

## Questions relating to Asia and the Far East

### Representation of China in the United Nations

#### **Consideration by General Assembly**

On 25 October 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

The question of the "Restoration of the lawful rights of the People's Republic of China in the United Nations" was placed on the Assembly's provisional agenda at the request of the following 17 Members: Albania, Algeria, the Congo, Cuba, Guinea, Iraq, Mali, Mauritania, the People's Democratic Republic of Yemen, Romania, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia. Their request was dated 15 July 1971.

A second item entitled "The representation of China in the United Nations" was also put on the Assembly's provisional agenda at the request, presented on 17 August 1971, of the United States.

On 22 September 1971, in the Assembly's

General Committee, the United States proposed that the two items be combined into a single one under the title "Question of China." This proposal, however, was rejected by 12 votes to 9, with 3 abstentions.

In an explanatory memorandum accompanying their request of 15 July 1971, the 17 States observed that for years they had protested against the hostile and discriminatory policy followed by several Governments with regard to the lawful Government of China, the sole genuine representative of the Chinese people. The existence of the People's Republic of China, they declared, was a reality which could not be changed to suit the myth of a so-called "Republic of China," fabricated out of a portion of Chinese territory. The unlawful authorities installed in the island of Taiwan, claiming to represent China, remained there only because of the permanent presence of United States armed forces.

No important international problems, they added, could be solved without the participation of the People's Republic of China. It was in the fundamental interest of the United Nations to restore promptly to the People's Republic of China its seat in the Organization, thus putting an end to

a grave injustice and to an unacceptable and dangerous situation which had been perpetuated in order to fulfil a policy increasingly repudiated. This meant the immediate expulsion of the representatives of the Chiang Kai-shek régime from the seat which it unlawfully occupied in the United Nations and its affiliated bodies.

In the explanatory memorandum accompanying its request of 17 August 1971, the United States said that, in dealing with the problem of the representation of China, the United Nations should take cognizance of the existence of both the People's Republic of China and the Republic of China; it should reflect that incontestable reality in the manner in which it made provision for China's representation. The United Nations should not be required to take a position on the respective conflicting claims of the People's Republic of China or the Republic of China pending a peaceful resolution of the matter as called for by the United Nations Charter. Thus, the memorandum added, the People's Republic of China should be represented and at the same time provision should be made to ensure that the Republic of China was not deprived of its representation. To succeed in its peace-keeping role and in advancing the well-being of mankind, the United Nations should deal with the question of the representation of China in such a just and realistic manner.

In a letter of 15 October 1971 the representatives of 22 States—Albania, Algeria, Burma, Ceylon, the Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, Romania, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia—requested the Secretary-General to distribute, as an official Assembly document, a statement of the Ministry of Foreign Affairs of the People's Republic of China dated 20 August 1971. In this statement, made in response to the United States letter of 17 August 1971 and its accompanying explanatory memorandum, the Ministry of Foreign Affairs declared that the United States proposal was a blatant exposure of the Nixon Government's scheme of creating "two Chinas" in the United Nations. There was only one China, the People's Republic of China. Taiwan, it added, was an inalienable part of Chinese territory and a province of China, which had already returned to the motherland after the Second World War.

For over 20 years, the statement continued, the United States Government had arbitrarily inserted in the United Nations the Chiang Kai-shek clique—which had long been repudiated by the Chinese people—to usurp the seat of the People's Republic of China. The relationship between the Chinese people and the Chiang Kai-shek clique

was entirely China's internal affair. The United States was plotting to separate Taiwan from China and was wildly attempting to force Members of the United Nations to submit to its will.

The Chinese Government declared that the Chinese people and Government firmly opposed "two Chinas," "one China, one Taiwan" or any similar absurdities, as well as the fallacy that "the status of Taiwan remains to be determined" and the scheme of creating "an independent Taiwan." Should any such situation or any other similar situation occur in the United Nations, the Government of the People's Republic of China would have absolutely nothing to do with the United Nations.

The statement further called for the immediate expulsion of the representatives of Chiang Kai-shek from the United Nations and all its organs and for the restoration of all the legitimate rights of the People's Republic of China in the Organization.

Discussion in the Assembly took place at 12 plenary meetings between 18 and 26 October 1971, with 73 Members taking part in the debate.

At the beginning of the debate, the General Assembly had before it three draft resolutions.

The first draft resolution, submitted on 25 September 1971, was sponsored by the following 23 States, including the 17 States which had joined in placing the question on the agenda: Albania, Algeria, Burma, Ceylon, the Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, Romania, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia.

By the preambular paragraphs of this draft, the Assembly would recall Charter principles, make the point that restoration of the lawful rights of the People's Republic of China was essential both for the protection of the Charter and for the cause the United Nations must serve under the Charter, and recognize that the representatives of the People's Republic of China were the only lawful representatives of China to the United Nations and that the People's Republic of China was one of the five permanent members of the Security Council.

By the operative paragraph of the text, the General Assembly would decide to restore to the People's Republic of China all its rights, to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations and to expel forthwith the representatives of Chiang Kai-shek from the seat which they unlawfully occupied in the United Nations and in all the organizations related to it.

The second draft resolution, submitted on 29

September 1971, was sponsored by the following 22 States: Australia, Bolivia, Colombia, Costa Rica, the Dominican Republic, El Salvador, Fiji, the Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Nicaragua, the Philippines, Swaziland, Thailand, the United States and Uruguay.

By this text the General Assembly, recalling the provisions of the United Nations Charter, would have the Assembly decide that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations was an important question under Article 18 of the Charter.<sup>1</sup>

The third draft resolution, also submitted on 29 September, was sponsored by 19 States, namely: Australia, Bolivia, Chad, Costa Rica, the Dominican Republic, Fiji, the Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, the Philippines, Swaziland, Thailand, the United States and Uruguay.

By the preamble to this text, the General Assembly would note that since the founding of the United Nations fundamental changes had occurred in China. It would take into account the existing factual situation and then note that the Republic of China had been continuously represented as a Member of the United Nations since 1945. It would express its belief that the People's Republic of China should be represented in the United Nations, recall that according to the Charter the United Nations was established to be a centre for harmonizing the actions of nations, and finally express its belief that an equitable resolution of the problem of the representation of China should be sought in the light of the above considerations and without prejudice to the eventual settlement of the conflicting claims involved.

By the operative part of the draft resolution, the General Assembly would: (1) affirm the right of representation of the People's Republic of China and recommend that it be seated as one of the five permanent members of the Security Council; (2) affirm the continued right of representation of the Republic of China; and (3) recommend that all United Nations bodies and the specialized agencies take into account the provisions of this resolution in deciding the question of Chinese representation.

During the debate four more draft resolutions were submitted to the Assembly, one by Saudi Arabia and three by Tunisia.

Saudi Arabia, expressing the view that the whole question revolved around the right of self-determination and that the Assembly had neither the right nor the power to compel the people of Taiwan to merge with the mainland, also introduced amendments to the 23-power text.

The representative of Tunisia said that as a result of developments since 1949 the Republic of China had acquired rights which were now challenged. If the Republic of China had to free China's seat for the People's Republic of China, that should not prejudice the future of Formosa which—in accordance with the right of self-determination—might wish to be represented in the United Nations as a separate entity. Such a possibility should not be rejected out of hand. To facilitate the solution to that problem, the Tunisian delegation had submitted three separate proposals.

The Saudi Arabian draft resolution, by its preamble, among other things would have the General Assembly: affirm that no State nor any coalition of Member States had the right under the Charter to divest any people of its own right to self-determination; consider that the Republic of China, "i.e. the people of the island of Taiwan," constituted a separate political entity; recognize that it was economically viable; and consider that any decision which disposed of the right of a people to self-determination against its will would lead to suppression and conflict while one of the main purposes of the United Nations was to maintain international peace.

By its operative provisions, the Saudi Arabian draft text would have the Assembly decide that the People's Republic of China should assume its rightful place in the United Nations and be seated as one of the five permanent members of the Security Council and that it should also be represented in all the organizations related to the United Nations. At the same time, the Republic of China, "i.e. the people of the island of Taiwan," should retain its seat in the United Nations and in all the organizations related to it until its people were enabled by plebiscite or referendum under the auspices of the United Nations to declare themselves on the following three options: (i) continued independence as a sovereign State with a neutral status defined by a treaty recorded by the United Nations; (ii) confederation with the People's Republic of China, the terms to be negotiated by the two parties concerned; or (iii) federation with the People's Republic of China, subject to protocols negotiated by both parties.

The Saudi Arabian text would also have the Assembly appeal to the magnanimity of both the People's Republic of China and the Republic of China, "i.e. the people of the island of Taiwan," to consider the proposed options as a basis for, if not a final solution to, a political dispute among Asian brothers.

By the first Tunisian draft resolution, the Assembly, considering the urgent need for partici-

<sup>1</sup> For text of Article 18 of the Charter, see APPENDIX II.

pation of the People's Republic of China in the work of the United Nations, in a spirit of universality, would invite the People's Republic of China to arrange to be represented by duly accredited representatives in the General Assembly and the different organs of the United Nations, including the Security Council.

By the second Tunisian proposal, the Assembly, noting that the People's Republic of China did not exercise its sovereignty over the island of Formosa and considering that the Republic of China currently occupied the seat of China in the different organs of the United Nations and represented, in fact, only the island of Formosa, would invite the delegation of the Republic of China, subject to any resolution or to any international agreement affecting the status quo in Formosa, to continue to sit under the name of Formosa in the General Assembly and the other organs of the United Nations, with the exception of the Security Council.

By the third Tunisian draft text, which was to apply if the Assembly took no decision on the item "Restoration of the lawful rights of the People's Republic of China in the United Nations," the Assembly would decide to include the item in the provisional agenda of its 1972 session. It would also request the Secretary-General, in consultation with the Assembly President and the Security Council President, to make inquiries of the parties concerned, either directly or through an ad hoc mission, with a view to seeking a solution to the problem of the representation of China in the United Nations and to submit a report on the subject to the General Assembly in 1972.

By the Saudi Arabian amendments to the 23-power draft resolution, the Assembly would among other things decide to restore all the rights to which the People's Republic of China was entitled at the United Nations and to recognize the representatives of its Government as the sole legitimate representatives of the whole territory over which the People's Republic of China exercised full authority, and to notify the representatives of the Republic of China that they represented only the people of the country over which their Government ruled both de jure and de facto and that, as such, the Government might retain its seat at the United Nations, taking into account that no people should be denied the right of self-determination. This text was proposed to replace the provision in the 23-power proposal whereby the Assembly would decide to restore to the People's Republic of China all its rights, to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United

Nations and in all the organizations related to it.

By another Saudi Arabian amendment the Assembly would recommend that the People's Republic of China should also occupy its seat in all the organizations related to the United Nations.

These amendments were not pressed to a vote following rejection by roll-call votes of two Saudi Arabian preambular amendments. By these the Assembly would: (i) observe that the restoration of the lawful rights of the People's Republic of China was essential for the observance of the purposes and principles of the United Nations Charter and the role the Charter should play in harmonizing the international policies of Member States, rather than essential both for the protection of the Charter and for the cause which the United Nations must serve under the Charter; and (ii) recognize that the People's Republic of China should "assume its seat as" rather than "is" one of the five permanent members of the Security Council.

Introducing the 23-power draft resolution, the representative of Albania said that the United States, with its persistent anti-Chinese policy, had managed—through various procedural devices and by misleading a number of States—to impose its position upon the Assembly and to prevent the will of the majority of its Members from being heeded. Further to delay the restoration of the lawful rights of the People's Republic of China in the Organization, the United States was now embarking upon a new manoeuvre in proposing the so-called question of "The representation of China in the United Nations." The thesis of a dual representation for China was absurd, the Albanian representative added. The question before the Assembly was the representation of a State which was already a Member of the United Nations. To settle such a question only a simple majority vote of the Assembly was necessary. The restoration of the lawful rights of the People's Republic of China in the United Nations unconditionally required, as an absolutely indispensable step, the immediate expulsion of the representatives of the Chiang Kai-shek clique, Albania declared.

The representative of Algeria, speaking to the 23-power text, declared that during the period when Peking was unjustly kept out of the United Nations, the Taipeh régime had continued illegally to hold a mandate in the United Nations institutions in the name of the Chinese people as a whole. During the same period, no one had ever claimed that there were two Chinese States. To recognize that the Government of the People's Republic of China was lawfully entitled to that mandate did not therefore imply the eviction of a Member State but the eviction of the representatives of a dissident minority régime. The question of retaining Taiwan's representatives in the

United Nations must be viewed as the admission of a new Member, Algeria continued. Formosa, which had never had the status of Member of the United Nations, could not have a seat except through the regular procedure of admission. Yet the problem of Taiwan's dissidence was a Chinese internal affair. The United Nations could not, without violating one of the fundamental principles of the Charter, embark upon a discussion of a subject which in fact bore on China's territorial integrity and independence.

The representative of the United States, speaking on behalf of the co-sponsors of the 19-power and 22-power draft resolutions, said it had become increasingly clear that the pattern followed in the United Nations in the past was no longer sufficient. The time had arrived to find a way to welcome the People's Republic of China into the United Nations, but with due regard for realism, justice and the purposes and principles of the Organization. It must be a way which would avoid the unacceptable route of expelling a law-abiding and faithful Member of the United Nations. The United States had set out to develop such a proposal and had consulted with nearly the whole membership. It had gone ahead in the belief that this year ought to be the year of decision and that the decision must be realistic and just. It was in this spirit and with the help of many Governments that the United States had shaped an alternative to the 23-power proposal.

In essence, the United States representative added, the 19-power proposal recommended that the People's Republic of China take over China's place as a permanent member of the Security Council and provided representation both for the People's Republic and for the Republic of China in the General Assembly.

The sponsors believed this proposal was a realistic, pragmatic and equitable solution to the problem. Moreover, while achieving these things the 19-power draft resolution was carefully written in order to avoid any prejudice to related matters: Member States were not asked to alter their recognition policies or bilateral relations. The proposal did not take either a two-Chinas position or a one China-one Taiwan position, or in any other way seek to dismember China. On the contrary, it expressly stated in the preamble that a solution should be sought without prejudice to a future settlement. Voting in favour of expulsion would be voting against universality and thus undermining the very foundation of the United Nations.

For that reason, the United States and other Members had proposed a second draft resolution requiring that any proposal having the effect of depriving the Republic of China of representation must obtain a two-thirds majority to be adopted.

The representative of the United States moved that the General Assembly vote first on the text calling for the two-thirds majority requirement.

