Position of the U.S. Delegation

The U.S. Delegation interprets Article 45 of the Charter as making available to the Security Council specific contingents of national air force contributions for the special purpose of providing the United Nations with a means of taking urgent military measures. It will be necessary to establish these particular contingents as a part of the overall national air force contributions. This requirement will be a major consideration in determining the strength and composition of the national air force contributions. The U.S. Delegation considers it most appropriate to include, in the Chapter concerned with the principles governing national contributions under Article 43 of the Charter, an article which will ensure recognition of these obligations arising from Article 45 of the Charter.

The U.S.S.E. proposal in this Article deals only with the strength and composition of the specific air force contingents envisaged in Article 45 of the Charter. Whereas this limited consideration will be highly important at the time of the actual establishment of these contingents, it is not considered appropriate in the Chapter dealing with overall national contributions of armed forces.

#### Article 17

##### Position of the Chinese Delegation

The Chinese Delegation upholds this Article because of the following considerations:

1. It cannot be disputed that a Member Nation, when the existence of its legitimate government is threatened, should have the

right to use for self-defense its armed forces made available to the Security Council.

2. Some internal disturbances might develop into world conflagrations. For example, an illegal act of force to overthrow a legitimate government might, if not checked immediately, endanger international peace and security. The use by a Member Nation of its armed forces made available to the Security Council in cases like these would be no more than an action designed to nip in the bud a disturbance of international peace, and as such is in perfect consonance with the purpose of the Armed Forces.

3. If in case of national emergency Member Nations are allowed to make use of the Armed Forces which they have made available to the Security Council, the total strength of the armed forces normally maintained in peacetime by some Member Nations may be somewhat reduced, and such possible reduction would be more in conformity with the universally desired ideal of world disarmament.

4. In addition to the cases mentioned above, the Chinese Delegation shares the view of the French Delegation that national emergency likewise covers cases of catastrophes such as floods, fires or others that call for immediate succor from the Armed Forces nearby.

#### Position of the French Delegation

The French Delegation considers that it would be impossible to employ large bodies of forces, required for operations, without a fairly accurate knowledge on the part of the organ responsible for strategic direction, of either the location of units constituting these forces and their state of readiness, or the date on which they would be moved in combat readiness to a pre-determined location.

Armed Forces to be made available to the Security Council must, obviously, not deviate from this elementary strategic rule. We would be completely defenceless if Member Nations did not conform to this rule and if they contemplated the use, as they saw fit, of the forces they had ear-marked to be made available, on call, to the Security Council, until the day when these forces had been placed at the disposal of the Security Council. The French Delegation considers, therefore, that any move of these forces likely to modify their general location or the time limit of their intervention as stipulated by the Special Agreements, should be submitted for the approval of the Security Council. This represents, obviously, a certain surrender of sovereignty with which the French Government is ready to agree, if other Governments act likewise, in order to give to the desired system of security its full measure of effectiveness.

But the above cited provisions should acquire a measure of flexibility in certain cases of emergency when there would be insufficient

time for the Security Council to give its consent. These are:—

- a. The case of self-defence, adequately covered by Article 51 of the Charter which consequently deserves, like all others, to be included in the body of our document insofar as its military implementation is concerned.
- b. The case of national emergency by which is understood:

1. Serious natural cataclysms such as floods, fires, or extraordinary atmospheric occurrences, which might compel a Member Nation for a while to immediately make use of the Armed Forces nearest to the cataclysm, it being impossible to give the Security Council any advance notice. Those are all exceptional cases, but which should be envisaged.

2. National emergency likewise covers the case when the Government of a Member Nation, that is by definition, a democratic and legitimate government, whose legal powers and responsibilities to its people or its peoples are derived from its national constitution, would be threatened by a faction which would attempt to seize power by illegal means. It seems impossible not to recognize that this government has the same absolute right of self-defence against an armed aggression from within as that which is granted to it by Article 51 of the Charter against an armed aggression coming from without, and consequently, to employ all the necessary means, and, possibly, the Armed Forces which it intends to make available to the United Nations.

To deny this right would be contrary to all the provisions of Public Law in force in civilized nations. To deny such a possibility would be contrary to actual facts; to fail to envisage frankly the bearing it has on the employment of the Armed Forces to be made available to the Security Council would be not to fulfill adequately our duty to the Security Council.

#### Position of the U.S.S.R. Delegation

There is no necessity to include Article 17 in the General Principles since Article 51 of the Charter adequately protects the rights of Member Nations of the United Nations to use their armed forces for self defense in case of an armed attack.

The United Nations Charter does not give any statement on the cases of "emergencies" as set out in the proposal of the Chinese and French Delegations. The introduction of the idea of "an emergency" might give rise to such an interpretation of Article 51 of the Charter which might differ from its actual meaning.

The U.S.S.R. Delegation considers that the idea reflected in Article 51 of the Charter does not need any additional interpretation.

#### Position of the U.K. Delegation

The U.K. Delegation maintains that, in case of self-defense, the position of Member Nations is adequately safeguarded under Article 51 of the Charter. It is unable to agree to the inclusion of this Article in the General Principles for the following reasons:—

- (a) The United Nations Charter makes no specific provision for the release of a Member Nation from its obligations under the Charter in the event of a National Emergency.

- (b) It is impossible to define precisely the term "National Emergency"; its inclusion might therefore leave a loophole for Member Nations to evade their responsibilities.

The U.K. Delegation believes that if in the event of an emergency, not strictly within the terms of Article 51 of the Charter, a Member Nation was obliged to commit forces which it had earmarked for the Security Council, that Member Nation should have no difficulty in justifying its action.

#### Position of the U.S. Delegation

The U.S. Delegation believes that cases of self-defense are adequately covered by Article 51 of the Charter. The term "national emergencies" is indefinite and is difficult to define. This Article, if adopted, presumably would permit a Member Nation in many cases not envisaged in the Charter to withhold armed forces it has agreed to make available to the Security Council on call. In fact the proposed Article would permit unilateral abrogation of an agreement by a Member Nation, since the other party to the treaty, the Security Council, would not have to be consulted. The U.S. Delegation considers that the Security Council and other Member Nations will recognize cases in which a Member Nation might be required to utilize all of its armed forces, including those made available to the Security Council, for the purpose of individual or collective self-defense if an armed attack from any source occurred against a Member Nation. The same would apply if extraordinary and temporary conditions within the domestic jurisdiction of the Member Nation required a nation to make use temporarily of its entire armed forces.

Therefore, the U.S. Delegation cannot agree to the inclusion of this Article in the General Principles.

#### CHAPTER V

#### Employment of Armed Forces

#### Article 20

#### Position of the Chinese Delegation

The Chinese Delegation cannot accept the U.S.S.R. texts for Articles 20 and 21 because of the following considerations:—

- (1) After the Armed Forces have accomplished their task, they should be withdrawn to the "general location" which will be



defined in the special agreements provided for in Article 43 of the Charter.

(2) The time-limit for the withdrawal of the Armed Forces after operation cannot be predetermined. It should be determined by the Security Council according to the prevailing situation at the time.

Hence, the Chinese Delegation accepts the text as agreed upon by the four Delegations since the term "General Location" is consistent with Article 43 of the Charter and the time for withdrawal is left to the Security Council to decide.

#### Position of the French Delegation

The French Delegation considers that the best way to define the locations to which Armed Forces would be withdrawn would be by referring to the wording used in Paragraph 2 of Article 43 of the Charter. The troops shall be withdrawn to the "general locations" which will be defined in the Special Agreements provided for in Article 43 of the Charter.

Such a wording presents the advantage of avoiding any confusion and any differences of interpretation since this "general location" will be accurately defined in the Special Agreements.

The French Delegation, whilst agreeing on the advantage that would accrue from the stating of a precise time-limit for the withdrawal of the Forces, is of the opinion, however, that it is practically impossible to determine such a time-limit in advance, either now or at the time of the conclusion of the Special Agreements, in view of the lack of knowledge of the conditions that would prevail at the conclusion of a determined operation.

The French Delegation considers, under these circumstances, that it would be sufficient to state that the Armed Forces should be withdrawn as soon as possible after the fulfillment of their task. The Member Nations would undertake to comply with the time-limits which would be fixed by the Security Council.

#### Position of the U.S.S.R. Delegation

The proposal of the U.S.S.R. Delegation with regard to the question of the withdrawal of Armed Forces of Member Nations after the fulfillment of measures undertaken under Article 42 of the Charter provides for concrete time-limits within which these Armed Forces should be withdrawn so that these forces would again be at the disposal of their Member Nations.

Indications in Special Agreements concluded in accordance with Article 43 of the Charter concerning the time-limits for the withdrawal of Armed Forces would serve as a guarantee to Member Nations that Armed Forces which they have made available would not be kept for a longer time than is required by the necessity for their employment by the Security Council.

#### Position of the U.K. Delegation

The U.K. Delegation considers that in the principle of withdrawal the following two facts should be established:—

(a) that the Armed Forces after they have accomplished their task must be withdrawn to their general locations as governed by Special Agreements;

(b) that the Security Council should determine the time-limit for their withdrawal.

The U. K. Delegation cannot accept the U.S.S.R. text because it considers that it establishes too rigidly the places to which Armed Forces may be withdrawn, and goes beyond the principles which the U.K. Delegation is prepared to accept under Chapter IX—General Location of Armed Forces.

With regard to the time-limit for withdrawal, the U.K. Delegation considers that it is impracticable now or even when Special Agreements are being drawn up to indicate the precise period in which Armed Forces must be withdrawn. It is essential to leave the determination of this time-limit to the Security Council, whose decisions will be taken according to the prevailing circumstances.

#### Position of the U.S. Delegation

The U. S. Delegation believes that Armed Forces should be withdrawn to the places specified in the Special Agreements, which places may well be other than a Nation's own national territories if the stationing of the Armed Forces in other areas is specified in the Special Agreements. If it is stated that the Armed Forces must return to the general location governed by the Special Agreement or Agreements under Article 43 of the Charter, these areas certainly will be satisfactory to the Security Council and to the Member Nations concerned.

This Article is in conformity with the principles of the United Nations as the wording is derived from the Charter. It is impossible, either now or at the time the Special Agreements are being negotiated, to set a time-limit for the withdrawal of Armed Forces, as this will depend on the prevailing situation in each case, which cannot be foreseen. The decision regarding the time-limit is a prerogative of the Security Council. The U.S. Delegation feels that the Military Staff Committee should not adopt any principle which might tend to place a restriction on this authority of the Security Council.

#### Article 21

Position of the Chinese Delegation  
See the Chinese position on Article 20.

Position of the French Delegation  
See the French position on Article 20 above.

Position of the U.S.S.R. Delegation  
The principle set out in the proposal by the U.S.S.R. Delegation establishing the time-limit for the withdrawal of Armed Forces

from the territories or territorial waters of Member Nations will serve as a guarantee for these Member Nations that Armed Forces of other Member Nations will be withdrawn from their territories and territorial waters within the established time-limit and that these forces would not be held for a longer time than is required by the necessity for the fulfillment of their tasks under Article 42 of the Charter.

The reduction of these time-limits would mean the elimination of extra difficulties for countries—Members of the United Nations in connection with the stationing of Armed Forces of other Member Nations in their territories beyond the required period.

#### Position of the U.K. Delegation

The U.K. Delegation cannot accept the U.S.S.R. text for this Article for the same reasons that it cannot accept the U.S.S.R. text for Article 20. The U.K. Delegation also considers the U.S.S.R. Article 21 is not necessary for the following reasons:—

(a) A guarantee for the withdrawal of Armed Forces within a time to be decided by the Security Council has already been given in Article 20 accepted by the U.K. Delegation.

(b) It is artificial and redundant to make a rigid distinction between the withdrawal from the territory of the aggressor nation or nations on the one hand and on the other hand from territory or territories in which facilities for the United Nations Armed Forces have been offered by Member Nations.

(c) The whole process of withdrawal will be watched by the Security Council with the advice of the Military Staff Committee to ensure that it takes place as speedily as possible.

#### Position of the U.S. Delegation

The U.S. Delegation feels that the provisions of this Article are already cared for in Article 20, which is agreed to by four Delegations. The wording of Article 20 does not specify the territory from which the Armed Forces will withdraw but the wording includes not only the territory of a State which has violated the peace but also the territories of other Member Nations in which the Armed Forces may have been stationed for the purpose of carrying out their task.

#### CHAPTER VI

#### Degree of Readiness of Armed Forces

##### Article 25

#### Position of the Chinese Delegation

The Chinese Delegation is of the opinion that in view of the characteristics of the air arm, the principle of the Degree of Readiness would be incomplete without mention of the air force which is particularly dealt with by Article 45 of the Charter.