The spokesman of the Republic of China said that his country had earned its place in the United Nations by virtue of its contribution to peace and freedom during the Second World War. During the war years, the Republic of China lost a major portion of its territory and was cut off in its land and sea communications with other parts of Asia, yet no one questioned the right of that Government to speak and sit on behalf of the Chinese people at international conferences. The present Government represented in the United Nations was the very same that participated in the founding of the United Nations. There had been no break in the continuity of its leadership, institutions or policy. Its legal status had not in any way changed, even though the communists had been in occupation of the Chinese mainland since 1949. The Chinese communist régime, which had never had the moral consent of the Chinese people, could in no way be regarded as the representative of the great Chinese nation.

The whole purpose of the 23-power draft resolution, he added, was to help Peiping obtain the expulsion of the Republic of China from the United Nations. This was a matter of the utmost seriousness with far-reaching implications for all Members of the Organization. One of the express conditions laid in the Charter for the expulsion of a Member State was the persistent violation of its provisions. Unlike the Government of the Republic of China, which had seriously assumed its obligations under the Charter, the Chinese communist régime had negated all the basic Charter principles. It was difficult to understand how a régime bent on reshaping the world by force of arms could contribute to the cause of international peace. Peiping's interest in the United Nations stemmed primarily from a desire to broaden the scope of its aggressive activity and to transform the Organization into an instrument of its own policy. It could wreck the United Nations, as it had torn asunder the much-vaunted monolithic unity of international communism. It would be a tragic and irreparable mistake if the Assembly bowed to the demands of those who would replace the membership of the Republic of China by the communist régime in Peiping.

A number of Members, among them Australia, Dahomey, Japan, Malawi, New Zealand and Nicaragua, felt that the question before the Assembly was how the representation of the People's Republic of China could be achieved without doing violence to the Charter and without ignoring the realities of the prevailing international situation.

They maintained that the 23-power proposal

contained an unreasonable, peremptory demand, punitive in substance and intent. The expulsion or exclusion against its will of a peace-loving Member that effectively controlled a territory with a viable system of its own would be contrary to the very spirit of harmony and friendship between nations, they said. It would both contravene the Charter and set a dangerous precedent. Since the word "expel" was clearly written into the 23-power draft resolution, the application of Article 18 of the Charter<sup>2</sup> listing expulsion as an important question was in order. The 19-power draft resolution, on the other hand, merely accepted, without prejudice to the eventual settlement of the claims, the fact that for the time being there were two Chinese Governments, but refrained from embracing the idea of two Chinas. By adopting it, they argued, the United Nations would open the path to reconciliation and peaceful dialogue, thus promoting peace and stability in Asia.

Members who spoke in opposition to the draft resolution calling for a two-thirds majority and that calling for seating of both the People's Republic of China and the Republic of China included Ceylon, Chile, Cuba, France, Hungary, Mali, Norway, Sierra Leone, Uganda, the USSR and the United Kingdom.

They made the point, among other things, that the precise issue of the restoration of the lawful rights of the People's Republic of China in the United Nations did not imply a question of admission or expulsion. Rather, the issue was one of credentials. The vacating of the seat of China by the Chiang Kai-shek régime was a legal, logical consequence of the restoration of the lawful rights of the People's Republic of China. Moreover, Taiwan had never been a Member State of the United Nations. There was only one Chinese State that was entitled to a seat at the United Nations. To have an additional seat would require as a prior condition the creation of a second Chinese State which would have to apply for membership under the Charter.

Mali commented that a vote for the two resolutions would create a precedent which far from finding a solution to the problem of divided countries could foster parcellization of the States of the third world, many of which were looking for final boundaries conforming to their national identity. Cuba said that foreign intervention which had sought to segregate a province from the territory of China could never be a valid justification to accord to that territory, separated by force, any national character or any sovereignty.

Supporters of the 23-power draft resolution maintained that this proposal was the only one which took into account the rights and the reality of the People's Republic of China, for the People's Republic of China was clearly the only Chinese

Government empowered to exercise responsibility in the Assembly and the Security Council. The proposal for dual representation was contrary to the Charter, would only create obstacles and delay an event whose inevitability had been made apparent by the diplomatic initiatives under way. To fail to support that draft would be to disavow the vast efforts at rapprochement which had grown since last year and to assail the unity and the rights of China. It would be to refuse to see the world as it was, with China.

Other Members, including Argentina, Laos, Malta and Spain, among others, felt that since both the People's Republic of China and the Republic of China agreed that there was only one China, the question of the retention in or removal from the Organization of the representatives of the Republic of China should be left to the Chinese people themselves. They indicated that the guiding principles in their votes on the various proposals would be the principles of universality and of non-intervention in internal affairs.

On 25 October, the General Assembly proceeded to vote on the proposals before it, after rejecting by 56 votes to 53, with 19 abstentions, a motion by Saudi Arabia for postponement of the voting.

The General Assembly adopted by a roll-call vote of 61 to 53, with 15 abstentions, a motion by the United States that priority be given in the voting to the 22-power draft resolution calling for a two-thirds majority on any proposal depriving the Republic of China of representation in the United Nations.<sup>3</sup>

The Assembly then rejected the 22-power draft resolution by a roll-call vote of 59 against to 55 in favour, with 15 abstentions.

Following this vote, Tunisia withdrew the three draft resolutions it had submitted, stating it would vote for the 23-power text. The representative of Tunisia said that the texts had been submitted in anticipation of the adoption of a decision affirming

<sup>2</sup> Ibid.

<sup>3</sup> The roll-call vote was as follows:

In favour: Argentina, Australia, Bahrain, Barbados, Belgium, Bolivia, Brazil, Central African Republic, Chad, China, Colombia, Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Khmer Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, Tunisia, United States, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Afghanistan, Albania, Algeria, Bhutan, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Congo, Cuba, Czechoslovakia, Denmark, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Kuwait, Libyan Arab Republic, Mali, Mauritania, Mongolia, Nepal, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Romania, Sierra Leone, Somalia, Sudan, Sweden, Syrian Arab Republic, Uganda, Ukrainian SSR, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Abstaining: Austria, Botswana, Cyprus, Ecuador, Iran, Kenya, Laos, Malaysia, Malta, Qatar, Senegal, Singapore, Togo, Trinidad and Tobago, Turkey.

the two-thirds majority. Since the Assembly did not adopt such a decision, Tunisia would withdraw its draft resolutions which had been intended to provide for an Assembly invitation to the People's Republic of China.

After the first two Saudi Arabian amendments were rejected by roll-call vote, the representative of Saudi Arabia stated that the remainder need not be put to a vote. Neither did he wish to press to a vote the draft resolution he had submitted.

The Assembly then voted on a United States motion for a separate vote on the provision in the 23-power proposal whereby the Assembly would expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it. The United States motion was defeated by a recorded vote of 61 against to 51 in favour, with 16 abstentions.

Thereupon, the representative of China, speaking on a point of order, made a declaration to the following effect: The rejection of the 22-power draft resolution calling for a two-thirds majority was a flagrant violation of the United Nations Charter which governed the expulsion of Member States. The delegation of the Republic of China had decided not to take part in any further proceedings of the General Assembly.

The Assembly then adopted the 23-power text, by a roll-call vote of 76 to 35, with 17 abstentions, as resolution 2758(XXVI). It did not proceed to a vote on the 19-power draft text.

By this action, the General Assembly, recalling the principles of the Charter and considering that the restoration of the lawful rights of the People's Republic of China was essential both for the protection of the Charter and for the cause that the United Nations must serve under the Charter, recognized that the representatives of the Government of the People's Republic of China were the only lawful representatives of China to the United Nations and that the People's Republic of China was one of the five permanent members of the Security Council. It accordingly decided to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it. (For text of resolution, see DOCUMENTARY REFERENCES below.)

On 26 October 1971, the General Assembly decided that in view of its adoption of resolution 2758(XXVI), it would not consider the agenda item entitled "The representation of China in the United Nations."

#### **Discussion in Security Council concerning representation of China**

At a meeting of the Security Council held on 9 February 1971, the representative of Somalia, speaking on a point of order, placed on record his Government's strong objections "to acceptance of the credentials of the representative who, since December 1962, has been occupying the seat reserved for the true representative of the Government of the State of China." These credentials, he continued, had been issued by the régime of Chiang Kai-shek which had been ousted from authority by the Chinese people 21 years previously. The refusal to allow the representatives of the People's Republic of China—the effective Government—to occupy the seat of the State of China was, in his delegation's view, tantamount to nullifying China's membership in the United Nations. It was obvious that the State of China could not exercise its membership unless it was properly represented. China's exclusion, he added, had been sparked by the ideological factor in the cold-war struggle supported by cold-war power politics. Demands for a more realistic approach to the question had, however, been continually increasing. Somalia expressed the hope that the Security Council would respond to that call for reason and realism and for a just solution to the problem of the representation of the great State of China.

In support, France, Poland, the Syrian Arab Republic and the USSR also made the point that only the representatives of the People's Republic of China were entitled to the Chinese seat in the United Nations.

Italy shared the reservations expressed by previous speakers on the representation of China in the United Nations.

The representative of China said that the question raised by Somalia was not a question of credentials but that of the representation of the Republic of China on the Security Council. Such a question was a political one of far-reaching consequences. The Republic of China was specifically mentioned in Article 23 of the United Nations Charter<sup>4</sup> as one of the five permanent members of the Security Council. Its representation on the Council was not a matter that concerned members of the Council alone; it was a matter in which all Member States of the United Nations had an interest. It would therefore be in the interest of the proper functioning of the United Nations as a whole and in the interest of the sanctity and integrity of the Charter that the Security Council not engage in any substantive debate on the question of China's representation.

<sup>4</sup> For text of Article 23 of the Charter, see APPENDIX II.

The United States representative said that the credentials of the representative of China, as well as those of all other representatives at the Council's table, had fully satisfied the provisions of the pertinent rule of procedure of the Security Council. With regard to the broad question of Chinese representation in the United Nations, he added, the Security Council was manifestly not the organ in which such a question, which concerned every single Member of the United Nations, could be properly dealt with. He recalled that the General Assembly, by a resolution it adopted on 14 December 1950,<sup>5</sup> had noted that the Assembly was the organ in which consideration could best be given to the views of all Member States in matters affecting the functioning of the Organization as a whole, and had recommended that when any such question arose it should be considered by the General Assembly.

After the General Assembly's decision of 25 October 1971, at a Security Council meeting held on 23 November 1971 the President of the Council and the other representatives made statements welcoming the representatives of the People's Republic of China, who were attending a meeting of the Security Council for the first time. The representative of China made a statement in reply.

#### **Developments in specialized agencies consequent upon General Assembly decision**

On 26 October 1971, the Secretary-General transmitted to the executive heads of all the organizations of the United Nations system the text of the General Assembly's resolution (2758(XXVI)) of 25 October 1971 by which it had decided to restore to the People's Republic of China all its rights and to recognize its representatives as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it.

The Secretary-General requested the executive heads to keep him informed of any relevant action taken within their respective organizations.

The Secretary-General also drew the attention of the organizations in the United Nations system to the General Assembly's resolution (396(V)) of 14 December 1950 on recognition by the United Nations of the representation of a Member State, by which the Assembly had recommended that it should consider issues involving representation and that the attitude adopted by the General Assembly or its Interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies.<sup>6</sup>

International Labour Organisation

The question of "Representation of China in the International Labour Organisation: communication and request from the Secretary-General of the United Nations" was added to the agenda of the November 1971 session of the Governing Body of the International Labour Office in accordance with the terms of the Agreement between the United Nations and the International Labour Organisation (ILO), which provides that ILO should arrange for the submission, as soon as possible, to the Governing Body, the Conference or such other organs of ILO as might be appropriate of all formal recommendations which the General Assembly might make to it.

On 16 November 1971, the Governing Body, by 35 votes to 10, with 2 abstentions, rejected the operative paragraph of a draft resolution moved by the United States Government requesting the Director-General to refer the General Assembly resolution (2758(XXVI)) of 25 October 1971 to the next session of the General Conference of ILO. By 35 votes to 10, with 3 abstentions, the Governing Body decided, upon a proposal by the Workers' Group, to take a decision immediately. The Governing Body then adopted, by 36 votes to 3, with 8 abstentions, a decision as proposed by the Workers' Group to recognize the Government of the People's Republic of China as the representative Government of China.

Food and Agriculture Organization

At its November 1971 session, the Council of the Food and Agriculture Organization (FAO) was informed of the United Nations General Assembly's resolution of 25 October 1971 concerning the representation of China.

The FAO Director-General indicated, in this context, that in view of the fact that the Government of the Republic of China had withdrawn from the agency in 1951, the question presented itself in FAO in a different way from that in other agencies in which China was currently a member. Recalling similar approaches to other Governments recommended by the Council in the past, the Director-General sought the Council's guidance as to the question whether an approach should be made to ascertain whether the Government of the People's Republic of China would wish to seek membership in FAO.

The Council, on 2 November 1971, decided to authorize the Director-General to invite the People's Republic of China to seek formal membership in the organization and, if it so requested, to attend the sixteenth (November 1971) session of

<sup>5</sup> See Y.U.N., 1950, p. 435, text of resolution 396(V).

<sup>6</sup> *Ibid.*



the governing Conference of the organization.

On the same date, the Director-General sent a cable to the Prime Minister of the Government of the People's Republic of China conveying an invitation for the People's Republic of China to seek formal membership in the organization, and also, if it so requested, to attend the sixteenth session of the Conference.

On 23 November 1971, the Director-General informed the Conference that he had received a reply from the Acting Foreign Minister of the People's Republic of China. The Director-General noted that while no reference was made in this reply to formal membership in FAO, there was reason to believe that China would be interested in resuming its place in the organization.

The Director-General added that he had been advised that it would be legally possible for the People's Republic of China to resume, without being formally re-admitted, the seat of China if it wished, since the notice of withdrawal given in 1951 by the Government of the "Republic of China" emanated from a Government whose right to represent the State of China had already at that time been formally contested. This notice of withdrawal would not be held against the Government of the People's Republic of China, which had no part in it and which had now been recognized as being the legitimate representative of China. This Government had indeed not been in a position to exercise, since the time of its establishment in 1949, its membership rights in FAO and had been prevented from making its contribution to the achievement of the aims of the organization. Even if the People's Republic of China had wished in the past to take its place in FAO, it might be assumed that it would not have been recognized as the legitimate representative of China in view of the position taken by the General Assembly of the United Nations.

The Director-General added that under the present circumstances the Government of the People's Republic of China should not, in his personal view, be deprived of the possibility of availing itself of the rights deriving from original membership in the organization. As a consequence, it would be permissible for the People's Republic of China to resume its place in FAO without any special formality.

On 25 November 1971, by 68 votes to 0, with 3 abstentions, the Conference adopted a resolution whereby it authorized the Director-General, when the People's Republic of China manifested the wish to resume its place in the organization, to take all appropriate measures to bring into effect the resumption by China of its place in the organization. It also authorized the Director-General to take all necessary measures concerning financial questions, taking into account any action that

might be taken by the United Nations in this respect and after consultation with the competent organs of FAO, and requested the Director-General to transmit the text of the resolution to the Government of the People's Republic of China.

#### United Nations Educational, Scientific and Cultural Organization

On receipt of the Secretary-General's communication, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) drew the attention of that agency's Executive Board to the United Nations General Assembly's decision of 25 October 1971 concerning the representation of China. The Executive Board, which was then in session, decided by 30 votes to 0, with 1 abstention, to add a new item to its agenda entitled "Participation of China in the execution of the programme."

Following consideration of various draft resolutions, the Executive Board—on 29 October 1971—decided, by 25 votes to 2, with 5 abstentions, that from that day onwards the Government of the People's Republic of China was the only legitimate representative of China in UNESCO. The Director-General was invited to act accordingly.

#### World Health Organization

On 11 November 1971, the Director-General of the World Health Organization (WHO) sent to all WHO members the communication from the Secretary-General of the United Nations concerning the General Assembly's decision of 25 October 1971 on the representation of China. He also informed them that as a consequence of the decision taken by the General Assembly, the question of the representation of China in WHO would be proposed for inclusion in the provisional agenda of the 1972 World Health Assembly, as well as included in the agenda of the January 1972 session of the Executive Board.

#### international Bank for Reconstruction and Development, International Finance Corporation and International Development Association

On 26 October 1971, the President of the International Bank for Reconstruction and Development acknowledged receipt of the Secretary-General's communication concerning the United Nations General Assembly's decision of 25 October 1971 on the representation of China and informed him that the communication had been brought to the attention of the Executive Directors of the International Bank.

#### International Monetary Fund

On 26 October 1971, the Managing Director of the International Monetary Fund acknowledged receipt of the Secretary-General's communication

concerning the General Assembly's decision of 25 October 1971 on the representation of China and informed him that the communication had been brought to the attention of the Executive Directors of the Fund.

#### International Civil Aviation Organization

The President of the Council of the International Civil Aviation Organization (ICAO) and the Secretary-General of ICAO brought to the attention of the Council the texts of the General Assembly's decision of 25 October 1971 on the representation of China and its decision of 14 December 1950,<sup>7</sup> together with relevant constitutional and historical background information.

On 19 November 1971, the ICAO Council decided, for the matters within its competence, to recognize the representatives of the Government of the People's Republic of China to the International Civil Aviation Organization and it requested the Secretary-General of ICAO immediately to communicate these decisions to all contracting States.

#### International Telecommunication Union

On 29 October 1971, the Secretary-General of the International Telecommunication Union (ITU) formally transmitted the communication from the Secretary-General of the United Nations concerning the General Assembly's decision of 25 October 1971 on the representation of China to the Chairman of the ITU Administrative Council. Copies of that communication were sent to all the other members of the Council.

#### World Meteorological Organization

On 26 November 1971, the Secretary-General of the World Meteorological Organization (WMO) drew the attention of all its member States to the United Nations General Assembly's decision of 25 October 1971 on the representation of China and its decision of 14 December 1950.<sup>8</sup> The Secretary-General also informed WMO members that, in consultation with the President and members of the Executive Committee of WMO, it had been

decided that the matter should be referred to those WMO members which were States and that a vote by correspondence should be conducted in order to decide upon the application of the United Nations decision within WMO. It was requested that the voting slip be returned not later than 24 February 1972, that being the end of the 90-day period prescribed for such votes.

#### International Atomic Energy Agency

On 9 December 1971, the Board of Governors of the International Atomic Energy Agency (IAEA) adopted a resolution entitled "Representation of China in the Agency" by which it recognized that the Government of the People's Republic of China was the the only Government which had the right to represent China in IAEA.

The resolution was adopted by 13 votes to 6, with 5 abstentions.

#### General Agreement on Tariffs and Trade

On 16 November 1971, at the opening of the twenty-seventh session of the Contracting Parties to the General Agreement on Tariffs and Trade (GATT), the Chairman drew attention to the General Assembly's decision of 25 October 1971 on the representation of China and recalled that in 1965, in reaching their decision to accede to the request from the "Republic of China" that it be represented by observers at sessions of the Contracting Parties, the Contracting Parties had agreed to follow decisions of the United Nations on essentially political matters.

The Chairman added that it would be logical for the Contracting Parties to rely in this case likewise on the decision taken by the United Nations and to decide accordingly that the Republic of China should no longer have observer status at sessions of the Contracting Parties. After a short debate, the Chairman noted that no request for a vote had been made and declared that there was a consensus for adoption of the views he expressed.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

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A/8401. Report of Secretary-General on work of the Organization, 16 June 1970-15 June 1971, Part One, Chapter IV I.

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A/8442. Letter of 17 August 1971 from United States (request for inclusion in agenda of item entitled: "The representation of China in the United Nations").

A/8470. Letter of 15 October 1971 from Albania, Algeria, Burma, Ceylon, Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, People's Democratic Republic of Yemen, Romania, Somalia, Sudan, Syrian Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia and Zambia (request for distribution as official document of statement dated

20 August 1971 of Ministry for Foreign Affairs of People's Republic of China).

#### APPROVAL OF ITEMS FOR AGENDA

A/8500. Organization of 26th regular session of General Assembly, adoption of agenda and allocation of items. First report of General Committee. [Item 93: Restoration of the lawful rights of the People's Republic of China in the United Nations (provisional agenda item 101), approved without vote for inclusion in agenda by Assembly on 24 September 1971, meeting 1937; item 96: The representation of China in the United Nations (provisional agenda item 105), approved for inclusion in agenda by Assembly on 24 September 1971, meeting 1937, by roll-call vote of 65 to 47, with 15 abstentions, as follows:

In favour: Argentina, Australia, Bahrain, Barbados, Belgium, Bolivia, Botswana, Brazil, Central African Republic, China, Colombia, Costa Rica, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, Fiji, Gabon, Gambia, Greece, Guatemala, Haiti, Honduras, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malta, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, Tunisia, Turkey, Uganda, United States, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Afghanistan, Albania, Algeria, Bhutan, Bulgaria, Burma, Byelorussian SSR, Cameroon, Ceylon, Chile, Congo, Cuba, Czechoslovakia, Denmark, Egypt, Equatorial Guinea, Ethiopia, Finland, Guinea, Guyana, Hungary, Iceland, India, Iraq, Libyan Arab Republic, Mali, Mauritania, Mongolia, Nepal, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Romania, Sierra Leone, Somalia, Sudan, Sweden, Syrian Arab Republic, Ukrainian SSR, USSR, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Abstaining: Austria, Burundi, Canada, France, Ghana, Iran, Kuwait, Laos, Malaysia, Mauritius, Morocco, Senegal, Singapore, Trinidad and Tobago, United Kingdom.]

A/8501 and Add.1-5. Agenda of 26th regular session of General Assembly, adopted by Assembly on 24 September 1971, meeting 1939 (items 93 and 96).

#### DECISIONS OF GENERAL ASSEMBLY

A/L.630 and Corr.1 and Add.1,2. Albania, Algeria, Burma, Ceylon, Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, People's Democratic Republic of Yemen, Romania, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia, Zambia: draft resolution.

A/L.637. Saudi Arabia: amendments to 23-power draft resolution, A/L.630.

RESOLUTION 2758(XXVI), as proposed by 23 powers, A/L.630, adopted by Assembly on 25 October 1971, meeting 1976, by roll-call vote of 76 to 35, with 17 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Austria, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Congo, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Against: Australia, Bolivia, Brazil, Central African Republic, Chad, Costa Rica, Dahomey, Dominican Republic, El Salvador, Gabon, Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Khmer Republic, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand, Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela, Zaire.

Abstaining: Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

The General Assembly,

Recalling the principles of the Charter of the United Nations, Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

A/L.632 and Add.1,2. Australia, Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States, Uruguay: draft resolution, rejected by Assembly on 25 October 1971, meeting 1976, by roll-call vote of 55 in favour to 59 against, with 15 abstentions, as follows:

In favour: Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Central African Republic, Chad, China, Colombia, Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Khmer Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico, New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Afghanistan, Albania, Algeria, Bhutan, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Congo, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Romania, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Abstaining: Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

A/L.633 and Add.1,2. Australia, Bolivia, Chad, Costa Rica, Dominican Republic, Fiji, Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Philippines, Swaziland, Thailand, United States, Uruguay: draft resolution.

A/L.634 and Add.1. Australia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States, Uruguay: draft resolution [text identical to draft resolution A/L.632].

A/L.635 and Add.1. Australia, Chad, Costa Rica, Dominican Republic, Fiji, Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Philippines, Swaziland, Thailand, United States, Uruguay: draft resolution [text identical to draft resolution A/L.633].  
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## The situation in the India-Pakistan subcontinent

### Humanitarian assistance activities

Immediately after the outbreak of civil strife in East Pakistan in March 1971, the Secretary-General expressed his concern over the situation to the President of Pakistan and thereafter remained in continuous touch with the Governments of Pakistan and India, both through their Permanent Representatives to the United Nations and through other contacts. It soon became clear that international assistance on an unprecedented scale was urgently needed, both for the relief of the distressed people in East Pakistan and for aid to the refugees who had gone to India.

#### Humanitarian effort for relief of refugees from East Pakistan

The United Nations humanitarian effort for the relief of East Pakistan refugees in India was initiated by the Secretary-General following a request for assistance addressed to him on 23 April 1971 by the Government of India. The Secretary-General agreed to the request and, after consultation with specialized agencies through the inter-agency Administrative Committee on Co-ordination, designated the United Nations High Commissioner for Refugees as the focal point for the co-ordination of assistance from all the organizations and programmes of the United Nations system.

A three-man team, designated by the High Commissioner, visited India from 7 to 19 May 1971 to assess the nature and magnitude of the needs of the refugees and to discuss with officials of the Government of India modalities of assistance. During this period, initial assistance was provided in India by the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) from their resources available on the spot.

On 19 May 1971, the Secretary-General launched an appeal to Governments, inter-governmental and non-governmental organizations and private sources to help meet the urgent needs for humanitarian assistance to relieve the plight of

the refugees. The Indian Government had indicated that massive external assistance of the order of \$175 million for six months would be required on an emergency basis to provide clothing, shelter, medical supplies and other essential items. In his appeal, the Secretary-General stated that the solution of the problem lay in the voluntary repatriation of the displaced persons at the earliest possible time.

Revised estimates based on 8 million refugees in camps were compiled in October 1971, at which time India foresaw a requirement of \$558 million. A new appeal to Governments for funds was thus made by the High Commissioner in October.

The number of East Pakistan refugees in India was questioned by the Government of Pakistan, which, in mid-September, cited figures in the vicinity of 2 million as having left East Pakistan since the disturbances of March 1971.

At a meeting of the Economic and Social Council held on 16 July 1971, the High Commissioner reported that the co-ordinating mechanism which had been set up at the focal point was designed: (a) to mobilize and secure international support and contributions; (b) to arrange for the procurement of supplies in a co-ordinated manner and for delivery of the supplies to India; and (c) to maintain close liaison with the Government of India. Those functions were carried out in close association with UNICEF, WFP, the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and the League of Red Cross Societies. The execution of the actual relief operations, however, remained the responsibility of the Indian Government. A representative of the focal point was stationed in Delhi, India; he acted as principal contact with the Government and co-ordinated the activities of the various United Nations agencies and programmes in the field.

The High Commissioner also reported on his activities as focal point at a meeting of the General Assembly's Third (Social, Humanitarian and Cul-

tural) Committee on 18 November 1971. The Assembly's action on the matter is described below.

#### **United Nations East Pakistan Relief Operation (UNEPRO)**

By a letter dated 22 April 1971 to the President of Pakistan, the Secretary-General expressed deep concern at the situation in East Pakistan and offered to the Government of Pakistan, on behalf of the United Nations family of organizations, all possible assistance to help it in its task of providing urgently needed relief to the population of East Pakistan. While he scrupulously observed the provisions of Article 2, paragraph 7, of the United Nations Charter,<sup>9</sup> the Secretary-General said he was also deeply conscious of the responsibility of the United Nations, within the framework of international economic and social co-operation, to help promote and ensure human well-being and humanitarian principles.

Replying on 3 May 1971, Pakistan's President Yahya Khan welcomed the Secretary-General's generous offer but added that reports of heavy casualties and destruction were exaggerated and that any international assistance would be administered by Pakistan's relief agencies.

Pakistan's preliminary estimates of its requirements for such assistance were communicated to the Secretary-General on 22 May by the Permanent Representative of Pakistan. These listed food import requirements amounting to 250,000 tons of food grains and 100,000 tons of edible oils, in addition to assistance in the acquisition of 30 coastal craft and 500 land vehicles. It was indicated that the Pakistan Government would be prepared to associate UNICEF and WFP personnel in the planning and organization of relief, and that it would be willing to receive a representative of the Secretary-General to work out the modalities of United Nations humanitarian assistance.

On 28 May, the Secretary-General announced that the Assistant Secretary-General for Inter-Agency Affairs, Ismat T. Kittani, would travel to Pakistan for consultations, as suggested by the Pakistan Government. In discussions with the President of Pakistan, the latter indicated to Mr. Kittani that he shared the Secretary-General's concern that the United Nations must be in a position to assure the international community, and donors in particular, that all relief assistance would reach its intended destination—the people of East Pakistan. Bahgat A. El-Tawil, appointed by the Secretary-General as his representative in East Pakistan, arrived in Dacca on 7 June to co-ordinate assistance from and through United Nations agencies and programmes.

On 16 June, the Secretary-General appealed to Governments, inter-governmental and non-governmental organizations and private sources to

contribute in cash and in kind to the United Nations humanitarian effort in East Pakistan.

On 15 July 1971, the Secretary-General repeated his appeal and issued a comprehensive review of the relief needs of East Pakistan. He indicated that \$28.2 million in assistance by and through the United Nations system would be required to meet initial needs. These included the charter of minibulkers and river craft, purchase of trucks and other vehicles, cloth for clothing and blankets, tents and medical supplies, and establishment of a \$10 million fund for grants to returning refugees and other affected persons. Subsequent surveys by the United Nations East Pakistan relief operation indicated that the people of East Pakistan would face a food gap of up to 200,000 tons a month starting in September 1971 and continuing into the second quarter of 1972.