Hence, the Chinese Delegation believes that the part of the said Article in connection with the degree of readiness of the air force contingents should be given a separate Article, dealing with urgent military measures.

The Chinese Delegation prefers this to the U.S.S.R. text as its wording emphasizes the fact that the degree of readiness of these contingents should be such as to be able to cope with urgent military measures, and therefore it is more in conformity with the idea of immediate availability that is contained in Article 45 of the Charter.

#### Position of the French Delegation

The French Delegation, during the discussion on Article 16, indicated its position with regard to strength and composition of air force contributions by Member Nations. The French Delegation considers that the degree of readiness of that portion of the air forces intended to carry out the measures envisaged in Article 45 of the Charter must be determined taking into account the obligations arising from this Article.

#### Position of the U.S.S.R. Delegation

The General Principles for the Organization of the Armed Forces should refer to all the principal Services, land, sea, and air, and should be based on the provisions of Article 43 of the Charter.

The examination of Article 45 can take place only after the completion of the study of Article 43 and the conclusion of Special Agreements. After the conclusion of such Agreements, the Security Council, with the assistance of the Military Staff Committee, shall determine, under Article 45, what portion of the overall number of national air force contingents made available to the Security Council under the Agreements should be held immediately available for the taking of urgent military measures in case of necessity.

The proposals of the other Delegations stated in Article 16 of the General Principles on the furnishing of national air force contributions concern Article 45 of the Charter, and therefore, for reasons stated above, these proposals cannot be justified.

#### Position of the U.K. Delegation

For the reasons given in the position of the U.K. Delegation on Article 16, the U.K. Delegation considers that special reference should be made in Chapter VI to the degree of readiness of national air force contingents in accordance with the provisions of Article 45 of the Charter.

#### Position of the U.S. Delegation

As previously stated under Article 16, the U.S. Delegation interprets Article 45 of the Charter as an agreement on the part of the Member Nations to hold immediately available to the Security Council specific contingents of their national air force contributions

in order to enable the United Nations to take urgent military measures. Implicit in this Article of the Charter is the immediate availability of these particular contingents, as distinguished from the state of readiness which would govern the remainder of the national air force contributions. The U.S. Delegation considers it essential that a clear distinction be made as to the special degree of readiness required of the air force contingents provided by Article 45 of the Charter. The U.S. Delegation considers that this distinction is appropriately made in the Chapter dealing with the state of readiness of armed forces.

The proposal by the U.S.S.R. Delegation in this Article fails to distinguish clearly the special state of readiness required of the air force contingents under Article 45 of the Charter. Neither does the U.S.S.R. proposal properly recognize the immediate availability of these contingents as essential in meeting the urgency of the military measures envisaged in Article 45 of the Charter.

#### CHAPTER VII

#### Provision of Assistance and Facilities, Including Rights of Passage, For Armed Forces

#### Article 26

#### Position of the Chinese Delegation

The Chinese Delegation believes that bases should be mentioned in the General Principles for two reasons:

(1) The term "bases" is implied in the meaning of the term "assistance and facilities" in Article 43 of the Charter, according to the interpretation of the Chinese Delegation.

(2) Land, sea and air bases are essential in modern operations.

Further, the Chinese Delegation accepts this text because it embodies the following points :

(1) It gives a general guarantee to furnish available bases and rights of passage, thereby operating as a legal basis on which relevant special agreements in accordance with Article 43 of the Charter are made.

(2) It has more flexibility because it covers both cases in which Member Nations would like to list bases in the original agreement and in which they would not.

(3) It provides for requirements of changing world conditions in accordance with which subsequent agreements dealing with all details of bases and other assistance and facilities, including rights of passage, may be more appropriately entered into.

#### Position of the French Delegation

The French Delegation considers that bases are a vitally important factor in the employment of armed forces. It therefore feels that

it is impossible to omit mention of this question in the General Principles.

With regard to the substance of Article 26, the French Delegation considers that:—

1. The Special Agreements should list the bases placed at the disposal of the Security Council by Member Nations.

The Charter does not impose the obligation on Member Nations to place at the disposal of the Security Council their total resources and, particularly, all of their bases. Article 43 of the Charter stipulates that Member Nations of the United Nations undertake to make available to the Security Council, in accordance with a special agreement or special agreements, armed forces, assistance and facilities required for the maintenance of international peace and security.

Member Nations should, obviously, have an exact knowledge of bases which they should maintain in a state of preparedness, in order not to dissipate their efforts. If the bases were not listed in the special agreements, it would be essential to conclude specific agreements at the time of an emergency and the negotiation of such agreements would entail a loss of time which would be to the aggressor's advantage.

However, in the event that the above-mentioned bases, assistance and facilities will prove insufficient for the conduct of operations in a given zone, a guarantee will be given to the Security Council that it will be able to obtain such bases, assistance and facilities which it finds indispensable, in additional special agreements to be concluded with the Member Nations.

The French proposal is consistent with the spirit of Chapter II (Composition of the Armed Forces). All Delegations have, indeed, considered at the time of the consideration of this Chapter, that the overall strength of the United Nations Armed Forces should be limited to a size necessary to carry out successfully measures ordered by the Security Council. Obviously, such a consideration applies to bases and facilities as well as to Armed Forces themselves.

2. The special agreements should not contain detailed provisions with regard to assistance and facilities granted by the Member Nations. The provisions concerning the duration and other conditions in the exercise of rights thus granted to Armed Forces operating under the direction of the Security Council should be included in specific agreements concluded at the appropriate time.

#### Position of the U.S.S.R. Delegation

Article 43 of the Charter obliges Member Nations to make available Armed Forces, assistance and facilities including rights of passage to the Security Council, but this Article does not contain provisions obliging Member Nations to make bases available. The U.S.S.R. Delegation considers that the question of the provision of bases by Member

Nations of the United Nations is not connected with the General Principles.

#### Position of the U.K. Delegation

In the opinion of the U.K. Delegation, this Article should include:—

- (a) a general guarantee to furnish available bases and rights of passage, and
- (b) a provision that details regarding bases and other assistance and facilities, including rights of passage, should be included either in the original agreement or in subsequent agreements to be concluded at the appropriate time.

The U.K. Delegation cannot accept the view of the U.S.S.R. Delegation that the question of provision of bases should not be included in General Principles because bases are not mentioned specifically in Article 43 of the Charter. In the opinion of the U.K. Delegation, the ability of the United Nations Forces to use bases of Member Nations under agreed conditions is one of the essential facilities referred to in Article 43 of the Charter "as necessary for the maintenance of international peace and security", since the United Nations Force would be incapable of effective action unless assured of such facilities.

The U.K. Delegation also cannot accept the proposal of the French Delegation because it envisages an obligation to indicate, in the original agreements, assistance, facilities including right of passage and bases.

Since the assessment of the full requirements of the United Nations Force can only be studied in detail in the light of a specific situation, the U.K. Delegation considers that the original agreements under Article 43 of the Charter should contain a general guarantee with regard to rights of passage and bases but that specific details and conditions of provision could be left to subsequent agreements made at the appropriate time.

#### Position of the U.S. Delegation

The initial special agreements between the Security Council and Member Nations, under Article 43 of the Charter, should include general guarantees providing for rights of passage and for the use of available bases required by the United Nations Armed Forces. This is necessary in order that the Security Council may have the freedom of action in planning for the employment of Armed Forces resulting from assurance as to the availability of existing bases. The guarantee in sub-paragraph a of Article 26, refers only to available bases and does not require a nation to produce any facility which it does not normally have. Any such additional facilities would be covered in sub-paragraph b regarding specific provisions.

Details regarding the providing of assistance, facilities and rights of passage, including lists of specific bases, may be specified

either in the original agreements or in subsequent agreements, concluded at the appropriate time. Such subsequent agreements may be necessary from time to time as world conditions change. The U.S. Delegation emphasizes the fact that all such agreements, including the subsequent agreements, will be made under Article 43 of the Charter. The Security Council must be assured of the use of available bases of Member Nations by a general guarantee in the initial agreements.

The U.S. Delegation not only considers that bases are included in the term "assistance and facilities" but also considers that bases constitute the major element of this term. Minor elements would be such as communications facilities, weather services, and the like. Therefore, the U.S. Delegation believes that this major element should be clearly and specifically stated in the principle governing assistance and facilities.

#### Article 27

##### Position of the Chinese Delegation

The Chinese Delegation believes that it is necessary to have an article dealing with the sovereignty of bases and other facilities that are made available to the Security Council. This article accepted by the Chinese Delegation recognizes the right of a Member Nation to retain its sovereignty, command and control over bases and other facilities that it has placed at the disposal of the Security Council.

##### Position of the French Delegation

The French Delegation considers that it is necessary to introduce this Article in the document on General Principles because it considers that the preservation of national sovereignty is indispensable if it is desired that Member Nations agree to place bases and other facilities at the disposal of the Security Council.

##### Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation cannot agree to accept Article 27 for the reasons set out in its position on Article 26.

##### Position of the U.K. Delegation

The U.K. Delegation supports this Article because it considers it necessary to safeguard the overall rights of sovereignty and control of a Member Nation when it places bases and other facilities at the disposal of the Security Council.

##### Position of the U.S. Delegation

The U.S. Delegation considers that it is important that each Member Nation is assured that it retains its sovereignty, control, and command over bases and other facilities placed at the disposal of the Security Council and that it is essential that this Article be included in the General Principles.

#### Article 28

##### Position of the Chinese Delegation

In view of the fact that facilities and

assistance play an important part in operations, their value should be taken into account by the Security Council, on the advice of the Military Staff Committee when additional contributions from the Permanent Members of the Security Council are requested in connection with an enforcement action under Chapter VII of the Charter.

#### Position of the French Delegation

The French Delegation had already taken a position by accepting Article 8 (Chapter III, Overall Strength of Armed Forces) on the possibility of a considerable increase of the initial contributions provided by Member Nations, should the situation demand it.

It is obvious that the principle of equivalent contributions of Armed Forces might be applied when a comparatively small force is concerned. But the vastly different resources of the five Permanent Members of the Security Council do not allow them to adhere to the same principle, should the extent of these contributions be very appreciably increased.

For this reason, the French Delegation considers that the equivalence of possible additional contributions among the Permanent Members of the Security Council could only be arrived at taking into account together armed forces, bases, assistance and facilities.

#### Position of the U.S.S.R. Delegation

The U.S.S.R. Delegation cannot accept Article 28 since it does not take into account the Principle of Equality in the Contribution of Armed Forces by the Permanent Members of the Security Council as set out in its proposal for Article II of the General Principles.

#### Position of the U.K. Delegation

The U.K. Delegation has recommended in Article 26 that a Member Nation should give a general guarantee to provide available bases as required by the Security Council but realises that it is not practicable to estimate the value of bases and other facilities when assessing the initial contributions of the Five Permanent Members of the Security Council. The U.K. Delegation however considers that their value should be taken into account if and when additional contributions are requested by the Security Council when a specific operation is under consideration, in order to apportion the burden amongst the Five Permanent Members of the Security Council as equitably as possible.

#### Position of the U.S. Delegation

The U.S. Delegation is in agreement with the principle that assistance and facilities should be taken into account when assessing the contributions of all Member Nations. However, the U.S. Delegation is not aware of a practical method of accomplishing this until such time as the actual need for specific assistance and facilities would arise when enforcement action is either under considera-

tion or taken by the Security Council. The Article to which the U.S. Delegation has agreed states this principle adequately.

### CHAPTER VIII

## Logistical Support of Armed Forces

### Article 31

#### Position of the Chinese Delegation

The Chinese Delegation feels that Article 49 of the Charter emphasizes the importance of mutual assistance by Member Nations in the execution of measures designed for the purpose of maintaining universal peace. It seems to the Chinese Delegation that in view of the destructiveness of modern warfare, it is more than probable that some Member Nations may be incapacitated in continuing to supply their troops adequately in operations. When such exigencies occur it is only reasonable that both the Security Council and other Member Nations should do all in their power to succor such unfortunate fellow members in the interest of international peace. It is with such an object in view that this Article is framed. Moreover, the Chinese Delegation believes that the Article ought to be so worded as to give a more definite method of procedure in rendering such mutual assistance.

Hence, the Chinese Delegation accepts the text as agreed upon by the three Delegations.

#### Position of the French Delegation

The French Delegation considers that the rules set out in Articles 29 and 30 should be rendered more flexible by introducing a paragraph providing for the inability of a Member Nation to fulfil its obligations.

The French Delegation considers it unreasonable to extend this assistance to the defaulting Nation by also providing it with reserves of personnel. Numerous disadvantages would follow and in particular the loss of the national character of contingents made available to the Security Council by Member Nations.

For these reasons the French Delegation prefers the statement of a broad principle, which would leave the Security Council, after it had been notified by a Member Nation, the full initiative of solving on the advice of the Military Staff Committee any special problems which might arise by the default of a Member Nation.

The text favored by the French Delegation appears to express in a satisfactory manner the role of the Security Council in such a case.

#### Position of the U.S.S.R. Delegation

Article 13 of the General Principles states that no Member Nation of the United Nations shall be urged to increase its armed forces for the specific purpose of placing a contribution at the disposal of the Security Council. The Security Council shall also not demand

of a Member Nation to make armed forces available of a size which that Member Nation would not be in a position to furnish. Therefore, it is inadvisable to mention beforehand in the General Principles the "inability" of a Member Nation to provide the armed forces which that Member Nation has made available with everything necessary.

The proposal of the U.S.S.R. Delegation makes it possible in individual instances for a Member Nation to request the Security Council for assistance regarding the provision of that Member Nation with supplies and transport of which he is deficient. Such assistance may be rendered by special decision of the Security Council if that Member Nation expresses such a desire.

#### Position of the U.K. Delegation

All Delegations recognize the possibility that any Member Nation may, for reasons beyond its control, require assistance in order to maintain the effectiveness of its contributions to the United Nations Armed Forces. It is logical therefore, that principles should be established to cover such circumstances.

The U.K. Delegation considers that on receipt of a request for assistance by a Member Nation, the Security Council, with the advice of the Military Staff Committee, would decide whether the application was justifiable and, if so, to what extent assistance should be provided. Following a decision to assist the applicant, the Security Council, being itself unable to provide material assistance, would normally help the Member Nation by acting as initiator and intermediary in negotiations with other Member Nations, or, in certain circumstances, by concluding agreements with appropriate Member Nations.

At the same time the U.K. Delegation also recognizes that the integrity of a Member Nation's contribution should not be disturbed without the free consent of the Member Nation.

The U.K. Delegation considers that the Article accepted by the Chinese and U.S. Delegations incorporates all the above principles, whereas the Article accepted by the French and U.S.S.R. Delegations does not indicate the responsibilities of the Security Council following a decision to provide such assistance as it has deemed necessary.

#### Position of the U.S. Delegation

The U.S. Delegation believes that cases of a Member Nation's inability to discharge its responsibilities under Article 29 must be provided for. It might be, for example, that during the time a Member Nation has armed forces operating under the Security Council, that Nation may be over-run by hostile forces or may suffer severe damage to its industries. Such a condition might make it impossible for that Nation to continue to furnish supplies to its contingents in the United Nations

Armed Forces. The Article agreed to by the U.S. Delegation is intended to provide for such a condition.

The U.S. Delegation particularly stresses the importance of the second sentence of the Article agreed to by the Chinese, U.K. and U.S. Delegations. This sentence serves to protect the tactical integrity of units of armed forces made available to the Security Council. There must be assurance that such units will not be unbalanced by any transfer from the contributions of one Member Nation to make up deficiencies in the contributions of another Member Nation without the agreement of the Member Nations concerned.

The proposal of the U.S.S.R. Delegation provides for deviations from Article 29 by special decisions of the Security Council, but does not provide for the agreement of the Member Nation furnishing the assistance, and is therefore unacceptable to the U.S. Delegation.

### CHAPTER IX

#### General Location of Armed Forces

##### Article 32

#### Position of the Chinese Delegation

The Chinese Delegation considers that the object of the Armed Forces made available to the Security Council is to maintain or restore international peace. This fact should be kept constantly in mind when the "general location" of such Forces is considered. Generally speaking, therefore, these Forces should be so located that prompt action could be taken by the Security Council in the interest of peace. It follows that the Security Council will have a wider choice of locations for these Armed Forces to achieve this purpose if Member Nations are allowed to base their Armed Forces made available to the Security Council in places where they have legal right of access. Hence, the U.S.S.R. proposal is unacceptable as its interpretation of the term "general location" is too restrictive, and, therefore, prejudiced to the effective functioning of the Armed Forces. Further, it is the belief of the Chinese Delegation that the phrase "any territories or waters to which they have legal right of access" in the text is more all-embracing and already inclusive of the list of possible locations as suggested by the French Delegation.

Finally, since the Military Staff Committee has agreed that Armed Forces made available to the Security Council are from the units which form an integral part of the armed forces of Member Nations (Article 3, General Principles) and are under the "exclusive command" of the contributing Nations when not employed by the Security Council (Article 36, General Principles), and since Article 51 of the Charter recognizes the "inherent right" of self-defence in case of an armed attack, it seems logical to the Chinese Delegation that Member Nations should have the

right to exercise "discretion", within the terms of Special Agreements under Article 43 of the Charter, in the choice of locations for these Forces.

For the above reasons, the Chinese Delegation accepts the texts for Articles 32 and 33.

#### Position of the French Delegation

The French Delegation cannot accept either the U.S.S.R. proposal or the proposal supported by the U.S., U.K. and Chinese Delegations.

In the opinion of the French Delegation, the U.S.S.R. proposal or the proposal supported by the U.S., U.K. and Chinese Delegations, taken into consideration the legal and geographical point of view of the U.S.S.R. only, which is territorially and constitutionally united, and the provision of Article 107 of the Charter only, relative to the occupation of ex-enemy territories, to the exclusion of other Articles of the Charter dealing with similar measures, such as Articles 102, 82 or 83. It does not in any way take into consideration the entirely different geographic and legal factors of other federations as, for example, the French Union, in which are associated under various juridical acts—Metropolitan France, its Departments and territories overseas, its associated territories and States geographically spread out throughout the world. In limiting their stationing only in their national territories, the U.S.S.R. proposal also does not take into account the absolute necessity for the strategic world distribution of Armed Forces to be made available to the United Nations, if it is desired that their intervention be speedy and consequently effective.

In the opinion of the French Delegation, the proposal supported by the U.S., U.K. and Chinese Delegations is not sufficiently explicit. The expression "right of legal access" might lead both to misunderstanding and to possible suspicion. This could have been the case before the existence of the United Nations Charter, which deals, in Articles 82-83, 102 and 107, with the legal conditions of occupation of territories outside national boundaries. It appears to the French Delegation not only appropriate but indispensable to refer to them.

#### Position of the U.S.S.R. Delegation

Proposals of other Delegations on the general location set out in Articles 32 and 33 of the General Principles permit the stationing of armed forces of Member Nations which they make available to the Security Council in any territories or waters to which they have the "legal right" of access. Such a principle of location of Armed Forces made available to the Security Council cannot be justified by the interests of maintenance of peace and development of friendly relations among countries. Moreover, experience has shown that the presence of foreign troops on territories of other Member Nations without

sufficient grounds does not facilitate the strengthening of international peace and the development of good neighborly relations among states. On the contrary, it gives rise to a feeling of anxiety among Member Nations for their national independence. It is for these reasons that the proposal by the U.S.S.R. Delegation in Article 32 provides for the garrisoning of Armed Forces only in their own territories or territorial waters.

Regarding the stationing of Armed Forces of Member Nations during the fulfillment of measures under Article 42 of the Charter, it will be carried out under the direction of the Security Council and that is spoken of in Article 35 of the General Principles.

#### Position of the U.K. Delegation

The U.K. Delegation considers that, provided a Member Nation's Armed Forces, when not employed by the Security Council are located or based in the territories or waters to which the Member Nation has legal right of access, there can be no valid objection on the part of any other Member Nation. The U.K. Delegation therefore cannot accept the rigid interpretation contained in the Soviet proposal.

The U.K. Delegation also objects to the French proposal since it attempts to define in detail the "legal right of access", which is not the task of the Military Staff Committee.

#### Position of the U.S. Delegation

The U.S. Delegation believes that it is essential to the effectiveness of the Armed Forces that they may be based wherever the Member Nation has the legal right of access. The General Principles governing the location of the Armed Forces should be broad and general. The U.S. Delegation does not agree that a special list of authorized locations should be included. Such a list of locations might form part of the Special Agreements under Article 43 of the Charter, but would be out of place in the General Principles, consequently, the U.S. Delegation does not agree with the French Article.

The U.S.S.R. Article restricts the locations where a nation can station its armed forces in time of peace. The U.S. Delegation cannot agree to the incorporation in the General Principles of any restriction upon the legal right which a nation may have to base forces in areas other than its own national territories and consequently cannot accept the U.S.S.R. proposal.

#### Article 33

##### Position of the Chinese Delegation

See Chinese position on Article 32.

##### Position of the French Delegation

The French Delegation considers that an appropriate geographical distribution of

Armed Forces made available to the Security Council will enable the latter to undertake prompt action in any part of the world. Such a provision will undoubtedly increase the efficiency of the United Nations Armed Forces.

#### Position of the U.S.S.R. Delegation

Proposals of other Delegations on the general location set out in Articles 32 and 33 of the General Principles permit the stationing of armed forces of Member Nations which they make available to the Security Council in any territories or waters to which they have the "legal right" of access. Such a principle of location of Armed Forces made available to the Security Council cannot be justified by the interests of maintenance of peace and development of friendly relations among countries. Moreover, experience has shown that the presence of foreign troops on the territories of other Member Nations without sufficient grounds does not facilitate the strengthening of international peace and the development of good neighborly relations among states. On the contrary, it gives rise to a feeling of anxiety among Member Nations for their national independence. It is for these reasons that the proposal by the U.S.S.R. Delegation in Article 32 provides for the garrisoning of Armed Forces only in their own territories or territorial waters.

Regarding the stationing of Armed Forces of Member Nations during the fulfillment of measures under Article 42 of the Charter, it will be carried out under the direction of the Security Council and that is spoken of in Article 35 of the General Principles.

#### Position of the U.K. Delegation

The U.K. Delegation has accepted this paragraph since it will provide useful guidance to the Security Council and the Military Staff Committee when assessing the overall strength of the armed forces and when drawing up the Special Agreements under Article 43 of the Charter.

#### Position of the U.S. Delegation

The U.S. Delegation believes that it is necessary that the locations of the United Nations Armed Forces should be so distributed geographically that the Security Council can take prompt action in any part of the world. All Delegations have approved a wording similar to this Article in Article 6 relating to Overall Strength. Both factors of Strength and Location are equally important in enabling the Security Council to initiate action promptly, and therefore the U.S. Delegation considers the inclusion of this Article essential.

#### Article 34

##### Position of the Chinese Delegation

The object of the Article on "General Location" is to enable the Security Council to know when and where the Armed Forces are avail-

able so that plans of operations could be accordingly made when action is considered desirable. It follows, therefore, that any displacement of these Forces that modifies their availability as specified by Special Agreements under Article 43 of the Charter should be brought to the notice of the Security Council. For the above reasons, the Chinese Delegation accepts this text.

#### Position of the French Delegation

The French Delegation had specified the reasons for the inclusion of such a special Article dealing with movements of Forces, likely to change their delay in intervention, when stating its position with regard to Article 17 above,

#### Position of the U.S.S.R. Delegation

The proposal of the other Delegations provides that Member Nations which have made their Armed Forces available to the Security Council should inform the Security Council of any displacement of these forces which might change their availability.

The proposal of the U.S.S.R. Delegation on Article 32 permits the stationing of Armed Forces made available by Member Nations only within the limits of their own territories or territorial waters with the exception of cases envisaged in Article 107 of the Charter. Within those territories Armed Forces of Member Nations have the full right to change the areas of their garrisoning at the discretion of the Member Nations without informing the Security Council of such changes.

#### Position of the U.K. Delegation

The availability of contributions of Member Nations includes two elements, namely, the time taken to mobilize and the time taken to concentrate in a given area. The U.K. Delegation considers that a Member Nation will undertake to produce its contributions, when called for by the Security Council within a given time. The U.K. Delegation recognizes that a Member Nation will from time to time wish to make changes in location of its forces made available to the Security Council. When such changes affect the time taken to concentrate, the U.K. Delegation considers that the Member Nation should be under an obligation to inform the Security Council immediately.

Although it may be held that such an obligation would exist under the Special Agreements, Article 34 emphasizes this requirement and the U.K. Delegation therefore favors inclusion of this Article.

#### Position of the U.S. Delegation

The U.S. Delegation is of the opinion that customary international procedure requires a nation which is a party to a treaty or agreement to notify promptly other signatories to the instrument when that nation is unable



to comply fully with the terms of the treaty or agreement. For this reason the U.S. Delegation does not consider that Article 34 is essential.