In view of the increasing scope of United Nations humanitarian activities in the area, the Secretary-General on 24 August appointed Paul-Marc Henry to take charge at Headquarters of the United Nations East Pakistan Relief Operation (UNEPRO).

On 15 October, the Secretary-General reported that, in response to his appeals, 15 Governments had pledged \$10.4 million in cash and \$73.3 million in kind for the United Nations relief effort in East Pakistan. Those figures included, in addition to the relief activities of the various organizations and programmes of the United Nations system, relief contributions made directly to East Pakistan by certain Governments and placed under the auspices of the United Nations.

An agreed statement of "conditions for the effective discharge of the functions of UNEPRO" was formalized by an exchange of letters between the Secretary-General and the Permanent Representative of Pakistan dated 15 and 16 November 1971. The agreement specified: that UNEPRO personnel and associated personnel would enjoy freedom of access and movement to and in East Pakistan, subject to temporary restrictions for security reasons, as well as the unrestricted right of communication; that the Government of Pakistan would ensure the security and safety of such personnel; and that UNEPRO property and relief supplies would not be diverted to any purposes incompatible with the strictly humanitarian functions of UNEPRO.

#### **Consideration by Economic and Social Council**

The various humanitarian efforts of the United Nations described above were undertaken by the

<sup>9</sup> Article 2, para. 7, of the Charter states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Secretary-General on an emergency basis, without the backing of resolutions of the deliberative organs of the United Nations. However, the Secretary-General's actions were discussed by the Economic and Social Council at a meeting held on 16 July 1971. The United Nations High Commissioner for Refugees, in his capacity as focal point, gave the Council a detailed account of his activities on behalf of the displaced persons in India. The Assistant Secretary-General for Inter-Agency Affairs reported on the humanitarian operation in East Pakistan. After the discussion, the President of the Council made a statement expressing full support of the Secretary-General's actions in the face of the emergency in the subcontinent.

#### **Question of voluntary repatriation of refugees**

From the beginning of the United Nations humanitarian actions in India and Pakistan, it was recognized that the solution of the problem lay in the voluntary repatriation of the East Pakistan refugees, as specified by the Secretary-General in his appeal of 19 May 1971. That view was supported by both India and Pakistan. Accordingly, the United Nations High Commissioner for Refugees entered into contact with the Government of Pakistan soon after the relief operation was started in India. On 21 and 24 May, the President of Pakistan appealed to the refugees to return home, where their safety would be ensured, and he repeated those appeals on several subsequent occasions.

Following a visit by the High Commissioner to Islamabad, Pakistan, in June 1971, it was agreed that he would provide assistance to Pakistan in arranging the return and rehabilitation of the refugees and that a representative of the High Commissioner would be stationed at Dacca with a small team to maintain contact with the local authorities in East Pakistan. Their work was closely co-ordinated with that of UNEPRO through the Secretary-General's representative in Dacca.

In July 1971, the Secretary-General reported that efforts to bring about the repatriation of refugees had so far been unavailing. Since issuance of the appeal by the Pakistan President for the return of the refugees, only an insignificant number had done so. On 19 July, the Secretary-General submitted to the Governments of India and Pakistan a proposal aimed at facilitating the process of voluntary repatriation of refugees by stationing on both sides of the border a limited number of representatives of the United Nations High Commissioner for Refugees. The Government of Pakistan accepted the Secretary-General's suggestion but the Government of India did not, on the grounds that India was not preventing the refugees from returning to East Pakistan and that the exodus from that area was continuing.

#### **Consideration by General Assembly**

In the introduction to his annual report on the work of the Organization, for the period 16 June 1970 to 15 June 1971, the Secretary-General informed the General Assembly, at its session which opened on 21 September 1971, of the various aspects of the problems arising from the recent events in East Pakistan, which had resulted in the flight of millions of people to the bordering State of India, imposing an intolerable burden upon the resources of that country. International assistance on an unprecedented scale was urgently needed, both for the relief of the distressed people in East Pakistan and for aid to the East Pakistan refugees in India. Moreover, humanitarian relief needs were increasing, hampered by the lack of substantial progress towards a political solution based on reconciliation and the respect of humanitarian principles. This in turn affected law, order and public administration, especially in Pakistan; serious food shortages were an imminent danger. Political, economic and social factors had produced a series of vicious circles which largely frustrated the efforts of the authorities concerned and of the international community to deal with the vast humanitarian problems involved.

The programmes established by the Secretary-General for humanitarian assistance to the refugees in India and to the people in East Pakistan were considered by the General Assembly in connexion with the agenda item entitled "Report of the United Nations High Commissioner for Refugees."

Most of the Assembly's discussions on the matter took place in the Third (Social, Humanitarian and Cultural) Committee.

On 18 November 1971, the High Commissioner for Refugees reported to the Third Committee on his activities as focal point for aid to the refugees. The High Commissioner said that the situation was growing worse, that suffering was increasing and that the gap between resources and needs was growing, despite the generosity of the international community and the remarkable relief efforts of the Government of India. He therefore appealed for massive additional international assistance.

The High Commissioner emphasized that voluntary repatriation was the only viable solution, supported in principle by both Governments. However, this could not be implemented unless the host country and the country of origin arrived at an agreement, which was not yet the case. The refugees would only return in significant numbers when they were convinced that real peace and security prevailed in their country.

The representative of Pakistan expressed his Government's appreciation of the assistance given, because it was meant for its own nationals and because Pakistan was at the centre of the tragedy.

His Government had made repeated appeals to the refugees to return to their homes, and it had implemented a number of measures to encourage them to do so, including giving assurances that their property would be returned and that they would not be subject to reprisals. The co-operation of the Indian Government was essential in making the refugees' return possible. As for the need to arrive at a political solution to resolve the internal crisis, the objective should be attained before the end of the year, but the nature of the solution was the sole responsibility of the Government of Pakistan.

The representative of India endorsed the description of the situation given by the High Commissioner. Referring to the burdens placed on India in consequence of the events in Pakistan, he noted that the Consortium of the International Bank for Reconstruction and Development, meeting in Paris, France, on 26 October 1971, had estimated that the cost of relief operations for the refugees for the financial year ending March 1972 would amount to \$700 million. Emergency relief must lead to voluntary repatriation, which was the only possible lasting solution. India, which was looking after millions of Pakistan refugees on behalf of the international community, could not allow that situation to continue indefinitely. There was no appreciable progress towards political reconciliation, the principal cause being gross violation of basic human rights amounting to genocide, with the object of stifling the democratically expressed wishes of a people. India considered that the problem had to be solved in East Pakistan by the Pakistan Government and that it must not be transformed into a dispute between India and Pakistan.

On 18 November, the Third Committee heard a statement by the Assistant Secretary-General in charge of UNEPRO, who explained that the food gap in East Pakistan for 1971/1972 was estimated at 3 million tons, which would involve import shipments of 200,000 tons monthly between August and December 1971. The United Nations relief operation had chartered minibulkers and other craft and had arranged to provide over 1,000 trucks to overcome transport difficulties caused in part by the recent events which had disrupted the railway network. All transport operating directly or indirectly under United Nations auspices were clearly identified with United Nations markings and inscriptions so as to leave no doubt concerning their purely humanitarian functions.

While it was true that the Pakistan Government had guaranteed freedom of access for UNEPRO to any part of East Pakistan, the exercise of that freedom depended on uncontrollable factors such as the intensification of military pressure in the

border areas and the continuing breakdown of communications and transport. The situation in this regard was rapidly reaching a critical stage in which the Secretary-General might no longer be in a position to guarantee that all the relief supplies would reach those for whom they were intended. While UNEPRO was a purely humanitarian operation, its effectiveness depended upon the situation in East Pakistan. As a matter of policy, everything had been done to avoid involvement in the political situation in the area. If, despite these efforts, opposition to UNEPRO were to develop, the situation would make the humanitarian relief operation impossible.

During the debate, several Members voiced their concern at the disastrous situation in the subcontinent concerning the influx of refugees into India and the distress of the population of East Pakistan. Several speakers drew attention to the deteriorating security and political situation, as well as to the serious danger of war between India and Pakistan which would inevitably aggravate the suffering of the people. They expressed appreciation of the efforts of the Secretary-General and of the High Commissioner for Refugees, and indicated that the solution of the problem must eventually be found in the voluntary repatriation of the displaced persons. A number of representatives urged their colleagues to avoid introducing political considerations in the discussion of purely humanitarian problems.

The representative of Pakistan, referring to certain press reports, denied that any pattern of misbehaviour by Pakistan soldiers in East Pakistan had been confirmed. He questioned the theory, which he said had been invented by India, that an influx of refugees constituted aggression against the country that harboured them, and he noted that under international law such countries were required to prevent political activities by refugees that might endanger law and order in their country of origin. Pakistan was prepared to engage in conversations with India and the United Nations concerning repatriation.

The representative of the United States praised the Government of India for its efforts on behalf of the refugees and the Government of Pakistan for its attempt to facilitate the return of the refugees by establishing special camps for their reception. He appealed to both Governments to take all possible measures to facilitate the humanitarian role of the United Nations.

France felt it was essential to arrive at a peaceful solution of the political problem, which was the only way to put an end to the suffering of the population.

The United Kingdom believed that the Third Committee should concern itself solely with the humanitarian aspects of the question of the East

Pakistan refugees. While it was clear that the causes of the problem were political and that a political solution would have to be found, it was not the job of the Third Committee to find that solution. The United Kingdom supported the United Nations humanitarian activities for the refugees and would continue to play its role in that endeavour.

Expressing concern at the situation in the subcontinent, the USSR considered that problems such as those afflicting Pakistan must be solved peacefully, since repression harmed the country's vital interests. The inalienable rights of the people of East Pakistan must be recognized. The USSR hoped that everything would be done to maintain peace in the region.

India stated that humanitarian action could not be a substitute for a political reconciliation between the Government of Pakistan and the people of East Pakistan. The refugees had fled because of political persecution, not because of food shortages. India had never advocated the secession of East Pakistan, and if the territorial integrity of Pakistan was in jeopardy, it was due to the actions of that country's Government.

China said that the question of East Pakistan was an internal affair which could only be settled by the people of Pakistan. The so-called question of refugees had come about as a result of interference in Pakistan's internal affairs by a country which was continuing subversive activities against Pakistan and obstructing the return of the refugees. Similar tactics had been used against China in past years in relation to Tibet.

The Netherlands, New Zealand and Sweden submitted a draft resolution by which the Assembly would appeal to Pakistan and India to act to promote voluntary repatriation of refugees and would request the Secretary-General and the High Commissioner to continue their efforts to co-ordinate international assistance and to ensure that it was used to the maximum advantage to relieve the suffering of the refugees in India and of the people in East Pakistan.

Amendments to this draft resolution were proposed by Nigeria, by Saudi Arabia and by Somalia. By these amendments, the Assembly among other things would urge all Member States to help bring about speedy and voluntary repatriation of the refugees, and endorse the Secretary-General's designation of the High Commissioner for Refugees as focal point to co-ordinate assistance and the Secretary-General's initiative in establishing UNEPRO. The amendments were accepted by the sponsors and the final amended version of the text was unanimously approved by the Third Committee on 22 November 1971.

The representative of Tunisia proposed that the President of the General Assembly should be

asked to make a statement voicing the concern of the international community, calling on Governments and organizations to assist the Secretary-General and the High Commissioner in their meritorious action, and stating that the only solution was the safe return of the refugees to their homes. This proposal was subsequently resubmitted as a draft resolution and was unanimously approved by the Third Committee on 22 November 1971.

At the meeting of the Third Committee on 22 November, the representatives of Pakistan and India referred to reports of severe clashes involving their armed forces, but gave differing interpretations as to the origin of the incidents.

The representative of Pakistan also said India was using the problem of the refugees as a political and military weapon in order to disrupt Pakistan's territorial integrity and cause the United Nations to interfere in Pakistan's internal affairs. No Member State could abdicate its right to arrange its own political life and it was not for others to judge whether Pakistan had restored the climate of confidence which would induce the displaced persons to return to their homes.

The representative of India stated that the consequences of the activities of the military régime of Pakistan threatened India's national life and posed a serious threat to its security, which obliged his country to take all necessary defensive measures. The fact that India was not an interested party was borne out by the insistence of the representative of Pakistan that the whole situation was an internal affair of that country. The problem could be solved only by peaceful negotiations between the military leaders of West Pakistan and the elected leaders of East Bengal; the release of Sheikh Mujibur Rahman should be the first step towards the opening of such negotiations.

The two texts recommended by the Third Committee were adopted without a vote by the General Assembly on 6 December 1971 as a two-part resolution (2790(XXVI)).

By the preamble to the first part of the resolution, the Assembly among other things expressed deep concern at the magnitude of the human suffering to which the crisis in East Pakistan had given rise and at its possible consequences. Concern was also expressed at the heavy burden imposed on India and at the disturbing influence of the general situation on the process of economic and social development in the area. The Assembly therefore noted with appreciation the prompt and generous response of the international community to the needs that had arisen from the crisis, including the efforts of non-governmental organizations to raise funds for the relief of the suffering. It recognized that



voluntary repatriation was the only satisfactory solution to the refugee problem, but could be brought about only if a climate of confidence was created. In addition, the Assembly stated its conviction that further large-scale international assistance was required to meet the needs of the refugees in India and of the people in East Pakistan.

By the operative paragraphs of the first part of the resolution, the Assembly: (1) expressed profound sympathy with those who had suffered from the situation in the area; (2) endorsed the designation by the Secretary-General of the United Nations High Commissioner for Refugees to be the focal point for the co-ordination of assistance to East Pakistan refugees in India from and through the United Nations system, as well as the Secretary-General's initiative in establishing UNEPRO; (3) requested the Secretary-General and the High Commissioner to continue their efforts to co-ordinate international assistance and to ensure that it was used to the maximum advantage to relieve the suffering of the refugees in India and of the people in East Pakistan; (4) appealed to Governments, inter-governmental agencies and non-governmental organizations to intensify their efforts to assist directly or indirectly, with the collaboration of the Governments concerned, in relieving the suffering of the refugees in India and of the people in East Pakistan; and (5) urged all Member States in accordance with the purposes and principles of the Charter of the United Nations to intensify their efforts to bring about conditions necessary for the speedy and voluntary repatriation of the refugees to their homes.

By the second part of its resolution, the Assembly, aware of the urgency and extreme seriousness of the situation of the refugees, which was assuming dangerous proportions, recommended that the President of the General Assembly make a statement indicating:

(a) the concern of the international community, which had seldom been confronted with a refugee problem of such enormous dimensions as that of the refugees from East Pakistan in India;

(b) that the voluntary participation of Governments and organizations should be continued and intensified with a view to assisting the Secretary-General and his representative, and the United Nations High Commissioner for Refugees acting as the focal point, in their meritorious humanitarian action for the relief of the suffering of the refugees and of the population of East Pakistan;

(c) that the only solution to this grave refugee problem was the safe return of the refugees to their homes and that this required a favourable climate which all persons of goodwill should work to bring about in a spirit of respect for the principles of the Charter of the United Nations.