However, since several Delegations have expressed the view that this Article is needed to insure that the Security Council will be informed of any change in the availability of a Member Nation's contribution of Armed Forces, the U.S. Delegation has no objection to the inclusion of Article 34 in the General Principles.

#### CHAPTER X

### Strategic Direction and Command of Armed Forces

#### Article 41

##### Position of the Chinese Delegation

The Chinese Delegation considers either the word "supreme" or the word "overall" acceptable. Further, it is the opinion of the Chinese Delegation that while it is desirable to have an Article dealing in a general way with the supreme command of the Armed Forces, it is premature to lay down the chain of command in detail. The text agreed to by the Chinese Delegation is adequate enough as a statement of a general principle since it covers the cases of Overall Commanders of different theatres of operations.

##### Position of the French Delegation

The French Delegation considers that the experience gained in the last war with regard to the organization of Command, should not be ignored in the General Principles governing the organization of the Armed Forces.

Actually, the problems which confronted the Allied Governments at that time are of a similar character to those which will have to be solved by the United Nations in the near future. It would therefore appear profitable to bring to the attention of the Security Council the advisability of adopting a procedure which, from the point of view of the French Delegation, has given proof of its value.

The French Delegation likewise considers it essential that it be clearly stated in the text of the Article that Commands will be delegated by the Security Council on the advice of the Military Staff Committee. Indeed, only an international authority, with the advice of a technical body, has both governmental and military knowledge as well as the impartiality required to make such decisions.

It seems impossible to the French Delegation to uphold in the face of public opinion a procedure which would invest the Supreme Commander of an operational theatre, whatever may be his authority and capabilities, with the authority of personally nominating the Commander-in-Chief of the land, sea and air forces which will come under his command. It would be difficult to reconcile such

an eventuality with the international character which should be retained, from the French point of view, both by the Armed Forces made available to the Security Council as well as to the Command of these Forces.

##### Position of the U.S.S.R. Delegation

In the view of the U.S.S.R. Delegation at the present stage of the study of Article 43 of the Charter from the military point of view, it is sufficient to provide for in the General Principles that the Security Council on the advice of the Military Staff Committee may appoint an overall Commander or overall Commanders of Armed Forces made available to the Security Council. A detailed study of the questions of Organization of Command can take place at a later stage.

##### Position of the U.K. Delegation

The U.K. Delegation considers that provision should be made for the appointment by the Security Council of a Supreme Commander of Armed Forces made available to the Security Council or Supreme Commanders should there be more than one theatre of operations.

In addition, the U.K. Delegation considers that circumstances may also require the appointment of Commanders-in-Chief of Land, Sea or Air Forces acting under the Supreme Commander or Commanders and that the provisions of Article 41 should make this possibility clear.

The fact that Article 41 provides for these Commanders does not make their actual appointment mandatory, neither does it anticipate the ultimate structure of command which may be set up to meet a particular situation. The U.K. Delegation, however, considers it essential to state in the General Principles that the Security Council has the power to appoint Supreme Commanders or Commanders-in-chief without prejudice to the provisions of Article 47 of the Charter.

##### Position of the U.S. Delegation

The U.S. Delegation believes that the designation of the Commanders for a specific operation under the Security Council cannot be subject to rigidly established criteria. It is sound from the military point of view, and in accordance with the provisions of the Charter, that the Security Council, with the assistance of the Military Staff Committee, should be empowered to appoint the Overall Commander for such an operation. However, additional fixed rules concerning the actual number of component Commanders to be appointed by the Security Council might be detrimental to the formation of an efficient Command echelon.

The operation in hand might be one which did not employ all the components of forces, land, sea, and air, made available to the Security Council or simultaneous operations in

different regions might present altogether different command situations. It might be desirable at the time to follow the procedure as set out in the wording accepted by the French and U.K. Delegations or it might be more desirable for a component Commander to be designated by the Overall Commander. It is impractical to prejudge all situations which might arise, and to formulate exact and inflexible rules for their solution.

For these reasons, the U.S. Delegation believes that the method of designation of Commanders of mixed contingents of forces made available to the Security Council, other than the overall Commander, must be resolved when the occasion arises. Therefore, the U.S. Delegation adheres to the wording of this Article accepted by the Chinese, U.S.S.R. and U.S. Delegations.

With regard to the minor divergence in wording between the respective first paragraphs of this Article, the U.S. Delegation is agreeable to the use of either wording, "overall commander(s)" or "supreme commander(s)."

#### ANNEX "B"

##### GENERAL COMMENTS BY THE FRENCH DELEGATION

The French Military Delegation considers that the Principles of Organization of the Armed Forces to be made available to the United Nations have been formulated in the spirit of the Charter of the United Nations in that, in the opinion of the French Military Delegation, they imply unanimity among the five Permanent Members of the Security Council regarding the employment of these Forces. Although the security system which will emerge from those Principles may be strictly limited in its objective and in its means, the French Military Delegation considers that it is not without a positive value for the collective security, because conflicts would thus be confined to their original source and consequently their expansion prevented.

The French Military Delegation considers that some of the Principles of Organization tend to limit the strength of the Armed Forces made available to the Security Council. The French Military Delegation deliberately approved these Principles, thus anticipating in particular the results which would follow with regard to disarmament, and which would endow the Armed Forces made available to the Security Council with a relatively more important position in the entire existing modern armed forces.

It was also considered that "the moral weight and the potential power behind any decision to employ the Armed Forces made available to the Security Council by Member Nations of the United Nations in enforcement action will be very great and this fact will directly influence the size of the Armed Forces required."

In the course of its work the Military Staff Committee did not consider it appropriate to tackle certain problems of a politico-military character, the solutions of which are, however, considered as indispensable by the French Military Delegation, indeed, on their solution rests all hope of the effectiveness of Armed Forces to be raised by implementing the General Principles which are the subject of this Report. It follows that the two major problems of determining the aggressor and the setting in motion of measures, takes in pursuance of Articles 41 and 42 of the Charter, must, in the opinion of the French Military Delegation, be solved before any action by the Armed Forces made available to the Security Council can be contemplated.

From a purely military viewpoint, the factor of speed in the setting in motion of these measures is imperative for the success of the action undertaken. The chances of successful intervention will be relatively all the greater in that the comparable strength of the Forces weighs more heavily in favor of the United Nations. Therefore, the French Military Delegation considers that it is of paramount importance that action by the Security Council should be swift and energetic, and with this object in view:

1. The determination of the aggressor must be decided as soon as possible.
2. Economics and political actions envisaged in Articles 40 and 41 of the Charter must be so combined as to prepare and support the military intervention which might ensue.
3. The plans drawn up by the Security Council for the employment of the Armed Forces must provide for the immediate enforcement of measures envisaged in Article 42 of the Charter and may thus prevent any aggression.

In the opinion of the French Military Delegation only under these conditions will it be possible for the Security Council to take really effective measures which will enable it to maintain or restore international peace and security.

Furthermore, the French Military Delegation notes that one of the important problems which the Military Staff Committee did not consider came within its province is the financial problem raised as to the manner of settling the expenses devolving on Member Nations in carrying out the directives of the Security Council. The solution of this problem by the Security Council will undoubtedly have a bearing on the importance of the contribution which each Nation will agree to provide to the Security Council.

The solutions of the problems aforementioned, should, from the viewpoint of the French Military Delegation, be undertaken immediately in order that the negotiation of Special Agreements envisaged in Article 43 of the Charter be commenced.

## F. THE ATOMIC ENERGY COMMISSION

Mr. Harry S. Truman, President of the United States; Mr. C. R. Attlee, Prime Minister of the United Kingdom; and Mr. W. L. Mackenzie King, Prime Minister of Canada, met in Washington, D.C., in November 1945 "to consider the possibility of international action: (a) To prevent the use of atomic energy for destructive purposes, and (b) to promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends."<sup>1</sup>

On November 15, 1945, the three heads of Governments issued a declaration which stated, among other things, that "in order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization."<sup>2</sup>

Discussion of this problem took place at the meeting of the Foreign Ministers of the U.S.S.R., the United Kingdom and the United States held in Moscow in December 1945. On December 27 the three Foreign Ministers issued a communique which stated, *inter alia*, that "the Ministers of Foreign Affairs of the U.S.S.E., the United States, and the United Kingdom have agreed to recommend, for the consideration of the General Assembly of the United Nations, the establishment by the United Nations of a commission to consider problems arising from the discovery of atomic energy and related matters."<sup>3</sup> The Foreign Ministers agreed to invite the other permanent members of the Security Council—France and China—together with Canada, to join with them in assuming the initiative in sponsoring a resolution, drafted in Moscow, relating to the establishment of a commission for the control and use of atomic energy.

Pursuant to the agreement reached in December 1945 at the Moscow Conference, and to subsequent negotiations, the British Government, acting on behalf of the five permanent members of the Security Council and Canada, on January 4, 1946, proposed that the resolution drafted at Moscow relating to the establishment of a commission for the

control and use of atomic energy be added to the agenda of the General Assembly at the first part of the first session, scheduled to take place in London.

The General Assembly referred the establishment of the proposed commission to its First Committee (Political and Security), which considered the proposed resolution at its second and third meetings on January 21 and 22, 1946. At the end of the meeting of January 21, the resolution was approved without change by 46 votes to 0, with 1 abstention. After a further brief debate on the following day, the First Committee on January 23 approved unanimously the report of the Rapporteur on the establishment of the commission.

On January 24 the report and resolution authorizing the Commission on Atomic Energy were approved in the General Assembly with no dissenting votes. According to the resolution, the Commission was to be composed of one representative from each of the States represented on the Security Council, and Canada when that State was not a member of the Security Council.

The Commission was required to inquire with the utmost despatch into all phases of the problems, and to submit its reports and recommendations to the Security Council. In the appropriate cases, the Security Council was required to transmit these reports to the General Assembly and to the Members of the United Nations as well as to the Economic and Social Council and other organs within the framework of the United Nations.

The resolution set forth the terms of reference of the Commission as being to make specific proposals:

(a) for extending between all nations the exchange of basic scientific information for peaceful ends;

(b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

(d) for effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

<sup>1</sup> Department of State Bulletin (United States), Vol. XIII, #334, November 18, 1945. p. 781

<sup>2</sup> *Ibid.*, p. 782

<sup>3</sup> *Ibid.*, Vol. XIII, #340, December 30, 1945. p. 1032

By May 28, 1946, all States entitled to representation on the Commission had appointed their representatives. The Secretary-General convened the first meeting of the Commission on June 14, 1946. A Committee on Rules of Procedure was appointed, at the first meeting. The draft Rules submitted by it were approved by the Commission on July 3 and by the Security Council on July 10; they were officially adopted by the Commission at its fifth meeting on July 18.

At the first meeting of the Atomic Energy Commission, the representative of the United States presented a plan for the creation of an International Atomic Development Authority entrusted with all phases of the development and use of atomic energy. Under this plan the Authority would conduct continuous surveys of world supplies of uranium and thorium, and would bring the raw materials under its control. It would possess the exclusive right to conduct research in the field of atomic explosives, and all other research would be open only to rations under license of the Authority, which would provide them with denatured materials. Dangerous activities of the Authority and its stockpiles would be decentralized and strategically distributed. All nations would grant the freedom of inspection deemed necessary by the Authority. The representative of the United States stressed the importance of immediate punishment for infringements of the rights of the Authority. He urged that "there must be no veto to protect those who violate their solemn agreements not to develop or use atomic energy for destructive purposes."

At the second meeting of the Commission on June 19, 1946, the representative of the U.S.S.R. suggested that the first measure to be adopted should be the conclusion of an international agreement to prohibit the production and use of atomic energy weapons. Within three months from the entry into force of the agreement, he urged, all atomic weapons should be destroyed. Violation of the agreement should be severely punished under the domestic legislation of the contracting parties. The agreement should be of indefinite duration, coming in force after approval by the Security Council and ratification by the Council's permanent members. All States, whether or not Members of the United Nations, should be obliged to fulfil all provisions of the agreement.

After various delegations had expressed their views on the two proposals, it was decided to establish a Working Committee to consider the proposals made and to establish, if necessary, sub-committees.

The Working Committee set up: (1) Sub-Committee 1 to study all proposals put forward by the delegations to the Commission and to prepare the framework of a working plan by presenting to the Working Committee a list of headings or topics to be considered; (2) Committee 2 to examine questions associated with the control of atomic energy activities and to make specific recommendations for such control; (3) a Legal Advisory Committee to examine the legal aspects of atomic energy control; (4) a Scientific and Technical Committee to advise on the scientific aspects of the problem.

Sub-Committee 1 held three informal meetings from July 1 to 11, and presented a report to the Working Committee on the results of its discussions. Committee 2 continued the work began in the Working Committee and Sub-Committee 1 and examined at length the proposals made. At its fourth meeting on July 31, it decided that before proceeding with further discussions it was advisable to clarify the scientific and technical facts underlying control of atomic energy. It therefore requested the Scientific and Technical Committee to prepare a report on the question of whether effective control of atomic energy was possible, together with an indication of the method by which that Committee considered that effective control could be achieved. On August 2, Committee 2 deferred further meetings until it had received the report of the Scientific and Technical Committee.

After eight weeks of intensive study, the Scientific and Technical Committee, on September 26, 1946, unanimously adopted a report for submission to Committee 2. The report stated that the Committee did not find a basis in the available scientific facts for supposing that effective control of atomic energy was not technologically possible. Whether or not it was politically feasible was for the Atomic Energy Commission to decide.

At its sixth meeting on October 2, Committee 2 considered the Report of the Scientific and Technical Committee and decided to continue its discussions on the basis of the report. At its seventh meeting on October 8,

Committee 2 unanimously decided to examine and report on the safeguards required at each stage in the production and use of atomic energy for peaceful purposes to prevent the possibility of misuse. In accordance with this decision, a program of work was outlined by the Secretariat and adopted by Committee 2 at an informal meeting on October 14. Under this outline, Committee discussions on safeguards to prevent diversions of materials were to follow a seven-step plan: uranium and thorium mines, concentration plants, refineries, chemical and metallurgical plants, primary reactors and associated chemical separation plants, isotope separation plants and secondary reactors.

On October 15, at an informal meeting of Committee 2, the representative of the U.S.S.R. proposed that atomic energy control should begin at the most basic stage—unmined mineral resources—and he called for a world-wide report on uranium deposits. From that date informal conversations were held about twice weekly to discuss in detail the types of necessary safeguards and to hear statements by experts. The discussions resulted in a draft report, completed on December 13, dealing with safeguards against diversions and clandestine activities.

In the meantime the Legal Advisory Committee held three meetings on June 18 and 30 and August 2. With the assistance of the Secretariat, it drew up a provisional list of topics under these headings: (1) drafting, including ultimately the preparation of a draft treaty or treaties; (2) the study of specific legal questions arising in the course of the work of the Commission and its committees; (3) the study of the relationship between the system of measures of control recommended by Committee 2 and the United Nations. This was submitted to the Working Committee, with a request for a guidance on the next stage of the Committee's work so that it might be co-ordinated with the work of other committees. The Working Committee considered the matter on August 9, and decided that it was not necessary for the Legal Advisory Committee to make recommendations on topics on the provisional list until further advised by the Working Committee.

At its sixth meeting on November 13, 1946, the Atomic Energy Commission decided by 10 affirmative votes, with 2 abstentions, to submit to the Security Council before December

31, 1946, a report on its work, its findings and recommendations. Committee 2 was requested to draft the report.

While this report was being prepared, the second part of the first session of the General Assembly was considering various proposals concerning the regulation and reduction of armaments, including atomic weapons. At the Atomic Energy Commission's seventh meeting on December 5, the Chairman of the Commission stated that he had thought it advisable to ask the First Committee to try not to encroach on the work of the Atomic Energy Commission, and not to prejudice the future course or outcome of that work. The Chairman's action was generally approved by the members of the Commission.

At the same meeting the United States representative offered a resolution on the principles to be included in the findings and recommendations of the report of the Commission to the Security Council. These proposals, based, as were the first United States proposals, on the prospective establishment of an International Atomic Development Authority, were discussed at the eighth and ninth meetings of the Commission on December 17 and 20 respectively.

Meanwhile, the General Assembly on December 14, 1946, approved unanimously a resolution on the principles governing the general regulation and reduction of armaments, which, among other things, urged the expeditious fulfilment by the Atomic Energy Commission of its terms of reference. It also recommended that the Security Council expedite consideration of the reports made to it by the Atomic Energy Commission, that it facilitate the work of the Commission and that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

On December 20 the United States draft resolution was modified by a Canadian amendment, slightly revised at the suggestion of the Mexican representative. According to the Canadian amendment, the Commission resolved that, for drafting purposes, the principles

on which the United States resolution was based should be incorporated by the Working Committee in the report and should not necessarily follow the exact text of the United States resolution, in order to conform the wording to the relevant parts of the text of the General Assembly resolution of December 14 on the principles governing the general regulation and reduction of armaments. According to the amendment proposed by the Mexican representative, it was stated in the resolution that these proposals had been made by the United States representative. The United States resolution, as amended, was adopted by the Commission. Poland abstained from voting and the representative of the U.S.S.R. did not participate. The Working Committee was instructed to include these proposals in the draft of the Commission report to be submitted to the Security Council.

A draft report was approved by Committee 2 at a meeting on December 26 and by the Working Committee on December 27. The U.S.S.R. representative did not participate in the Working Committee's meeting of December 27 because, as had been stated at the Commission's meeting of December 20, he was unable to be a party to any decision on the substance of the United States proposal. Furthermore, at the meeting of December 27, the Polish representative had accepted the portion of the draft report as agreed upon by the Working Committee, but had reiterated the view of the Polish delegation that it was not beneficial to proceed with any report before complete agreement on principle had been reached among the permanent members of the Security Council. On December 30 the Commission, with 10 votes in favor and abstentions on the part of the U.S.S.R. and Poland, adopted the draft report of its Working Committee as the report of the Commission and submitted it to the Security Council on December 31, 1946.

The report described the work of the Commission, approved the report of the Scientific and Technical Committee on scientific and technical aspects of control and the report of Committee 2 on safeguards to ensure the use of atomic energy only for peaceful purposes, and made recommendations. In its general findings it stated that scientifically, technically and practically it was feasible: to extend among all nations the exchange of basic scientific information on atomic energy for

peaceful ends; to control atomic energy to the extent necessary to ensure its use only for peaceful purposes; to accomplish the elimination from national armaments of atomic weapons; and to provide effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions. It was also stated that an effective system for control of atomic energy must be international and must be established by an enforceable multilateral treaty or convention which in turn must be administered and operated by an international organ or agency within the United Nations. An international agreement to outlaw national production, possession or use of atomic weapons was considered as essential for an international system of control or inspection but would not be sufficient to ensure the use of atomic energy for peaceful purposes or to provide effective safeguards to protect complying States against the dangers of violations and evasions.

On the basis of its findings, the Commission recommended the creation of a strong and comprehensive international system of control and inspection by a treaty or convention in which all Members of the United Nations would participate on fair and equitable terms.

This treaty, it was urged, should include provisions establishing an international authority possessing power and the responsibility necessary and appropriate for the prompt and effective discharge of its duties imposed upon it by the terms of the treaty or convention. The treaty should also provide that the rule of unanimity of the permanent members which governed all substantive decisions of the Security Council should have no relation to the work of the Authority.

The Authority would promote among all nations the exchange of basic scientific information on atomic energy and should have positive responsibilities as regards research and development in order to promote the beneficial uses of atomic energy and eliminate the destructive ones. It would establish safeguards against the dangerous use of atomic energy but would not interfere with the prosecution of pure scientific research or the publication of its results.

Decisions of the Authority should, however, govern the operations of national agencies for atomic energy with the minimum interference.

The treaty or convention would also provide the representatives of the Authority with unimpeded rights of ingress, egress and access for the performance of their inspections. It would prohibit the manufacture, possession, and use of atomic weapons by all nations which were parties to the treaty and would provide for the disposal of any existing stocks of atomic weapons and for the proper use of fissionable materials.

The treaty would also specify the methods of determining violations of its terms and would establish the measures of enforcement or swift and certain punishment for violators. Enforcement and punishment of violators would not be subject to veto.

Finally, the treaty should provide a schedule for the completion of the transitional process leading step by step to the full and effective establishment of international control of atomic energy.

On February 13, 1947, the Security Council adopted a resolution on disarmament which provided, *inter alia*, that the Council consider as soon as possible the report submitted by the Atomic Energy Commission and take suitable decisions in order to facilitate the Commission's work.

At a meeting of the Security Council on February 18 the representative of the U.S.S.R. proposed twelve specific amendments and additions to the general findings and recommendations contained in the first report of the Atomic Energy Commission. The U.S.S.R. proposals included a provision that inspection, supervision and management by an international agency should apply to all existing atomic plants immediately after the entry into force of an appropriate convention or conventions. Another proposal suggested that an effective system of control of atomic energy must be international in scope and established by an enforceable multilateral convention administered within the framework of the Security Council. Further amendments would provide for the destruction of stocks of manufactured and unfinished atomic weapons, and for elimination of the recommendation in the Commission's report that in case of violation there should be no legal right, by veto or otherwise, whereby a wilful violator of the terms of the treaty or convention should be protected from the consequences of violation of its terms.

On March 10 the Security Council adopted unanimously a resolution which, among other things, stated that the Council would transmit the record of its consideration of the first report of the Atomic Energy Commission to the Commission; urged the Commission to continue its enquiry into all phases of the problem of the international control of atomic energy; and requested the Commission to submit a second report to the Security Council before the next session of the General Assembly.

In order to facilitate its work, the Commission on March 19 resolved that its committees should consider the questions resulting from the Security Council resolution of March 10 and should, in particular, consider the questions relating to the establishment of international control of atomic energy on which the necessary agreement among its members had not yet been reached.

On March 31, 1947, the Working Committee of the Atomic Energy Commission, by a vote of 10 in favor, with Poland and the U.S.S.R. abstaining, adopted the following resolution regarding its future procedure and that of Committee 2 of the Commission:

The Working Committee resolves to consider at its meetings the points of disagreement outlined in the statements of the representative of the U.S.S.R. in the Security Council.

At the same time the Working Committee requests Committee 2 to proceed on its part by means of formal or informal meetings and conversations with the study of the various questions following from the resolutions of the Atomic Energy Commission and the Security Council, in particular, questions outlined in the last paragraph of Part I of the first report of the Atomic Energy Commission and new questions not studied before, in order to implement the requirements of the General Assembly resolutions dated January 24 and December 14, 1946.

The last paragraph of Part I of the Atomic Energy Commission report, referred to in the resolution, as adopted on last December 31, 1946, read as follows:

Many important questions, which have been considered only in broad outline, during the course of its (the Commission's) deliberations remain to be further studied by the Commission. These questions include: the detailed powers, characteristics, and functions of the International Control Agency for which the need is expressed in the 'First Report on Safeguards Required to ensure the use of atomic energy only for peaceful purposes,'

including such matters as organization, financing, and staffing; the relationships between the agency, the various organs of the United Nations, and the participating states; powers of the agency in matters of research, development, and planning; the provisions for transition to the full operation of the international system of control; and other specific matters which should be included in the international treaty or convention establishing control over atomic energy.

On April 16, Committee 2 adopted the following resolution on definition of terms :

Resolved: that a standing Sub-Committee be established consisting of the representatives of the U.S.S.R., the United States, China, Colombia and Belgium, representing the five official languages, to assist the committee in the formulation of definitions.

Initially, the Sub-Committee will examine definitions which have been used in the first report of the Atomic Energy Commission, with a view to reaching agreement, and report thereon to the Committee.

Subsequently, the Sub-Committee will examine and define such terms as are used, or likely to be used, in negotiation, along with such other terms as may be specifically referred to it by the Committee.

Further, the Sub-Committee may co-opt any representative to serve on the Sub-Committee.

Committee 2 on June 4 received four working papers which had been drafted by working groups composed mostly of scientific and technical experts of different delegations. The experts were members of the working groups in their individual capacity and not as representatives of their respective Governments. Their findings, therefore, as laid down in the four working papers, in no way prejudged decisions to be eventually taken by the Atomic Energy Commission and did not in any way commit their Governments.

The four working papers dealt with the following subjects :

- (1) Functions of the International Agency in relation to research and development activities;
- (2) Functions of the International Agency in relation to location and mining of ores;
- (3) Functions of the International Agency in relation to processing and purification of source material;
- (4) Functions of the International Agency in relation to stockpiling, production and distribution of nuclear fuels and the design, construction and operation of isotope separation plants and of nuclear reactors.

The Committee, before considering the individual working papers, agreed to enter into a discussion on the general principles underlying the papers—ownership, operation and management of dangerous facilities by an international agency. The general discussion on the underlying principles of the four working papers, however, would be confined to such principles as contained a deviation from or a modification of the first report of the Atomic Energy Commission to the Security Council.