(For full text of both parts of resolution, see **DOCUMENTARY REFERENCES below.**)

#### **Implementation of Assembly resolution**

Immediately following the adoption of the resolution, the President of the Assembly stated that he would give effect to the Assembly's request contained in the second part of the resolution. The two resolutions, he continued, indicated the strong conviction of the international community that the humanitarian aspects of the serious situation in the subcontinent should not be forgotten and that international assistance should be further intensified. He noted that political and other aspects of the problem were being discussed in another organ of the United Nations and appealed to Member States to continue to support the humanitarian actions of the United Nations.

A statement by the Secretary-General was then read to the Assembly by the Under-Secretary-General for General Assembly Affairs. The statement noted that the Secretary-General's initiative to relieve the plight of the victims of the events in the subcontinent had now been endorsed by the Assembly and that he and the High Commissioner for Refugees had been requested to continue their efforts. The United Nations East Pakistan Relief Operation (UNEPRO) had developed the capacity to provide approximately 200,000 tons of food commodities monthly for the relief of the distressed population of East Pakistan, and to co-ordinate distribution to the local supply depots. Pledges and payments amounting to approximately \$100 million in cash and in kind had been received from a number of Governments.

However, with the outbreak of large-scale hostilities between India and Pakistan on 3 December 1971, the humanitarian activities of the United Nations in East Pakistan had had to be suspended, since it was impossible to move supplies in a situation of active hostilities and there was no practical possibility of ensuring the reasonable safety of the international staff. Nor was he then in a position to assure the donors that the relief supplies would reach those for whom they were intended. The Secretary-General added in this connexion that he planned to evacuate the remaining personnel of UNEPRO, but that the necessary arrangements were being made for the United Nations to be in a position to resume its humanitarian operations in the area as soon as conditions permitted. Meanwhile, the High Commissioner for Refugees was continuing his efforts as focal point.

Towards the end of December 1971, the name of the operation was changed to United Nations Relief Operation in Dacca.

## DOCUMENTARY REFERENCES

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E/L 1433. Letter of 16 June 1971 from USSR.

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A/8401/Add.1. Introduction to report of Secretary-General on work of the Organization, September 1971: Part Two, Chapter 1, paras. 177-191; Chapter IX, para. 323.

A/C.3/L.1885. Netherlands, New Zealand, Sweden: draft resolution, as amended by Nigeria (A/C.3/L.1891, as orally revised) and as orally amended by Somalia and by sponsors, approved unanimously by Third Committee on 22 November 1971, meeting 1879.

A/C.3/L.1890. Saudi Arabia: amendment to 3-power draft resolution, A/C.3/L.1885.

A/C.3/L.1891. Nigeria: proposals and amendments to 3-power draft resolution, A/C.3/L.1885.

A/8544. Report of Third Committee (on report of United Nations High Commissioner for Refugees (UNHCR)), draft resolution HA.

RESOLUTION 2790A(XXVI), as recommended by Third Committee, A/8544, adopted without vote by Assembly on 6 December 1971, meeting 2001.

The General Assembly,

Noting the report of the United Nations High Commissioner for Refugees on his activities as the focal point in co-ordinating international relief assistance for refugees from East Pakistan in India,

Noting also the report of the Secretary-General on the United Nations programme of relief assistance to the people of East Pakistan,

Wishing to pay a tribute to the Secretary-General and the High Commissioner, and to their staffs, for the work they have done under difficult conditions,

Deeply concerned at the magnitude of the human suffering to which the crisis in East Pakistan has given rise and at its possible consequences,

Concerned also at the heavy burden imposed on India and at the disturbing influence of the general situation on the process of economic and social development in the area,

Noting with appreciation the prompt and generous response of the international community to the needs that have arisen from the crisis, including the efforts of non-governmental organizations to raise funds for the relief of the suffering,

Recognizing that voluntary repatriation is the only satisfactory solution to the refugee problem and that this is fully accepted by all concerned,

Believing that the voluntary repatriation of the refugees can be brought about only if a climate of confidence is created,

Convinced that further large-scale international assistance is required to meet the needs of the refugees in India and of the people of East Pakistan,

1. Expresses its profound sympathy with those who have suffered from the situation in the area;

2. Endorses the designation by the Secretary-General of the United Nations High Commissioner for Refugees to be the focal

point for the co-ordination of assistance to East Pakistan refugees in India, from and through the United Nations system, as well as the Secretary-General's initiative in establishing the United Nations East Pakistan relief operation;

3. Requests the Secretary-General and the High Commissioner to continue their efforts to co-ordinate international assistance and to ensure that it is used to the maximum advantage to relieve the suffering of the refugees in India and of the people of East Pakistan;

4. Appeals to Governments, intergovernmental agencies and non-governmental organizations to intensify their efforts to assist directly or indirectly, with the collaboration of the Governments concerned, in relieving the suffering of the refugees in India and of the people of East Pakistan;

5. Urges all Member States in accordance with the purposes and principles of the Charter of the United Nations to intensify their efforts to bring about conditions necessary for the speedy and voluntary repatriation of the refugees to their homes.

A/C.3/L.1887 and Rev.1. Tunisia: draft recommendation to President of General Assembly on report of UNHCR.

A/C.3/L.1887/Rev.2. Tunisia: draft proposal, approved unanimously by Third Committee on 22 November 1971, meeting 1879.

A/8544. Report of Third Committee (on report of UNHCR), draft resolution II B.

RESOLUTION 2790B(XXVI), as recommended by Third Committee, A/8544, adopted without vote by Assembly on 6 December 1971, meeting 2001.

The General Assembly,

Recognizing the large-scale efforts undertaken for humanitarian reasons to meet the unprecedented problems confronting the international community,

Aware of the urgency and extreme seriousness of the situation of the refugees, which is assuming dangerous proportions,

Recommends that the President of the General Assembly should make a statement indicating:

(a) The concern of the international community, which has seldom been confronted with a refugee problem of such enormous dimensions as that of the refugees from East Pakistan in India;

(b) That the voluntary participation of Governments and organizations should be continued and intensified with a view to assisting the Secretary-General and his representative, and the United Nations High Commissioner for Refugees acting as the focal point, in their meritorious humanitarian action for the relief of the suffering of the refugees and of the population of East Pakistan;

(c) That the only solution to this grave refugee problem is the safe return of the refugees to their homes and that this requires a favourable climate which all persons of goodwill should work to bring about in a spirit of respect for the principles of the Charter of the United Nations.

A/8640 (S/10466). Report of 21 December 1971 of Secretary-General concerning implementation of General Assembly resolution 2790(XXVI) and Security Council resolution 307(1971).

A/8701 and Corr.1. Report of Secretary-General on work of the Organization, 16 June 1971-15 June 1972, Part One, Chapter IV P.

**Political and security aspects****Communications concerning India-Pakistan question**

In January and February 1971, India and Pakistan each addressed two letters to the Presi-

dent of the Security Council, continuing their correspondence of previous years regarding the State of Jammu and Kashmir. The Permanent Representative of Pakistan complained of repres-

sive actions by the Government of India in that State, and emphasized that the status of Jammu and Kashmir remained to be determined in accordance with resolutions of the Security Council.

The Permanent Representative of India contended that since the State had become an integral part of India by virtue of its accession in 1947, the issues raised by Pakistan concerned matters of domestic jurisdiction. His Government would not discuss such matters with any other country or in the United Nations, though it was prepared to discuss bilaterally with Pakistan the question of Pakistan's illegal occupation of part of the State.

In reply, Pakistan restated its position concerning the international character of the question of the status of Jammu and Kashmir and its readiness to co-operate with any effort to resolve the problem in accordance with the wishes of the people of that State.

In another series of five letters between 13 February and 2 September 1971, the two Permanent Representatives expressed their views on the subject of the hijacking of an Indian plane to Pakistan on 30 January 1971 and the subsequent prohibition by India of the overflight of Pakistan aircraft.

The Permanent Representative of Pakistan claimed that India's action violated several international aviation agreements and was an act of belligerence. His Government deplored the hijacking and disapproved of such acts despite the fact that it appeared to be a desperate act arising from conditions of repression in Jammu and Kashmir. There was no obligation for Pakistan to compensate India for the loss of the aircraft or to extradite the hijackers who, as citizens of Jammu and Kashmir, were not Indian nationals.

The Permanent Representative of India rejected Pakistan's disclaimer of responsibility for the hijacking; he contended that the Pakistan authorities had made no effort to disarm the hijackers and had aided and encouraged them, as part of Pakistan's policy of confrontation with India. The prohibition of Pakistan overflights had been imposed as a protection against further hijackings. The situation, however, was amenable to settlement through bilateral negotiations.

#### **Developments prior to Security Council consideration**

Following the outbreak of civil strife in East Pakistan in March 1971, two United Nations humanitarian programmes in the subcontinent were established by the Secretary-General and commenced operations during the spring and summer of 1971 (see section above). Meanwhile, the situation in the region was undergoing a steady deterioration in almost all aspects. Border clashes,

clandestine raids and acts of sabotage were becoming more frequent.

In a memorandum dated 20 July 1971 to the President of the Security Council, the Secretary-General indicated that in East Pakistan international and governmental efforts to cope with the humanitarian problem were increasingly hampered by the lack of substantial progress towards a political reconciliation and the consequent effect on law, order and public administration. Reconciliation, an improved political atmosphere and the success of relief efforts were indispensable prerequisites for the return of any large proportion of the refugees from India. There was a danger that serious food shortages and even famine would soon add to the suffering of the population unless conditions could be improved to the point where a large-scale relief programme could be effective. The situation was thus one in which political, economic and social factors had produced a series of vicious circles largely frustrating the efforts of the authorities concerned and of the international community to deal with the vast humanitarian problems involved. For these reasons, and having in mind the deep preoccupation of the members of the Security Council and many other Members of the Organization with developments in the area, the Secretary-General said he had taken the unusual step of reporting to the President of the Council on this question, which was not on the Council's agenda.

After a brief account of the actions he had taken in pursuance of his responsibilities relating to humanitarian questions, the Secretary-General indicated that the problem could have serious repercussions in the context of the long-standing differences between India and Pakistan and otherwise. A conflict between the principles of the territorial integrity of States and of self-determination was involved, which had often before given rise to strife. The Secretary-General expressed deep concern about the possible consequences of the situation, not only in the humanitarian sense but also as a potential threat to peace and security and for its bearing on the future of the United Nations as an effective instrument for international co-operation and action. While not suggesting precise courses of action, the Secretary-General believed that the United Nations, with its long experience in peace-keeping and its varied resources for conciliation and persuasion, should now play a more forthright role to avert further deterioration of the situation. The Security Council, he said, was in a position to consider what measures might be taken; such consideration might take place formally or informally, in public or in private. The Secretary-General observed that his memorandum was meant to provide a basis for discussions on this matter.

The Secretary-General later reported to the Council that he had used his good offices in various ways in connexion with the situation in the subcontinent. Thus, he had addressed a letter to the President of Pakistan concerning the case of Sheikh Mujibur Rahman, who was being detained in West Pakistan, and on 10 August 1971 he had issued a statement indicating that while the matter was within the competence of Pakistan, it was also of extraordinary interest and concern in many quarters. The Secretary-General felt that any developments concerning Sheikh Mujibur's fate would inevitably have repercussions outside Pakistan.

On 20 October 1971, with the situation continuing to worsen along the borders of East Pakistan and amid reports of growing tension on the border between West Pakistan and India, the Secretary-General said that he had addressed identical messages to the heads of the Governments of India and Pakistan in which he had expressed increasing anxiety that the situation might give rise to open hostilities, which might pose a threat to the wider peace. Despite the sincere desire of both Governments to avoid a senseless war, feelings were running high and even a small incident could lead to wider conflict. He referred in this regard to the efforts of the Chief Military Observer of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) to ease tensions and prevent military escalation along the cease-fire line in Jammu and Kashmir. There was of course no comparable United Nations mechanism on the borders of East Pakistan and on the frontier between India and West Pakistan. In this potentially very dangerous situation, the Secretary-General offered his good offices to both sides with a view to avoiding any development that might lead to disaster.

The Secretary-General reported that the President of Pakistan replied to his message on 22 October, suggesting withdrawal of troops to a mutually agreed safe distance along both sides of the India-Pakistan borders. United Nations observers should oversee the withdrawals and supervise the maintenance of peace. He welcomed the Secretary-General's offer of good offices, assured him of his full co-operation, and suggested that he visit India and Pakistan to seek a settlement of differences.

Replying to the Secretary-General on 16 November 1971, the Prime Minister of India stated that the military authorities of Pakistan were pursuing a deliberate policy of suppression in East Bengal, causing a continuing large-scale flight of the people from that area into India, thus placing intolerable political and social burdens on India. The problem, which involved the rights and the fate of the people of East Bengal, could only be

resolved by peaceful negotiations between the military rulers of West Pakistan and the elected leaders of East Bengal. Only in this manner could the flow of refugees into India be reversed and the threat to India's security relieved. The Prime Minister said that Pakistan had sought to divert attention from the situation in East Bengal by projecting the issue as an India-Pakistan dispute, and she accused Pakistan of initiating large-scale armed conflict with India. The measures taken by India were entirely defensive. The Secretary-General's offer of good offices could play a significant role, the Prime Minister of India continued. Whatever efforts he could make to bring about a political settlement in East Bengal which met the declared wishes of the people there would be welcome. If the Secretary-General viewed the problem in perspective, he would have India's support in his initiatives.

The Secretary-General reported that he had replied to the Prime Minister of India on 22 November, making it clear that he could not under the United Nations Charter ignore a potential threat to international peace and security such as now seemed to exist in the subcontinent. He noted that his offer of good offices had been made in the context of his memorandum of 20 July 1971 to the President of the Security Council, which took into account those aspects of the situation mentioned in the Prime Minister's letter. However, under the circumstances, there did not seem to be a basis for the exercise of his good offices since this would require the consent and co-operation of both parties.

On 23 November, the President of Pakistan informed the Secretary-General that Indian armed forces were maintaining pressure along Pakistan's eastern borders. The Pakistan armed forces had been under orders to exercise strict restraint, but they must now meet the Indian military offensive with all the force at their command. The President said that the situation was fast reaching a point of no return, but the Secretary-General's personal initiative could still avert a catastrophe.