On June 10, the Working Committee agreed on the principle of using the wording of the Security Council's resolution on the first report of the Atomic Energy Commission—"treaty or treaties, or convention or conventions"—by which the functions and the scope of the international system of control of atomic energy should be defined. The original wording of the first report spoke in the relevant section of "a treaty or convention."

The representative of the United States entered a reservation, stating that in his opinion the Atomic Energy Commission had already taken the decision that there should be only one treaty or convention.

At the twelfth meeting of the full Atomic Energy Commission on June 11 the representative of the U.S.S.R. submitted eight new proposals for the control of atomic energy. The Commission agreed to refer the U.S.S.R. proposals to the Working Committee for further study.

Following is a list of the proposals :

1. For ensuring the use of atomic energy only for peaceful purposes, in accordance with the international convention on the prohibition of atomic and other major weapons of mass destruction and also with the purpose of preventing violations of the convention on the prohibition of atomic weapons and for the protection of complying States against hazards of violations and evasions, there shall be established strict international control simultaneously over all facilities engaged in mining of atomic raw materials and in production of atomic materials and atomic energy.
2. For carrying out measures of control of atomic energy facilities, there shall be established, within the framework of the Security Council, an international commission for atomic energy control to be called the International Control Commission.
3. The International Control Commission shall have its own inspectorial apparatus.
4. Terms and organizational principles of international control of atomic energy, and



also composition, rights and obligations of the International Control Commission, as well as provisions on the basis of which it shall carry out its activities, shall be determined by a special international convention on atomic energy control, which is to be concluded in accordance with the convention on the prohibition of atomic weapons.

5. With the purpose of ensuring the effectiveness of international control of atomic energy, the convention on the control of atomic energy shall be based on the following fundamental provisions:

(a) The International Control Commission shall be composed of the Representatives of States Members of the Atomic Energy Commission established by the General Assembly decision of 24 January 1946, and may create such subsidiary organs which it finds necessary for the fulfillment of its functions.

(b) The International Control Commission shall establish its own rules of procedure.

(c) The personnel of the International Control Commission shall be selected on an international basis.

(d) The International Control Commission shall periodically carry out inspection of facilities for mining of atomic raw materials and for the production of atomic materials and atomic energy.

6. While carrying out inspection of atomic energy facilities, the International Control Commission shall undertake the following actions:

(a) Investigates the activities of facilities for mining atomic raw materials, for the production of atomic materials and atomic energy as well as verifies their accounting.

(b) Checks existing stocks of atomic raw materials, atomic materials, and unfinished products.

(c) Studies production operations to the extent necessary for the control of the use of atomic materials and atomic energy.

(d) Observes the fulfillment of the rules of technical exploitation of the facilities prescribed by the convention on control as well as works out and prescribes the rules of technological control of such facilities.

(e) Collects and analyses data on the mining of atomic raw materials and on the production of atomic materials and atomic energy.

(f) Carries on special investigations in cases when suspicion of violations of the convention on the prohibition of atomic weapons arises.

(g) Makes recommendations to Governments on the questions relating to production, stockpiling and use of atomic materials and atomic energy.

(h) Makes recommendations to the Security Council on measures for prevention and suppression in respect to violators of the conventions on the prohibition of atomic

weapons and on the control of atomic energy.

7. For the fulfillment of the tasks of control and inspection entrusted to the International Control Commission, the latter shall have the right of:

(a) Access to any facilities for mining, production, and stockpiling of atomic raw materials and atomic materials, as well as to the facilities for the exploitation of atomic energy.

(b) Acquaintance with the production operations of the atomic energy facilities, to the extent necessary for the control of use of atomic materials and atomic energy.

(c) The carrying out of weighing, measurements, and various analyses of atomic raw materials, atomic materials, and unfinished products.

(d) Requesting from the Government of any nation, and checking of, various data and reports on the activities of atomic energy facilities.

(e) Requesting of various explanations on the questions relating to the activities of atomic energy facilities.

(f) Making recommendations and presentations to Governments on the matters of the production and use of atomic energy.

(g) Submitting recommendations for the consideration of the Security Council on measures in regard to violators of the conventions on the prohibition of atomic weapons and on the control of atomic energy.

8. In accordance with the tasks of international control of atomic energy, scientific research activities in the field of atomic energy shall be based on the following provisions:

(a) Scientific research activities in the field of atomic energy must comply with the necessity of carrying out the convention on the prohibition of atomic weapons and with the necessity of preventing its use for military purposes.

(b) Signatory States to the convention on the prohibition of atomic weapons must have a right to carry on unrestricted scientific research activities in the field of atomic energy, directed toward discovery of methods of its use for peaceful purposes.

(c) In the interests of an effective fulfillment of its control and inspectorial functions, the International Control Commission must have a possibility to carry out scientific research activities in the field of discovery of methods of the use of atomic energy for peaceful purposes. The carrying out of such activities will enable the Commission to keep itself informed on the latest achievements in this field and to have its own skilled international personnel, which is required by the Commission for practical carrying out of the measures of control and inspection.

(d) In conducting scientific research in the field of atomic energy, one of the most important tasks of the International Control

Commission should be to ensure a wide exchange of information among nations in this field and to render necessary assistance through advice, to the countries parties to the convention, which may request such assistance.

(e) The International Control Commission must have at its disposal material facilities including research laboratories and experimental installations necessary for the proper organization of the research activities to be conducted by it.

The question of the rule of unanimity of the five permanent members of the Security Council in relation to the operations of an international control agency for atomic energy was discussed at the 21st meeting of the Working Committee on June 19.

The representative of the U.S.S.R. declared that the so-called veto should not apply to the day-to-day activities and operations of a control commission. Such a commission could, he explained, only make recommendations to the Security Council in respect to violations of any convention that should be drawn up. Punishments for serious violations should always be subject to decisions of the Security Council. He emphasized that the rule of unanimity was a basic principle of the United Nations Charter and that he could never agree to the violation of such a principle.

He went on to discuss the research functions of a control agency, questioning why, if it was the intention of such a body to prohibit the production of atomic weapons, that same body should carry on research for destructive purposes. If all delegations felt that all members of a convention should be enabled to carry on research for peaceful

purposes, then, he added, there was not too great a divergence between the views of others and those of the U.S.S.R. on the subject.

The representative of the United States proposed that both questions raised by the representative of the U.S.S.R. should be taken up by Committee 2 of the Atomic Energy Commission. He declared that he thought most delegations had intended that the control commission should deal only with atomic energy research for destructive purposes, while there should be no limit on research for peaceful uses.

The representative of France stated that there were two questions with regard to the veto: whether the veto should apply to an atomic energy agency, and whether the Security Council should be empowered to exercise its veto over day-to-day operations of that organ of control. He expressed the view that one government, by applying the veto in the Security Council, should not be able to paralyze the operations of an inspection agency.

The representative of Australia argued that any control agency should be autonomous and not in any way subject to the veto. Furthermore, he continued, the Charter of the United Nations provided for the sovereign equality of all nations, while the rule of unanimity was not a principle of the United Nations but applied only to one organ, the Security Council.

Further discussion of the control of atomic energy was to be continued in subsequent meetings of the full Commission and its various committees.

## G. COMMISSION FOR CONVENTIONAL ARMAMENTS

Article 26 of the United Nations Charter states that in order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible, with the assistance of the Military Staff Committee referred to in Article 47, for formulating plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Although the Security Council has been vested with the primary responsibility for the

maintenance of international peace and security, Article 11 of the Charter permits the General Assembly to consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments. The General Assembly may make recommendations with regard to such principles to the Members or to the Security Council or to both.

In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United

Nations, the General Assembly on December 14, 1946, on the initiative of the U.S.S.R. delegation, adopted a resolution on the principles governing the general regulation and reduction of armaments. This resolution, among other things, recommended that "the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants."

In order to work out the practical measures for giving effect to the General Assembly's resolution and also to implement Article 26 of the Charter, the Security Council at its 105th meeting held on February 13, 1947, established a Commission for Conventional Armaments. The Commission, consisting of representatives of the members of the Security Council, was instructed to submit to the Council, within the space of not more than three months, proposals for:

(a) the general regulation and reduction of armaments and armed forces; and

(b) practical and effective safeguards in connection with the general regulation and reduction of armaments which the Commission might be in a position to formulate in order to ensure the implementation of the abovementioned resolution of the General Assembly of December 14, 1946, insofar as this resolution related to armaments within the new Commission's jurisdiction.

The Security Council directed that those matters which fell within the competence of the Atomic Energy Commission as determined by the General Assembly resolutions of January 24 and December 14, 1946, should be excluded from the jurisdiction of the Commission for Conventional Armaments. It also directed the new Commission to make such proposals as it might deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

The Commission for Conventional Armaments held its first meeting at Lake Success on March 24, 1947.

At its second meeting, held on March 28, the Commission set up a Sub-Committee, con-

sisting of the representatives of Poland, Belgium and France, to examine the Rules of Procedure of the Atomic Energy Commission and make any necessary modifications with a view to using them as rules of procedure for the Commission. At the fifth meeting of the Commission on April 9, the report of the Sub-Committee was approved. The report stated, *inter alia*, that the text of the rules of procedure proposed for the Commission for Conventional Armaments was the same as that for the Atomic Energy Commission. The only modifications made concerned the title of the Commission and (in Rules 4 and 50) the reference to the resolution creating the Commission.

The Commission at its fifth meeting also approved a Colombian resolution for the creation of a Sub-Committee to prepare a draft of the plan of work which the Commission would submit for the approval of the Council. The Sub-Committee was to be composed of the representatives of the five permanent members of the Security Council.

The Sub-Committee held its first meeting on April 21. It decided that the Secretariat should prepare a draft plan of work for the Commission on Conventional Armaments and also a tabulation of different proposals made by various representatives of the Commission in connection with the plan.

At its fifth meeting, on June 6, 1947, the Sub-Committee submitted two draft plans of work, together with the suggestions of the Secretariat for the approval of the Commission. The first plan had been presented by the United States delegation and amended during the course of the meetings. The second plan had been presented by the delegation of the U.S.S.R. A proposal concerning the organization of the work of the Commission was also submitted.

During the sixth meeting of the Commission, on June 11, 1947, the Belgian representative proposed a resolution to the Commission to submit the draft plan of work of the United States for the approval of the Security Council.

At the seventh meeting, on June 13, the French representative submitted one amendment, and the Polish representative several amendments, to the United States draft plan of work. At the eighth meeting, on June 18, the Commission rejected the French and Polish amendments. It adopted the Belgian

motion and rejected the draft plan of work submitted by the delegation of the U.S.S.R.

The plan of work adopted by the Commission was submitted for the approval of the Security Council and the proposal for organization of the work of the Commission was submitted for purposes of information.

#### PLAN OF WORK ADOPTED BY THE COMMISSION FOR CONVENTIONAL ARMAMENTS

The text of the plan of work was as follows :

1. Consider and make recommendations to the Security Council concerning armaments and armed forces which fall within the jurisdiction of the Commission for Conventional Armaments.

2. Consideration and determination of general principles in connection with the regulation and reduction of armaments and armed forces.

3. Consideration of practical and effective safeguards by means of an international system of control operating through special organs (and by other means) to protect complying States against the hazards of violations and evasions.

4. Formulate practical proposals for the regulation and reduction of armaments and armed forces.

5. Extension of the principles and proposals set forth in paragraphs 2, 3 and 4 above to States which are not Members of the United Nations.

6. Submission of a report or reports to the Security Council including, if possible, a Draft Convention.

It is proposed that under the six headings listed above all of the references by the various Delegations suggested for the Plan of Work will be considered.

It is also understood that this Plan of Work does not limit the freedom of individual Delegations to make additional suggestions at a later time.

#### PLAN FOR THE ORGANIZATION OF THE WORK OF THE COMMISSION FOR CONVENTIONAL ARMAMENTS

At its ninth meeting 25 June 1947 the Commission for Conventional Armaments agreed to the following proposal concerning the organization of its future work:

Establishment of a working committee of the whole to formulate proposals for the general regulation and reduction of armaments and armed forces and to co-ordinate the work of the sub-committees to be established to deal with various aspects of the work including the political aspect of security. These sub-committees shall report to the working committee, which shall submit its proposals to the Commission for consideration.

#### A N N E X I REPRESENTATIVES ON THE SECURITY COUNCIL (as of June 30, 1947)

Australia	
Representative	H. V. Evatt (absent)
Acting Representative	Lt.-Colonel W. R. Hodgson
Belgium	
Representative	Fernand van Langenhove
Alternate	Joseph Nisot
Brazil	
Representative	Oswaldo Aranha (absent)
Acting Representative	João Carlos Muniz
Alternate	Henrique de Souza Gómez
China	
Representative	Quo Tai-chi
Alternate	C. L. Hsia
Colombia	
Representative	Dr. Alfonso López
Alternate	Dr. Alberto Gonzalez Fernández
France	
Représentative	Alexandre Parodi
Alternate	Guy de la Tournelle
Poland	
Representative	Dr. Oscar Lange
Syria	
Representative	Faris el-Khoury
Alternate	Dr. Costi K. Zurayk.
Alternate	Rafik Asha
Union of Soviet Socialist Republics	
Representative	Andrei A. Gromyko
United Kingdom	
Representative	Sir Alexander Cadogan
Alternate	Sir Charles Darwin
United States of America	
Representative	Warren R. Austin
Alternate	Herschel V. Johnson

#### A N N E X II REPRESENTATIVES ON THE MILITARY STAFF COMMITTEE (as of June 30, 1947)

China	
Air Representative	Lt.-General Pong-Tsu Mow
Army Representative	General of the Army Ying-Chin Ho
Naval Representative (Temp.)	Captain Ying-Tsung Chow
France	
Army Representative (Head of Delegation)	Lt.-General P. Billotte
Naval Representative (Temp.)	Commander V. Marchai
Air Representative	Brig.-General P. Fay

Union of Soviet Socialist Republics  
 Air Representative Lt.-General A. R. Sharapov  
 Army Representative Lt.-General A. P. Vasillev  
 Naval Representative Vice-Admiral V. L. Bogdenko

United Kingdom  
 Naval Representative Admiral Sir Henry Moore  
 Army Representative Lt.-General Sir Edwin L. Morris  
 Air Representative Air Chief Marshal Sir Guy Garrod

United States of America  
 Army Representative Lt.-General M. B. Ridgway  
 Naval Representative Admiral H. K. Hewitt  
 Air Representative General J. T. McNarney

A N N E X   I I I  
 REPRESENTATIVES ON THE  
 ATOMIC ENERGY COMMISSION  
 (as of June 30, 1947)

Australia  
 Representative H. V. Evatt (absent)  
 Acting Representative Lt.-Colonel W. R. Hodgson

Belgium  
 Representative Fernand van Langenhove  
 Alternate Joseph Nisot

**Brazil**  
 Representative Captain Alvaro Alberto  
 Alternate Lt.-Colonel Orlando Rangel

Canada  
 Representative General A. G. L. McNaughton

China  
 Representative Quo Tai-chi  
 Alternate C. L. Hsia

Colombia  
 Representative Dr. Alfonso López  
 Alternate Dr. Alberto Gonzalez Fernández  
 Alternate Dr. Emilio Toro

France  
 Representative Alexandre Parodi  
 Alternate Professor Frederic Joliot-Curie  
 Alternate Professor Pierre Auger

**Poland**  
 Representative Dr. Oscar Lange  
 Alternate Dr. Ignacy Zlotowski

Syria  
 Representative Faris el-Khoury  
 Alternate Dr. Costi K. Zurayk  
 Alternate Rafik Asha

Union of Soviet Socialist Republics  
 Representative Andrei A. Gromyko

United Kingdom  
 Representative Sir Alexander Cadogan  
 Alternate Sir Charles Darwin

United States of America  
 Representative Warren R. Austin  
 Alternate Frederick H. Osborn

A N N E X   I V  
 REPRESENTATIVES ON THE  
 COMMISSION FOR CONVENTIONAL ARMAMENTS  
 (as of June 30, 1947)

Australia  
 Representative Lt.-Colonel W. R. Hodgson

Belgium  
 Representative Fernand van Langenhove  
 Alternate Joseph Nisot

Brazil  
 Representative Oswaldo Aranha (absent)  
 Alternate João Carlos Muniz

China  
 Representative Quo Tai-chi

Colombia  
 Representative Dr. Alfonso López  
 Alternate Dr. Alberto Gonzalez Fernández

France  
 Representative Alexandre Parodi

Poland  
 Representative Dr. Oscar Lange

Syria  
 Representative Faris el-Khoury

Union of Soviet Socialist Republics  
 Representative Andrei A. Gromyko

United Kingdom  
 Representative Sir Alexander Cadogan

United States of America  
 Representative Warren R. Austin  
 Alternate Ralph A. Bard

A N N E X   V  
 REPRESENTATIVES ON THE  
 COMMITTEE OF EXPERTS  
 (as of June 30, 1947)

Australia  
 Representative A. H. Body

Belgium  
 Representative Joseph Nisot

Brazil  
 Representative H. de Souza-Gomes

China  
 Representative Shuhsi Hsü

Colombia  
 Representative E. de Holte-Castello

France  
 Representative Pierre Ordonneau

Poland  
 Representative Dr. A. Rudzinski

Syria  
 Representative R. Asha

U.S.S.R.  
 Representative A. N. Krasilnikov

United Kingdom  
 Representative V. G. Lawford

United States  
 Representative C. P. Noyes

ANNEX VI  
PROVISIONAL RULES OF PROCEDURE  
OF THE SECURITY COUNCIL

Adopted by the Security Council at its First Meeting and Amended at its Forty-eighth Meeting, 24 June 1946.

CHAPTER I: Meetings

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred to in Rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

Rule 2

The President shall call a meeting of the Security Council at the request of any member of the Security Council.

Rule 3

The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

Rule 4

Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held twice a year, at such times as the Security Council may decide.

Rule 5

Meetings of the Security Council shall normally be held at the seat of the United Nations.

Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place, and the period during which the Council shall meet at such place.

CHAPTER II : Agenda

Rule 6

The Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.

Rule 7

The Provisional Agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with Rule 6, items covered by Rule 10, or matters which the Security Council has previously decided to defer, may be included in the Provisional Agenda.

Rule 8

The Provisional Agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9

The first item of the Provisional Agenda for each meeting of the Security Council shall be the adoption of the Agenda.

Rule 10

Any item of the Agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the Agenda of the next meeting.

Rule 11

The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

Rule 12

The Provisional Agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the Provisional Agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the Agenda at any time during a periodic meeting.

The provisions of Rule 7, paragraph 1, and of Rule 9, shall apply also to periodic meetings.

CHAPTER in: Representation and Credentials

Rule 13

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 14

Any Member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if in-

vited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

#### Rule 15

The credentials of representatives on the Security Council and of any representative appointed in accordance with Rule 14 shall be examined by the Secretary-General who shall submit a report to the Security Council for approval.

#### Rule 16

Pending the approval of the credentials of a representative on the Security Council in accordance with Rule 15, such representative shall be seated provisionally with the same rights as other representatives.

#### Rule 17

Any representative on the Security Council, to whose credentials objection has been made within the Security Council, shall continue to sit with the same rights as other representatives until the Security Council has decided the matter.

### CHAPTER IV : Presidency

#### Rule 18

The Presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

#### Rule 19

The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

#### Rule 20

Whenever the President of the Security Council deems that, for the proper fulfillment of the responsibilities of the Presidency, he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this Rule shall apply to the representatives on the Security Council called upon successively to preside. This Rule shall not affect the representative capacity of the President as stated in Rule 19 or his duties under Rule 7.

### CHAPTER V: Secretariat

#### Rule 21

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

#### Rule 22

The Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it.

#### Rule 23

The Secretary-General may be appointed by the Security Council, in accordance with Rule 28, as rapporteur for a specified question.

#### Rule 24

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

#### Rule 25

The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its commissions and committees.

#### Rule 26

The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

### CHAPTER VI : Conduct of Business

#### Rule 27

The President shall call upon representatives in the order in which they signify their desire to speak.

#### Rule 28

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

#### Rule 29

The President may accord precedence to any rapporteur appointed by the Security Council.

The Chairman of a commission or committee, or the rapporteur appointed by the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

#### Rule 30

If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

Rule 31

Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing.

Rule 32

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 33

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. to suspend the meeting;
2. to adjourn the meeting;
3. to adjourn the meeting to a certain day or hour;
4. to refer any matter to a committee, to the Secretary-General or to a rapporteur;
5. to postpone discussion of the question to a certain day or indefinitely; or
6. to introduce an amendment.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

Rule 34

It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 35

A motion or draft resolution can at any time be withdrawn, so long as no vote has been taken with respect to it.

If the motion or draft resolution has been seconded, the representative on the Security Council who has seconded it may require that it be put to the vote as his motion or draft resolution with the same right of precedence as if the original mover had not withdrawn it.

Rule 36

If two or more amendments to a motion or draft resolution are proposed, the President shall rule on the order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 37

Any member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote,

in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

Rule 38

Any member of the United Nations invited in accordance with the preceding Rule or in application of Article 32 of the Charter to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council.

Rule 39

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

CHAPTER VII: Voting

Rule 40

Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

CHAPTER VIII : Languages

Rule 41

Chinese, English, French, Russian and Spanish shall be the official languages of the Security Council, and English and French the working languages.

Rule 42

Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 43

Speeches made in any of the three other official languages shall be interpreted into both working languages.

Rule 44

Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 45

Verbatim records of meetings of the Security Council shall be drawn up in the working languages. At the request of any representative a verbatim record of any speech made in an official language other than the working languages shall be drawn up in the original language.



## Rule 46

All resolutions and other important documents shall forthwith be made available in the official languages. Upon the request of any representative any other document shall be made available in any or all of the official languages.

## Rule 47

Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the official languages.

## CHAPTER IX: Publicity of Meetings, Records.

## Rule 48

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

## Rule 49

Subject to the provisions of Rule 51, the verbatim record of each meeting of the Security Council shall be made available in the working languages to the representatives on the Security Council and to the representatives of any other States which have participated in the meeting not later than 10 A.M. of the first working day following the meeting. The verbatim record of any speech made in any other of the official languages, which is drawn up in accordance with the provisions of Rule 45, shall be made available in the same manner to any of the above mentioned representatives at his request.

## Rule 50

The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in Rule 49, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

## Rule 51

The Security Council may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

## Rule 52

Corrections that have been requested shall be considered approved unless the President is of the opinion that they are sufficiently important to be submitted to the representative on the Security Council. In the latter case, the representatives on the Security Council shall submit within two working days any comments they may wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

## Rule 58

The verbatim record referred to in Rule 49 or the record referred to in Rule 51, in which no corrections have been requested in the period of time required by Rules 50 and 51 respectively or which has been corrected in accordance with the provisions of Rule 52, shall be considered as approved. It shall be signed by the President and shall become the official record of the Security Council.

## Rule 54

The official record of public meetings of the Security Council, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

## Rule 55

At the close of each private meeting the Security Council shall issue a communique through the Secretary-General.

## Rule 56

The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the record of that meeting in the office of the Secretary-General. The Security Council may at any time grant access to this record to authorized representatives of other Members of the United Nations.

## Rule 57

The Secretary-General shall, once each year, submit to the Security Council a list of the records and documents which up to that time have been considered confidential. The Security Council shall decide which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

## CHAPTER X: Admission of New Members.

## Rule 58

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall be accompanied by a declaration of its readiness to accept the obligations contained in the Charter.

## Rule 59

The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

Rule 60

The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership.

In order to assure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendations not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.

ANNEX

PROVISIONAL PROCEDURE FOR DEALING WITH COMMUNICATIONS FROM PRIVATE INDIVIDUALS AND NON-GOVERNMENTAL BODIES

A. A list of all communications from private individuals and non-governmental bodies relating to matters of which the Security Council is seized shall be circulated to all representatives on the Security Council.

B. A copy of any communication on the list shall be given by the Secretariat to any representative on the Security Council at his request.

CHAPTER XI : Relations with Other United Nations Organs

Rule 61

Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

ANNEX VII

Provisional Rules of Procedure for the Atomic Energy Commission

Adopted by the Atomic Energy Commission on 3 July 1946 and

Approved by the Security Council on 10 July 1946

CHAPTER I: Meetings

Rule 1

Meetings of the Atomic Energy Commission shall be held at the call of the Chairman at any time he deems necessary.

Rule 2

The Chairman shall call a meeting of the Atomic Energy Commission at the request of any Member of the Atomic Energy Commission.

Rule 3

Meetings of the Atomic Energy Commission shall as a rule be held at the seat of the United Nations.

CHAPTER II : Agenda

Rule 4

The Secretary-General shall immediately bring to the attention of all representatives on the Atomic Energy Commission all directions and other communications from the Security Council, all communications from States, other organs of the United Nations, or the Secretary-General himself, falling within the framework of the terms of reference of the Atomic Energy Commission as contained in the Resolution of the General Assembly of 24 January 1946.