In replying to the President of Pakistan on 26 November, the Secretary-General indicated his conclusion that he had gone, for the moment, as far as his authority under the United Nations Charter permitted him to go, but that he would remain in touch with the representatives of Pakistan and India concerning ways in which the United Nations might prove able to assist in preserving the peace.

On 29 November, the Secretary-General further reported, the Permanent Representative of Pakistan had conveyed to the Secretary-General a message from his President stating that Indian armed forces were carrying out large-scale attacks

along the borders of East Pakistan. He requested the Secretary-General to station a force of United Nations observers on the Pakistan side of the border immediately.

On the same day, the Secretary-General, who had kept the President of the Security Council continuously informed of his offer of good offices and the reactions to it, transmitted to the President of the Council a copy of the message of 29 November from the President of Pakistan. The Secretary-General noted that the stationing of observers as requested would require authorization by the Security Council. He felt that in the light of its primary responsibility under the Charter for the maintenance of international peace and security, the Council should give serious consideration to the situation prevailing in the subcontinent.

On 3 December, in the light of reports of a further grave deterioration in the situation along the border of East Pakistan and elsewhere in the subcontinent, the Secretary-General reported to the Security Council on the efforts he had made thus far in regard to the problem. He stated his conviction that the situation constituted a threat to international peace and security and pointed out that the President of the Council had been kept informed of the Secretary-General's efforts under the broad terms of Article 99 of the Charter.<sup>10</sup> The Secretary-General felt that an initiative on this matter in the Council could best be taken by the parties or by the members of the Security Council themselves.

On 4 December 1971, the Secretary-General reported to the Council his receipt of two additional messages, an oral one of 3 December from the Prime Minister of India and a written one of the same date from the President of Pakistan. Both messages reported the spread of armed hostilities between the two countries and charged aggressive actions on the part of the other State.

In further reports of 4, 5 and 6 December, the Secretary-General made information available to the Council regarding the situation along the cease-fire line in the State of Jammu and Kashmir, based on reports from UNMOGIP. That was the only part of the subcontinent where the United Nations had observation machinery, the Secretary-General pointed out. The Chief Military Observer of UNMOGIP had awarded over-all violations to both India and Pakistan as from 21 October for breaches of the Karachi Agreement of 1949<sup>11</sup> and in certain cases systematic non-observance of it. On 3 December, the Chief Military Observer had reported that hostilities along the cease-fire line had commenced and that he had instructed the military observers to remain at their stations.

#### **Consideration by Security Council between 4 and 6 December 1971**

On 4 December 1971, the representatives of Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the United Kingdom and the United States requested an immediate meeting of the Council to consider the deteriorating situation which had led to armed clashes between India and Pakistan.

The Council met on the same day. It decided to place the item on its agenda, together with the reports of the Secretary-General, and invited the representatives of India and Pakistan to participate in the debate without the right to vote.

The Council had also before it a letter dated 4 December from the representative of India, transmitting a letter of the same date from Justice Abu Sayeed Chowdhury requesting that he be allowed to make a statement on behalf of the people and government of Bangladesh. The USSR representative proposed that the representatives of Bangladesh be given a hearing, but, after a procedural discussion, the President ruled, without objection, that the Council should defer consideration of that issue.

Opening the debate, the representative of Pakistan said that India had not only launched aggression on the territory of Pakistan but had openly demanded that Pakistan dismember itself. The situation before the Council involved not only Pakistan but all States in danger of being overrun by larger, more powerful, predatory neighbours. If the Council failed to suppress the aggression, the Charter of the United Nations would have been shattered. Pakistan's eastern province had been under a massive, unprovoked attack since 21 November by India's regular troops, tanks and aircraft.

He stated that in the fighting that had preceded and culminated in the full-scale war on 3 December, Pakistan had been the victim of acts of sabotage and terrorism, as well as armed incursions by bands organized by India. It was for the Security Council to find the means to make India desist from its war of aggression. Political, economic, strategic, social or ideological considerations could not be invoked by one State to justify interference in the internal affairs of, or aggression against, another State. Only those means devised by the Security Council which were consistent with Pakistan's independence, sovereignty and territorial integrity and with the principle of non-intervention in the domestic affairs of Member States would command his Government's support and co-operation.

<sup>10</sup> For text of Article 99 of the Charter, see APPENDIX II.

<sup>11</sup> See Y. U. N., 1948-49, pp. 279-83.

The representative of India said that the problem before the Council had a long history and was essentially one between West Pakistan and the people of Bangladesh. Therefore, without the participation of representatives of the people of Bangladesh it was impossible to obtain a proper perspective of the problem.

He read to the Council a passage from a report by the Secretary-General dated 4 December on the situation along the cease-fire line in Jammu and Kashmir, which gave details of military action along the line on 3 December. The Indian representative stated that the whole picture was that of a build-up for military action. It was not India, he said, which was breaking up Pakistan; it was Pakistan which was breaking up itself and in the process creating aggression against India. Ten million people had gone to India as refugees. That was surely a kind of aggression and had subjected India to intolerable social, financial and administrative pressures.

The representative of India said that, after having failed totally to suppress what Pakistan called the Bengali rebellion, Pakistan had made an effort to internationalize the problem, to make it into an Indo-Pakistan dispute in the hope that people would forget what the Pakistan army was doing in East Pakistan. But the refugees were still coming, and India could not take any more; their conditions were already intolerable.

India, he said, wished to give a very serious warning to the Security Council that it would not be a party to any solution arrived at without the participation of the people of East Bengal and which would mean continuation of that people's oppression. The question of a cease-fire was not one between India and Pakistan but between the Pakistan army and the people of Bangladesh.

The United States representative said that a state of open hostilities existed between India and Pakistan and that there was a grave threat to the peace and stability of Asia. The United States had proposed that both sides should withdraw their military forces from the border, and the Secretary-General had offered his good offices towards resolving the grave situation in South Asia, but India had not accepted either proposal. The United Nations should now call upon India and Pakistan to agree to an immediate cease-fire and the immediate withdrawal of forces from foreign territories, so as to create suitable conditions for progress towards a political solution.

The United States representative concluded by introducing a draft resolution.

By this proposed text, the Council, convinced that the hostilities on the India-Pakistan border constituted an immediate threat to international peace and security, would: (1) call for an immedi-

ate cessation of hostilities; (2) call for immediate withdrawal of armed forces to their respective territories; (3) authorize the Secretary-General, at the request of either Government, to place observers along the India-Pakistan borders to report on the implementation of the cease-fire and troop withdrawals; (4) call upon both Governments to exert their best efforts towards creation of a climate conducive to the voluntary return of refugees to East Pakistan; (5) call upon all States to refrain from any action that would endanger the peace in that area; (6) invite the two Governments to respond affirmatively to the Secretary-General's offer of good offices; and (7) request the Secretary-General to report on implementation.

The representatives of Argentina, Belgium, Burundi, France, Italy, Japan, Sierra Leone, Somalia, the Syrian Arab Republic and the United Kingdom all called for an immediate end to the hostilities; most of them added a demand for the withdrawal of armed forces. Some of the speakers expressed views to the following effect: each side should respect the other's territorial integrity; the human suffering must be alleviated; there should be an immediate cease-fire supervised by the United Nations; conditions, including political conditions in East Pakistan, should be created which would permit the early voluntary return of the refugees; and an eventual over-all solution of the problem was necessary.

Belgium, Italy and Japan also submitted a resolution. By this text, the Council, gravely concerned at the hostilities between India and Pakistan which constituted an immediate threat to international peace and security, would: (1) call for an immediate cease-fire; (2) urge the Governments concerned, in accordance with Charter principles, to bring about conditions necessary for speedy and voluntary repatriation of the millions of refugees; (3) call for full co-operation with the Secretary-General in relieving the distress of refugees; (4) request the Secretary-General to keep it informed; and (5) decide to follow the situation closely.

The representative of China said that the Government of India had openly dispatched troops to invade East Pakistan. This had given rise to a large-scale armed conflict and aggravated tension in the India-Pakistan subcontinent and in Asia as a whole. The Council should condemn India's aggression, which had been launched with the support of social imperialism, and should demand that India immediately and unconditionally withdraw all its armed forces from Pakistan.

The representative of the USSR said that the situation in East Pakistan was a result of the actions of the Pakistan military authorities. Because of the application of force and terror against the people of East Pakistan, millions of people had been

compelled to leave their homeland, forsake their property, flee to a neighbouring country—India—and become political refugees. The representative of Pakistan had officially acknowledged that there was a serious domestic crisis in his country and that the crisis had acquired an international character. The Security Council should deal with the root cause of the crisis.

The USSR subsequently introduced a draft resolution by which the Council would: (1) call for a political settlement in East Pakistan that would inevitably result in a cessation of hostilities; and (2) call upon the Government of Pakistan to take measures to cease all acts of violence by Pakistan forces in East Pakistan which had led to deterioration of the situation.

The representative of Poland said that the source of the conflict could not be liquidated and peace restored except through a political settlement in East Pakistan that would take into account the will of the people of East Bengal.

Also placed before the Council at its first meeting on the question was a draft resolution sponsored by Argentina, Burundi, Nicaragua, Sierra Leone and Somalia. By the preamble to this text, the Council among other things would express grave concern at the outbreak of hostilities along the India-Pakistan border, and its conviction that they represented an immediate threat to international peace and security. It would also recognize the need to deal subsequently with the issues that had given rise to the hostilities and the need to take preliminary measures to bring about an immediate cease-fire.

By the operative part of the text, the Council would call upon India and Pakistan to take measures for an immediate cease-fire and withdrawal of their armed forces to their own sides of the border and ask the Secretary-General to keep the Council informed.

At the same meeting, which continued into 5 December, the Council voted on the United States draft resolution. It was not adopted owing to the negative vote of a permanent member of the Council. The text received 11 votes in favour to 2 against (Poland and the USSR), with 2 abstentions (France and the United Kingdom).

Later on 5 December 1971, when the Council next met, the representatives of Tunisia and Saudi Arabia were invited, at their request, to participate in the discussion without the right to vote.

The representative of the USSR again urged that the Council extend an invitation to a representative of Bangladesh to participate in the debate. Argentina, China, India, Italy, Pakistan, Poland and the USSR spoke on the issue. With the consent of the USSR representative, the question was adjourned to a later date for further consultations.

The representative of the USSR also circulated a statement of the Telegraphic Agency of the Soviet Union (TASS) which, he stated, set out the position of the USSR on the situation. The statement warned against the dangerous course followed by Pakistan which had given rise to serious events in direct proximity to the USSR border.

A draft resolution was introduced by China. By the preamble to this draft text, the Security Council would note that India had launched large-scale attacks on Pakistan, thus gravely undermining peace in the Indo-Pakistan subcontinent and strongly condemn the Indian Government's acts of creating a so-called Bangladesh and of subverting, dismembering and committing aggression against Pakistan. By the operative section of the text, the Council would call for withdrawal of Indian and Pakistan armed forces, cessation of hostilities and support for the Pakistan people in their just struggle to resist Indian aggression. The Council would also ask the Secretary-General to report to it on implementation.

Speaking in support of his proposal, the representative of China said that a cease-fire in place, without withdrawals, would constitute an encouragement of aggression.

The representative of Tunisia said that the Security Council should give an order, or at least make an appeal, for an immediate cease-fire. He felt that the voluntary repatriation of refugees was the best and indeed the only solution to the problem, and that a climate of confidence was necessary to that end. The representative of Saudi Arabia proposed a meeting of Asian chiefs of State to seek an acceptable end to the conflict.

An eight-power draft resolution—sponsored by Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Sierra Leone and Somalia—was introduced to replace the earlier three-power text put forward by Belgium, Italy and Japan and the five-power text proposed by Argentina, Burundi, Nicaragua, Sierra Leone and Somalia.

By the preamble to this eight-power draft, the Security Council among other things would: (a) express grave concern that hostilities had broken out between India and Pakistan which constituted an immediate threat to international peace and security; (b) recognize the need to deal appropriately at a subsequent stage, within the framework of the United Nations Charter, with the issues which had given rise to the hostilities; (c) express conviction that an early political solution would be necessary for the restoration of conditions of normalcy and the return of refugees to their homes; (d) recall those provisions of the United Nations Charter and the United Nations Declaration on the Strengthening of International Security of 16 December 1970, which dealt in particular

with the necessity to refrain from the threat or use of force against the territorial integrity and political independence of a State, respect for the sovereignty of States and the right of people to determine their own destinies, and the need to use the methods provided for in the Charter to solve disputes;<sup>12</sup> and (e) recognize the need to take immediate measures to bring about immediate cessation of hostilities and withdrawal of armed forces.

By the operative part of the draft resolution, the Security Council would: (1) call for an immediate cease-fire and withdrawal of armed forces to their own territories; (2) urge intensified efforts to bring about conditions necessary for the voluntary return of the refugees to their homes; (3) call on States to help the Secretary-General aid the refugees; (4) ask the Secretary-General to report on implementation; and (5) decide to follow the situation closely.

Later in the meeting on 5 December, the Council voted on the USSR draft resolution. This received 2 votes in favour, 1 against and 12 abstentions; lacking the required majority, it was therefore not adopted. (See DOCUMENTARY REFERENCES below for voting details.)

The Council then voted on the eight-power draft resolution, which received 11 votes in favour, 2 against and 2 abstentions; it was not adopted because of the negative vote of a permanent member of the Council (the USSR). (See DOCUMENTARY REFERENCES below for voting details.)

The representative of France, deploring the failure of the Council to act, recalled the attempts of the Secretary-General in July 1971 to draw the Council's attention to the situation, and referred to the efforts of the representatives of France and Italy, when they served as Presidents of the Council, to have the matter considered. He explained his abstention on the eight-power resolution on the grounds that it had no chance of adoption, and he urged further consultations in the Council.

The United Kingdom representative, expressing views similar to those of France, supported the suggestion for adjournment to continue consultations.

The representatives of China and the USSR, and the representatives of India and the United States, exchanged differing opinions on the situation and on the positions of their respective Governments.

Later on 5 December 1971, Belgium, Italy, Japan, Nicaragua and Sierra Leone circulated a new draft resolution. Expressing grave concern at the outbreak of hostilities, which constituted an immediate threat to international peace and security, the Council would thereby call as a first step for an immediate cease-fire, request the

Secretary-General to keep the Council informed of the implementation of the resolution and decide to continue to discuss the further measures to be taken to restore peace in the area.

When the Council met again on 6 December, Tunisia appealed for a cease-fire and withdrawal of troops. The representative of Nicaragua said that if the Security Council was paralysed because of the veto, the General Assembly could take action.

The representative of France informed the Council that, in co-operation with the United Kingdom, he had drawn up a text, based on the draft proposed on 4 December by Belgium, Italy, and Japan, calling as a first step for a cease-fire, cessation of all military activity and mutual disengagement. Because of objections by some Council members, this proposal by France and the United Kingdom would not be submitted; thus peace was defeated, the United Nations had again failed, and arms would decide the issue.

The representative of the USSR said that the five-power draft resolution (that submitted by Belgium, Italy, Japan, Nicaragua and Sierra Leone) dealt only with a cease-fire in the military action undertaken by Pakistan against India. But this question was inseparably bound with that of the recognition by Pakistan of the will of the East Pakistan people as expressed by their elected representatives. He submitted amendments to the five-power resolution to this end.

Italy then announced the withdrawal of the five-power resolution, which was no longer up to date and had no chance of being adopted.

The representative of India read a statement made that day (6 December) before Parliament by his Prime Minister, announcing India's recognition of the People's Republic of Bangladesh. He said that India was not in the same category as Pakistan and could not accept any decision or resolution which equated the two nations, failed to take account of the views of the representatives of Bangladesh, and did not go to the root cause of the problem in the subcontinent.

The representative of Pakistan said that the problem in the subcontinent was brought about by India's subversion, support of armed secession, armed intervention and aggression. He stated that military action by his country was in response to armed attacks by India. The question was whether the Council would legitimize that so-called reality, perpetuate occupation and guarantee the fruits of aggression and the illegal use of force.

The representative of China said that India with the support of the USSR had created the

<sup>12</sup> See APPENDIX II, below, text of Article 2, para. 4, of the United Nations Charter; also Y.U.N., 1970, pp. 105-7, resolution 2734(XXV) (especially operative paras. 4-6), containing text of Declaration on the Strengthening of International Security.



Bangladesh Government in order to dismember Pakistan.

The representative of Somalia said that the principle of withdrawal of enemy troops from the territory of another country could not be subject to negotiation. It was not for any other State to impose a political solution on East Pakistan by military means. The time had come to transfer the question to the General Assembly, as provided for in the Assembly's "Uniting for Peace" resolution (377 A(V)) of 3 November 1950.<sup>13</sup> He introduced a draft resolution, also sponsored by Argentina, Burundi, Japan, Nicaragua and Sierra Leone, by which the Council, taking into account that the lack of unanimity of its permanent members had prevented it from exercising its primary responsibility for the maintenance of international peace and security, would decide to refer the question before it to the twenty-sixth session of the General Assembly (then meeting) as provided for by the Assembly's resolution of 3 November 1950.

Also on 6 December 1971, the representative of the USSR introduced a draft resolution. By this, the Council, expressing grave concern at the hostilities between India and Pakistan which constituted an immediate threat to international peace and security, would: (1) call for an immediate cease-fire and (2) simultaneously call for effective action by Pakistan towards a political settlement in East Pakistan giving immediate recognition to the will of the population of East Pakistan as expressed in the elections of December 1970; (3) declare that the first two operative provisions constituted a single whole; (4) ask the Secretary-General to report on implementation; and (5) decide to continue to discuss measures needed to restore peace in the area.

The USSR representative disputed suggestions that the USSR controlled the actions of India and criticized the proposal to refer the matter to the General Assembly.

The representative of the United States deplored the fact that the veto of a permanent member had rendered the Council unable to act in the face of a clear and present danger to the peace of the world.

The representative of Poland said that the USSR proposal would deal with the root of the evil.

The representative of Pakistan said that if the secessionist elements in East Pakistan were prepared to repudiate secession, there might still be a way out of the difficulty.

The representative of India said that his country had faced aggression from a neighbour four times, and was threatened again. It faced mortal danger through the annihilation of 75 million people at its doorstep. This could not fail to overwhelm India and India could not tolerate it.

France and the United Kingdom said that they

were unable to support the proposal for referring the question to the General Assembly because they had doubts that this procedure would promote a solution.

After the President announced his understanding that the Chinese and USSR draft resolutions were not to be pressed to a vote, the Council voted on the six-power text proposed by Argentina, Burundi, Japan, Nicaragua, Sierra Leone and Somalia, adopting it as resolution 303(1971). The vote was 11 in favour to 0 opposed, with 4 abstentions. The Council thereby decided to refer the question before it to the General Assembly at its current session.

(For text of resolution and voting details, see **DOCUMENTARY REFERENCES below.**)

### **Consideration by General Assembly**

The General Assembly took up the question referred to it by the Security Council at two plenary meetings held on 7 December 1971.

Before the Assembly was a draft resolution sponsored eventually by the following 34 Members: Algeria, Argentina, Brazil, Burundi, Cameroon, Chad, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Haiti, Honduras, Indonesia, Italy, the Ivory Coast, Japan, Jordan, Liberia, the Libyan Arab Republic, Morocco, the Netherlands, Nicaragua, Panama, Paraguay, Sierra Leone, Somalia, Spain, Sudan, Tunisia, Uruguay, Yemen, Zaire and Zambia.

Introducing this proposal, Argentina called for continued efforts by the General Assembly or the Security Council to work out a political solution for the problem confronting India and Pakistan.

The 34-power text, as revised during the debate, was adopted by the Assembly on 7 December 1971 by a vote of 104 to 11, with 10 abstentions, as resolution 2793(XXVI).

By the preamble to this resolution, the Assembly expressed grave concern that hostilities had broken out between India and Pakistan, which constituted an immediate threat to international peace and security. It recognized the need to deal appropriately at a subsequent stage, within the framework of the United Nations Charter, with the issues which had given rise to the hostilities, and expressed conviction that an early political solution would be necessary for the restoration of conditions of normalcy in the area of conflict and for the return of the refugees to their homes. The Assembly also recalled provisions of the Charter, particularly those of Article 2, paragraph 4 (calling on Members to refrain from the threat or use of force against the territorial integrity or political independence of any State), and certain specific

<sup>13</sup> See Y.U.N., 1950, pp. 193-95, text of resolution 377 A(V).

provisions of the 1970 Declaration on the Strengthening of International Security.<sup>14</sup> The Assembly recognized the need to take immediate measures for a cessation of hostilities and withdrawal of armed forces to their own territories and, finally, recalled its Charter responsibilities and the provisions of its "Uniting for Peace" resolution of 3 November 1950.<sup>15</sup>

By the operative part of the resolution which it adopted on 7 December 1971, the Assembly called upon India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of armed forces to their own territories. It urged intensified efforts to bring about, speedily and in accordance with Charter purposes and principles, conditions necessary for the voluntary return of the East Pakistan refugees to their homes.

In addition, the Assembly called for the full co-operation of all States with the Secretary-General in aiding the refugees and urged that every effort be made to safeguard the lives and well-being of the civilian population in the area of conflict. It asked the Secretary-General to keep it and the Security Council informed on implementation, and decided to follow the question closely and to meet again should the situation so demand. Finally, it called upon the Security Council to take appropriate action in the light of this resolution.

(For full text of resolution, see DOCUMENTARY REFERENCES below.)

A second draft resolution, put forward by the USSR, was not put to the vote. By this text, the Assembly, gravely concerned that hostilities had broken out between India and Pakistan which constituted an immediate threat to international peace and security, would: (1) call on all parties concerned forthwith, as a first step, for an immediate cease-fire; and (2) call upon Pakistan simultaneously to take effective action towards a political settlement in East Pakistan, giving immediate recognition to the will of the East Pakistan population as expressed in the elections of December 1970. The Assembly would, in addition, declare that the provisions set forth under (1) and (2) above constituted a single whole. It would request the Secretary-General to keep the Security Council and General Assembly informed on implementation and call upon the Security Council to take appropriate measures in the light of this resolution.

During the debate, the Secretary-General said that since March 1971 he had taken a number of humanitarian initiatives in an attempt to mitigate the consequences of the situation in East Pakistan. He appealed to all the parties to the conflict to take every possible measure to spare the lives of the innocent civilian population, to observe the terms of the four Geneva Conventions of 12 August

1949 (relative to the treatment of prisoners of war; the wounded and sick in armed forces in the field; the wounded, sick and shipwrecked forces at sea; and the protection of civilian persons in time of war) and to do their utmost to ensure that the current developments did not give rise to yet another senseless sacrifice of human lives on a vast scale. He had instructed his representative in Dacca to examine urgently, in full co-operation with the International Red Cross, what practical measures could be taken to that end.

The representative of India said that his country had made repeated attempts over many months to inform international opinion of the developing dangers of the situation. As early as 30 March 1971, he had circulated a note stating that the events in East Pakistan had caused human suffering on such a large scale as to cease to be a matter of domestic concern to Pakistan, and urging the international community to take suitable action. India could not ignore what was happening just across the border and the effect on its national integrity, amounting to civil aggression against India. When Pakistan found it could not impose its military solution in Bangladesh, it had sought to create a confrontation with India and launched armed attacks against India. Bangladesh was a reality and could no longer be considered a part of Pakistan. India had recognized the People's Republic of Bangladesh. Any withdrawal of troops had to include the withdrawal of Pakistan occupation troops from Bangladesh. Any cessation of hostilities had to be simultaneous with the release of the leader of Bangladesh, Sheikh Mujibur Rahman.

The representative of Pakistan said that the issue involved all States that wanted freedom from the fear of aggression. Today it was Pakistan that was fighting armed aggression; tomorrow it might be any other State. The three causes of the current situation were India's invasion of Pakistan territory, India's armed interference in Pakistan's internal affairs and India's publicly avowed goal of breaking up Pakistan. Pakistan had initiated or accepted every proposal to settle the situation and avoid hostilities. The fact was beyond challenge that India had caused and aggravated Pakistan's internal crisis and then used that crisis as a pretext for aggression against Pakistan. Aggression should be condemned. The USSR draft resolution would have Pakistan sign away its national integrity, he said.

In the view of the United States representative, the Assembly's task was to bring the influence of the United Nations to bear in order to restore conditions of peace essential for a political

<sup>14</sup> See footnote 12.

<sup>15</sup> See footnote 13.

settlement. He urged prompt action by the Assembly to save lives and restore peace.

The representative of China maintained that India was committing aggression and that the USSR was behind the aggression. The United Nations should not repeat the mistakes of the League of Nations but should act to condemn India's aggression, support Pakistan, and call for an immediate cease-fire and withdrawal as well as military disengagement and peaceful settlement of the disputes between India and Pakistan.

The USSR representative contended that Pakistan had launched an attack on India in order to solve its domestic problem. A cease-fire between India and Pakistan would only give Pakistan the right to continue its terror campaign against the East Pakistan population. The Assembly should face realities and deal with the root causes of the problem. He also criticized the Chinese representative's attacks on the USSR, and denied that the USSR posed a threat to China.

The representatives of the United Kingdom and France felt that the passage of neither draft resolution would contribute to a settlement and that consultations should be pursued in the Security Council.

The representative of Chile hoped that the principles of the various drafts could be combined so as to make possible a consensus.

Most Members participating in the Assembly's debate spoke in favour of an immediate cease-fire and withdrawal of the troops of both India and Pakistan to their own territories; most of them regretted the failure of the Security Council to fulfil its responsibilities and argued that one country's internal difficulties should not be used as a pretext for intervention from outside.

A number of Members argued that a peaceful resolution of the conflict depended on a political settlement in East Pakistan based on the will of the people of that area as expressed by their representatives.

Others considered that while a political settlement in East Pakistan was necessary in order to create conditions that would make possible the voluntary repatriation of the refugees, the United Nations immediate response must still be to bring the fighting to an end. The point was made by some Members that the fighting must end not only between India and Pakistan but also between West Pakistan troops and East Bengalis. There was disagreement, however, as to the order in which these events should take place. Some felt that West Pakistan troops should withdraw from the province; others maintained that the integrity of Pakistan should be upheld.

In addition, some Members spoke in favour of a United Nations observer mission to be installed on both sides of the East Pakistan frontier.

### Reports and communications

On 7 December 1971, the Secretary-General reported to the General Assembly and the Security Council on his efforts to evacuate 46 staff members of the United Nations East Pakistan Relief Operation (UNEPRO) and some 240 other international personnel from Dacca. Non-essential United Nations personnel had been evacuated earlier, some of them to Singapore where a staging area for the operation was set up. Since Dacca could only be reached by air, one aircraft was made available by the Canadian Government, another was chartered commercially, and with the co-operation of the Indian and Pakistan authorities temporary cease-fires were arranged around and on the approaches to the Dacca airport. However, attempts to reach Dacca on 6 and 7 December were unsuccessful owing to difficulties relating to the timing and observance of the cease-fires.

A later report by the Secretary-General, circulated on 21 December 1971, indicated that after a third unsuccessful attempt on 11 December, an evacuation was carried out on 12 December by British aircraft under arrangements made by the United Kingdom Government in co-operation with the United Nations. Among 437 personnel evacuated there were 10 United Nations officials, but in response to the decision of the Secretary-General to maintain a United Nations presence in Dacca for humanitarian purposes, a group of 37 officials headed by Paul-Marc Henry volunteered to remain. Together with representatives of the International Red Cross, this group assisted in taking practical measures, including the establishment of safe havens for evacuee groups, to help ensure observance of the Geneva Conventions of 1949 and to avoid the loss of lives, as indicated by the Secretary-General at the meeting of the General Assembly on 7 December. With the co-operation of the Indian and Pakistan authorities, four neutral zones were eventually established in Dacca under United Nations and Red Cross protection.

Between 7 and 18 December 1971, the Secretary-General issued another series of reports to the General Assembly and the Security Council on the situation along the cease-fire line in Jammu and Kashmir, based on information supplied by the United Nations Military Observer Group in India and Pakistan (UNMOGIP). The reports gave an account of hostilities in the several sectors, with incursions across the cease-fire line in various places by both sides. The Chief Military Observer noted, however, that his reports did not cover all military activities in the UNMOGIP area of responsibility, since military observers as a rule had had to limit their observations to the immediate areas of their stations. At 1930 hours on 17 December, he said, a cease-fire announced by the two Govern-

ments involved had gone into effect in the area.

Meanwhile, the Secretary-General had communicated the text of the General Assembly's resolution (2793(XXVI)) of 7 December 1971 to the Governments of India and Pakistan immediately after its adoption.

The representative of Pakistan responded by a letter dated 9 December informing the Secretary-General that his Government had decided to accept the call for an immediate cease-fire and withdrawal of troops contained in the resolution, and expressing the hope that United Nations observers would be stationed on both sides of the border to supervise the cease-fire and withdrawals.

On 12 December, the representative of the United States wrote to the President of the Security Council that despite the resolution of the General Assembly, the war on the subcontinent continued to rage unabated. One of the parties, Pakistan, had accepted the resolution. The other party, India, had not yet done so. He therefore requested the immediate convening of a meeting of the Council to end this threat to world peace.