Rule 5

The Provisional Agenda for each meeting of the Atomic Energy Commission shall be drawn up by the Secretary-General and approved by the Chairman of the Atomic Energy Commission.

Rule 6

The Provisional Agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Atomic Energy Commission at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 7

The first item of the Provisional Agenda for each meeting of the Atomic Energy Commission shall be the adoption of the Agenda.

Rule 8

Any item of the Agenda of a meeting of the Atomic Energy Commission, consideration of which has not been completed at that meeting, shall, unless the Atomic Energy Commission otherwise decides, automatically be included in the Agenda of the next meeting.

CHAPTER III: Representation and Credentials

Rule 9

Each Member of the Atomic Energy Commission shall be represented at the meetings of the Atomic Energy Commission by an accredited representative. The credentials of a representative on the Atomic Energy Commission shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Atomic Energy Commission.

Rule 10

Any Member of the United Nations not a Member of the Atomic Energy Commission and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Atomic Energy Commission, shall submit credentials for the repre-

sentative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

#### Rule 11

The credentials of representatives on the Atomic Energy Commission and of any representatives appointed in accordance with Rule 10 shall be examined by the Secretary-General who shall submit a report to the Atomic Energy Commission for approval.

#### Rule 12

Pending the approval of the credentials of a representative of a State Member on the Atomic Energy Commission in accordance with Rule 11, such representative shall be seated provisionally with the same rights as other representatives of States Members on the Atomic Energy Commission.

#### Rule 18

Any representative of a State Member on the Atomic Energy Commission, to whose credentials objection has been made within the Atomic Energy Commission, shall continue to sit with the same rights as other representatives until the Atomic Energy Commission has decided the matter.

### CHAPTER IV : Chairman

#### Rule 14

The Chairmanship of the Atomic Energy Commission shall be held in turn by the States represented on the Atomic Energy Commission in the English alphabetical order of their names. Each Chairman shall hold office for one calendar month.

#### Rule 15

The Chairman shall preside over the meetings of the Atomic Energy Commission and, under the authority of the Atomic Energy Commission, shall represent it in its capacity as an organ of the United Nations.

### CHAPTER V: Secretariat

#### Rule 16

The Secretary-General shall act in that capacity in all meetings of the Atomic Energy Commission. The Secretary-General may authorize a deputy to act in his place at meetings of the Atomic Energy Commission.

#### Rule 17

The Secretary-General shall provide the staff required by the Atomic Energy Commission. This staff shall form a part of the Secretariat.

#### Rule 18

The Secretary-General shall give to representatives on the Atomic Energy Commission notice of meetings of the Atomic Energy Commission and of its committees and sub-committees.

#### Rule 19

The Secretary-General shall be responsible for the preparation of documents required by the Atomic Energy Commission and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

#### Rule 20

The Secretary-General or his Deputy acting on his behalf may make either oral or written statements to the Atomic Energy Commission concerning any question under consideration by it.

### CHAPTER VI: Conduct of Business

#### Rule 21

The Chairman shall call upon representatives in the order in which they signify their desire to speak.

#### Rule 22

The Atomic Energy Commission may appoint such committees or sub-committees as it deems necessary and refer to them any question falling within the framework of the terms of reference of the Atomic Energy Commission for study and report.

Committees and sub-committees may be authorized to sit when the Atomic Energy Commission is not in session.

#### Rule 23

If a representative raises a point of order, the Chairman shall immediately state his ruling. If it is challenged, the Chairman shall submit his ruling to the Atomic Energy Commission for immediate decision and it shall stand unless over-ruled.

#### Rule 24

Proposed resolutions, amendments and substantive motions shall as a rule be placed before the representatives in writing.

#### Rule 25

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

#### Rule 26

It shall not be necessary for any motion or draft resolution proposed by a representative of a State Member on the Atomic Energy Commission to be seconded by the representative of another State Member before being put to a vote.

#### Rule 27

If two or more amendments to a motion or draft resolution are proposed, the Chairman shall rule on the order in which they are to be voted upon. As a rule, the Atomic Energy Commission shall first vote on the amendment

furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 28

Any Member of the United Nations which is not a Member of the Atomic Energy Commission or any State not a Member of the United Nations may be invited, as the result of a decision of the Atomic Energy Commission, to participate, without vote, in the discussion of any question brought before the Atomic Energy Commission when the Atomic Energy Commission considers that the interests of that State are specially affected. The Atomic Energy Commission may also invite representatives of other States for information purposes.

The representative of a State not a Member of the Atomic Energy Commission may participate in the meetings of the Atomic Energy Commission as soon as his credentials have been approved by the Atomic Energy Commission.

Rule 29

Any State invited in accordance with the preceding Rule to participate in the discussions of the Atomic Energy Commission may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative of a State Member on the Atomic Energy Commission.

Rule 30

The Atomic Energy Commission may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

CHAPTER VII: Quorum and Voting

Rule 31

Each Member of the Atomic Energy Commission shall have one vote.

Rule 32

At any meeting, a majority of the Members of the Atomic Energy Commission shall constitute a quorum.

Rule 33

All decisions of the Atomic Energy Commission shall be made by a majority of the Members of the Atomic Energy Commission.

CHAPTER VIII: Languages

Rule 34

Chinese, English, French, Russian and Spanish shall be the official languages of the Atomic Energy Commission, and English and French the working languages.

Rule 35

Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 36

Speeches made in any of the three other official languages shall be interpreted into both working languages.

Rule 37

Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 38

Verbatim records of meetings of the Atomic Energy Commission shall be drawn up in the working languages. At the request of any representative, a verbatim record of any speech made in an official language other than the working language shall be drawn up in the original language.

Rule 39

All decisions and other important documents shall forthwith be made available in the official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

Rule 40

Documents of the Atomic Energy Commission shall, if the Atomic Energy Commission so decides, be published in any language other than the official languages.

CHAPTER IX: Publicity of Meetings—  
Records

Rule 41

Unless it decides otherwise, the Atomic Energy Commission shall meet in public.

Rule 42

Subject to the provisions of Rule 44, the verbatim record of each meeting of the Atomic Energy Commission shall be made available in the working languages to the representatives on the Atomic Energy Commission and to the representatives of any other States which have participated in the meeting not later than 10 a.m. of the first working day following the meeting. The verbatim record of any speech made in any other of the official languages, which is drawn up in accordance with the provisions of Rule 38 shall be made available in the same manner to any of the above mentioned representatives at his request.

The Atomic Energy Commission shall determine the extent of circulation of the records of its private meetings.

## Rule 48

The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in Rule 42, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

## Rule 44

The Atomic Energy Commission may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

## Rule 45

Corrections that have been requested shall be considered approved unless the Chairman is of the opinion that they are sufficiently important to be submitted to the representatives on the Atomic Energy Commission. In the latter case, the representatives on the Atomic Energy Commission shall submit within two working days any comments they may wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

## Rule 46

The verbatim record referred to in Rule 42, or the record referred to in Rule 44, in which no corrections have been requested in the period of time required respectively by Rule 43 and Rule 44 or which has been corrected in accordance with the provision of Rule 45, shall be considered as approved. It shall be signed by the Chairman and shall become the official record of the Atomic Energy Commission.

## Rule 47

The official record of public meetings of the Atomic Energy Commission, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

## Rule 48

At the close of each private meeting, the Atomic Energy Commission shall issue a communique through the Secretary-General.

## Rule 49

The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the record of that meeting in the offices of the Secretary-General. The Atomic Energy Commission may at any time grant access to this record to authorized representatives of other Members of the United Nations.

## Rule 50

The Secretary-General shall, at suitable intervals but at least once each year, submit to the Atomic Energy Commission a list of the records and documents which up to that time have been considered confidential. The Atomic Energy Commission shall decide, subject to the provisions of Section 2 (a) of the Resolution of the General Assembly of 24 January 1946, which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

## ANNEX

## PROVISIONAL PROCEDURE FOR DEALING WITH COMMUNICATIONS FROM PRIVATE INDIVIDUALS AND NON-GOVERNMENTAL BODIES

1. A list of all communications from private individuals and non-governmental bodies relating to the Atomic Energy Commission shall be circulated to all representatives on the Atomic Energy Commission.

2. A copy of any communication on the list shall be given by the Secretariat to any representative on the Atomic Energy Commission at his request.

## ANNEX VII

COMMISSION FOR CONVENTIONAL ARMAMENTS  
PROVISIONAL RULES OF PROCEDURE

## CHAPTER I: Meetings

## Rule 1

Meetings of the Commission for Conventional Armaments shall be held at the call of the Chairman at any time he deems necessary.

## Rule 2

The Chairman shall call a meeting of the Commission for Conventional Armaments at the request of any Member of the Commission.

## Rule 3

Meetings of the Commission for Conventional Armaments shall as a rule be held at the seat of the United Nations.

## CHAPTER II: Agenda

## Rule 4

The Secretary-General shall immediately bring to the attention of all representatives on the Commission for Conventional Armaments all directions and other communications from the Security Council, all communications from States, other organs of the United Nations, or the Secretary-General himself, falling within the framework of the terms of reference of the Commission for Conventional Armaments as contained in the Resolution of the Security Council of 13 February 1947.

Rule 5

The Provisional Agenda for each meeting of the Commission for Conventional Armaments shall be drawn up by the Secretary-General and approved by the Chairman of the Commission.

Rule 6

The Provisional Agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Commission for Conventional Armaments at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 7

The first item of the Provisional Agenda for each meeting of the Commission for Conventional Armaments shall be the adoption of the Agenda.

Rule 8

Any item of the Agenda of a meeting of the Commission for Conventional Armaments consideration of which has not been completed at that meeting, shall unless the Commission otherwise decides, automatically be included in the Agenda of the next meeting.

CHAPTER III: Representation and Credentials

Rule 9

Each Member of the Commission for Conventional Armaments shall be represented at the meetings of the Commission by an accredited representative. The credentials of a representative on the Commission shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Commission.

Rule 10

Any Member of the United Nations not a Member of the Commission for Conventional Armaments, and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Commission, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

Rule 11

The credentials of representatives on the Commission for Conventional Armaments and of any representative appointed in accordance with Rule 10 shall be examined by the Secretary-General who shall submit a report to the Commission for approval.

Rule 12

Pending the approval of the credentials of a representative of a State Member on the Commission for Conventional Armaments in accordance with Rule 11, such representative shall be seated provisionally with the same rights as other representatives of States Members on the Commission.

Rule 13

Any representative of a State Member on the Commission for Conventional Armaments, to whose credentials objection has been made within the Commission, shall continue to sit with the same rights as other representatives until the Commission has decided the matter.

CHAPTER IV: Chairman

Rule 14

The Chairmanship of the Commission for Conventional Armaments shall be held in turn by the States represented on the Commission in the English alphabetical order of their names. Each Chairman shall hold office for one calendar month.

Rule 15

The Chairman shall preside over the meetings of the Commission for Conventional Armaments and, under the authority of the Commission, shall represent it in its capacity as an organ of the United Nations.

CHAPTER V: Secretariat

Rule 16

The Secretary-General shall act in that capacity in all meetings of the Commission for Conventional Armaments. The Secretary-General may authorize a deputy to act in his place at meetings of the Commission.

Rule 17

The Secretary-General shall provide the staff required by the Commission for Conventional Armaments. This staff shall form part of the Secretariat.

Rule 18

The Secretary-General shall give to representatives on the Commission for Conventional Armaments notice of meetings of the Commission and of its committees and subcommittees.

Rule 19

The Secretary-General shall be responsible for the preparation of documents required by the Commission for Conventional Armaments and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

Rule 20

The Secretary-General or his Deputy acting on his behalf may make either oral or written statements to the Commission for Conventional Armaments concerning any question under consideration by it.

CHAPTER VI: Conduct of Business

Rule 21

The Chairman shall call upon representatives in the order in which they signify their desire to speak.

Rule 22

The Commission for Conventional Armaments may appoint such committees or subcommittees as it deems necessary and refer

to them any question falling within the framework of the terms of reference of the Commission for study and report.

Committees and sub-committees may be authorized to sit when the Commission for Conventional Armaments is not in session.

#### Rule 23

If a representative raises a point of order, the Chairman shall immediately state his ruling. If it is challenged, the Chairman shall submit his ruling to the Commission for Conventional Armaments for immediate decision and it shall stand unless over-ruled.

#### Rule 24

Proposed resolutions, amendments and substantive motions shall as a rule be placed before the representatives in writing.

#### Rule 25

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

#### Rule 26

It shall not be necessary for any motion or draft resolution proposed by a representative of a State Member on the Commission for Conventional Armaments to be seconded by the representative of another State Member before being put to a vote.

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