On the same day, the representative of India responded to the General Assembly's resolution, stating in a letter to the Secretary-General that there could be a cease-fire and withdrawal of Indian forces if the rulers of West Pakistan withdrew their forces from Bangladesh and reached a peaceful settlement with those who now owed allegiance to the duly constituted Government of Bangladesh. India felt aggrieved that in calling for a cease-fire the United Nations made no distinction between the aggressor and its victims; it was Pakistan that had launched the aggression against India.

#### **Further consideration by Security Council (12-21 December 1971)**

Following the request of the United States, the Security Council, between 12 and 21 December 1971, held a second series of meetings on the situation in the subcontinent. Representatives expressed substantially the same positions as during the earlier meetings, and a number of draft resolutions were introduced, as described below.

At the meeting of 12 December, the representative of the United States recalled his Government's efforts to move matters to the conference table rather than the battlefield, including submitting a proposal to the Prime Minister of India during her visit to Washington in November that Pakistan was willing to make an initial unilateral withdrawal of troops, provided it was assured of subsequent reciprocal steps by India. The Indian Government had also been informed that the Pakistan Government was prepared to meet with appropriate representatives designated by Sheikh Mujibur Rahman.

India, the United States representative continued, had responded by publicly calling on Pakistan to pull its forces out of its own territory of East Pakistan. With the support of USSR vetoes, India had prevented the Security Council from acting. The Council had the responsibility to demand immediate compliance by India with the Assembly's resolution. It should also insist that India give a clear and unequivocal assurance that it did not intend to annex Pakistan territory or change the status quo in Kashmir contrary to United Nations resolutions. The United States representative submitted a draft resolution intended to give effect to these views.

By the preamble to the United States text as later revised, the Security Council, among other things would: (a) note that Pakistan had accepted a cease-fire and withdrawal of forces as set forth by the General Assembly in its resolution of 7 December 1971 and regret that India had not yet done so; (b) express grave concern at the continued hostilities, which constituted an immediate threat to international peace and security; (c) recognize the need to deal appropriately at a subsequent stage with the issues which had given rise to the hostilities; (d) express conviction that an early political solution would be necessary for the restoration of conditions of normalcy and the return of refugees to their homes; (e) keep in mind provisions of the Charter and of the Declaration on the Strengthening of International Security dealing with, among other things, the obligation of States to refrain from the threat or use of force against the territorial integrity or political independence of any State; (f) recognize the need for immediate action to end hostilities and effect withdrawal of forces; and (g) keep in mind the Security Council's responsibilities under the Charter.

By the operative paragraphs of the United States text, the Council would: (1) call upon India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of armed forces to their own side of the borders; (2) urge intensified efforts to bring about—in accordance with Charter purposes and principles—conditions necessary for the voluntary return of the East Pakistan refugees to their homes; (3) call on States to co-operate in aiding the refugees; (4) call on all parties concerned to safeguard the lives and well-being of the civilian population in the area; (5) request the Secretary-General to keep the Council informed; and (6) decide to remain seized of the matter and meet again as circumstances warranted.

The Foreign Minister of India said that the solution of the problem suggested by the General Assembly was unrealistic and took no account of the immediate problems confronting the people of

India and of Bangladesh. It was after Pakistan's massive attacks and military provocations against India that the latter had decided to move into Bangladesh and to repel Pakistan aggression in the west. India's recognition of Bangladesh was necessary to provide a proper basis for the presence of Indian armed forces in order to assist the Bangladesh freedom fighters, and to make clear that the entry of those forces into Bangladesh was not motivated by any intention of territorial aggrandizement, either in Bangladesh or in West Pakistan. Pakistan had sought to make the United Nations a party to the repression of the people of Bangladesh. India would co-operate with the United Nations in any realistic effort to deal with the root cause of the problem, and would be willing to discuss a cease-fire or withdrawals which would ensure the freedoms of the people of Bangladesh, but India would not be deflected from the vital task of ensuring its own territorial integrity and security. Any solution, moreover, must take account of the views of the Government of Bangladesh.

The Deputy Prime Minister and Foreign Minister of Pakistan said that while his Government admitted that it had made serious mistakes, it was now fighting for a cause that affected all States, namely, that every State had a right to remain independent, sovereign and free and not to be dismembered by force by a more powerful country. If Pakistan were dismembered, the germs of dismemberment would spread. There should be friendship and coexistence with India, but if a secessionist Bangladesh were imposed on Pakistan by force, there would be a Bangladesh everywhere soon in Africa, Asia and Europe. The real trouble on the subcontinent, he maintained, had begun when the India-USSR treaty was concluded for offensive purposes on 9 August 1971. Pakistan thus had had to face India supported by the power, resources and technology of the USSR. But Pakistan would not abandon its friendship with China. It would fight to retain East Bengal.

When the Council met on 13 December, the USSR again suggested that the representative of Bangladesh be heard by the Council. Following a discussion, the President ruled without challenge that he could not admit the participation in the debate of the representative of a State which had, in his mind, not yet satisfied the necessary criteria of existence and recognition. The USSR did not press for a vote on inviting the same person to participate as an individual.

Speaking to the United States proposal, the USSR said it still avoided the issue of a political settlement in East Pakistan. He criticized China for seeking to exacerbate the political crisis in that area for Chinese chauvinist ends.

The representative of Poland said that the

conflict was basically within East Pakistan and therefore must be resolved in conformity with the wishes of the population of East Pakistan.

The Foreign Minister of India said that his country had no claims to the territory of West Pakistan or of Bangladesh and would consider the proposals for a cease-fire and withdrawals in the wake of a political settlement in the East acceptable to the elected representatives of Bangladesh. As for Kashmir, that area was under massive attack by Pakistan armed forces across the cease-fire line.

On 13 December 1971, the Security Council voted on the revised United States text. It received 11 votes in favour, 2 against (Poland and the USSR), and 2 abstentions (France and the United Kingdom), but was not adopted owing to the negative vote of a permanent member of the Council.

The representative of the United States said that the statement by the Indian Foreign Minister provided no clear-cut answers on whether India intended to destroy the Pakistan army in the West or take part of Pakistan-controlled Kashmir.

The Deputy Prime Minister and Foreign Minister of Pakistan said that his country would spare no effort in achieving a peaceful settlement of its internal problems consistent with the will of its people and its territorial integrity, provided it was free from foreign pressure.

Later on 13 December 1971, a draft resolution sponsored by Italy and Japan was put before the Council.

By the preamble to this text, the Council, keeping in mind the Security Council's responsibilities under the Charter, would, among other things: (a) note the Assembly's resolution of 7 December 1971, note with appreciation Pakistan's reply and note further India's reply; (b) express grave concern that hostilities continued, which constituted an immediate threat to international peace and security; (c) recognize the need to deal with the issues which had given rise to the hostilities and that a lasting solution must be based on a political settlement in Pakistan which respected the rights and interests of its people; (d) recall certain provisions of the Declaration on the Strengthening of International Security; and (e) recognize the need to take immediate measures to end hostilities and secure withdrawal of armed forces.

By the operative provisions of the two-power proposal, the Security Council would: (1) call on Member States to refrain from any action or threat of action likely to worsen the situation in the Indo-Pakistan subcontinent or to endanger international peace; (2) call on all parties concerned to take forthwith, as a first step, all measures for an immediate cease-fire and cessation of all hostilities; (3) urge India and Pakistan to disengage and

withdraw so as to end the confrontation and return to normalcy; (4) call for immediate steps for a comprehensive political settlement; (5) call on States to co-operate with the Secretary-General in aiding the East Pakistan refugees; (6) call on all parties concerned to safeguard the lives and well-being of the civilian population in the area and to ensure full observance of all the Geneva Conventions of 1949; (7) decide to appoint, with the consent of India and Pakistan, a committee composed of three Security Council members to assist them in bringing about normalcy in the area of conflict; (8) ask the Secretary-General to keep the Council informed; and (9) decide to remain seized of the matter.

On 15 December 1971, the President appealed to the Security Council members to reach a positive decision as soon as possible because the situation in the subcontinent was deteriorating and innocent lives were being lost.

The Deputy Prime Minister and Foreign Minister of Pakistan declared that the Security Council had failed shamefully: it had procrastinated, it had failed to end aggression and it had denied justice to Pakistan. He said he was leaving the Council because he would not be a party to legalizing aggression and military occupation.

The representative of Tunisia, who had been invited to participate in the debate without the right to vote, said that the population of East Pakistan should exercise its democratic rights within the framework of Pakistan.

At a meeting held on the night of 15 December 1971, the representative of China said that the three USSR vetoes were cast with the aim of marking time so as to shield India in its occupation of East Pakistan. The object was to strengthen the USSR position in its confrontation with another super-power in the Middle East.

The representative of Ceylon, who participated in the discussion without the right to vote, urged a cease-fire, negotiations between the Government of Pakistan and the leaders of East Pakistan, and subsequent withdrawal of forces; if the result were a withdrawal of Pakistan from East Pakistan, this should be done with honour and dignity.

The representative of the USSR said that power in East Pakistan must be transferred to the elected representatives of the people of that land. He rebutted the criticism of the USSR position voiced by the representative of China.

A draft resolution was put before the Council by Poland. By this, as subsequently revised, the Council, gravely concerned over the military conflict on the Indian subcontinent which constituted an immediate threat to international peace and security and having heard the Indian Foreign Minister and Pakistan's Deputy Prime Minister, would set forth a schedule for: transfer of

authority over East Pakistan to those elected in December 1970; a cease-fire; withdrawal of Pakistan troops as well as West Pakistan civilian personnel, followed by Indian withdrawal from East Pakistan; a voluntary return to their homes, under United Nations supervision, of people from East Pakistan to the West and vice versa; and negotiations between India and Pakistan.

The representative of Pakistan deplored the suggestion of Ceylon that East Pakistan should be allowed to secede. He also asserted that the Polish draft resolution would have Pakistan withdraw from East Pakistan, where a transfer of power would then be effected under Indian occupation.

Poland's spokesman responded that under his proposal power in East Pakistan would be transferred to representatives who had been elected in 1970 without duress. The Polish draft resolution provided for the withdrawal of Indian troops as well.

The representative of Argentina pointed out that the General Assembly, by the terms of its resolution of 7 December 1971, might resume its consideration of the question. He felt the provision to this effect would be relevant if the Council did not reach a decision and that the Assembly debate would fix responsibility.

The Syrian Arab Republic then proposed a draft resolution by which the Council, expressing grave concern at the situation in the India-Pakistan subcontinent which was an immediate threat to peace, and noting the General Assembly resolution of 7 December, would: (1) urge Pakistan to release all political prisoners so that the elected representatives of East Pakistan could resume their mandate; (2) decide on an immediate cease-fire and withdrawal of forces to their own sides of the border and of the cease-fire line in Jammu and Kashmir; and (3) request the Secretary-General to appoint a special representative to supervise the above operations and assist in a settlement between the Government of Pakistan and the elected representatives of East Pakistan and in establishing the conditions for a voluntary return of refugees and the normalizing of relations between India and Pakistan.

Also presented to the Council was a draft resolution sponsored by France and the United Kingdom.

By the preamble to this text, the Security Council would: (a) express grave concern at the situation in South Asia, which constituted a threat to international peace and security; (b) keep in mind its responsibilities under the United Nations Charter; (c) recognize the urgent need to deal effectively with the basic causes of the current conflict and that any lasting solution must include a political settlement that respected the fundamental rights and interests of the people; (d) indicate

deep distress at the enormity of human suffering that had occurred and resulted in the wholesale displacement of millions of people from East Pakistan; and (e) express grave concern that measures should be taken to preserve human life and observe the 1949 Geneva Conventions.

By the operative part of the text put forward by France and the United Kingdom, the Security Council would: (1) call for an immediate cease-fire to remain in effect until disengagement leading to withdrawal of forces had taken effect; (2) call for the conclusion of a comprehensive political settlement in accordance with the wishes of the people concerned as declared through their elected and acknowledged representatives; (3) call on Member States to refrain from action which might aggravate the situation; (4) call on all concerned to protect human life and to observe the 1949 Geneva Conventions as regards protection of the wounded and sick, prisoners of war and the civilian population; (5) call for full international assistance in relief of the suffering of the refugees and in their return home; (6) invite the Secretary-General to appoint a special representative to lend his good offices, in particular for the solution of humanitarian problems; (7) ask the Secretary-General to report to the Council on implementation.

Next, the USSR introduced a draft resolution. By this, the Council, gravely concerned by the conflict in the Indo-Pakistan subcontinent which was an immediate threat to international peace and security, would: (1) call for an immediate cease-fire; (2) call for the simultaneous conclusion of a political settlement in accordance with the wishes of the people of East Pakistan, as declared through their already elected representatives; (3) call on all concerned to take all measures necessary to preserve human life and to observe the 1949 Geneva Conventions; (4) request the Secretary-General to report on implementation; and (5) decide to continue to discuss the further measures to be taken to restore peace in the whole area.

Italy announced the Italian-Japanese draft resolution would not be pressed to a vote.

On 16 December, the representative of China circulated a statement by his Government charging that India was seeking to destroy Pakistan so as to become a sub-super-power that would assist the USSR in committing aggression against Asia.

When the Council met on that day, the representative of India read the text of a statement by his Prime Minister to the effect that, as the Pakistan armed forces had surrendered in Bangladesh and Bangladesh was free, it was pointless to continue the conflict. India, which had no territorial ambitions, had ordered its armed forces to cease fire on the western front at 2000 hours (India Standard Time) on 17 December.

The representative of Saudi Arabia said that owing to the policies of the great powers which paid no heed to the cause of peace and justice, the United Nations had been reduced to a shadow and consultations in the Council to a farce. Secession brought about by intervention from outside was not self-determination. He suggested negotiations in another Asian country between India and Pakistan, as well as talks between East and West Pakistan.

The representative of Somalia asked what proposals India had in mind for withdrawing its armed forces from East and West Pakistan.

The Foreign Minister of India said that his Government's answer to this question was on record, but that its proposal for a cease-fire should have priority now.

At a second meeting on 16 December 1971, the USSR said that, in the light of India's decision to cease fire on both the eastern and western fronts, the draft resolutions submitted earlier had lost their point. It therefore withdrew its own text submitted on 15 December, and introduced a new USSR draft resolution.

By the new text, the Council, for the purpose of restoration of peace on the Indostan subcontinent, would: (1) welcome the cessation of hostilities in East Pakistan and express the hope that the cease-fire would be observed by both sides which would guarantee transfer of power there to the elected representatives of the people and appropriate settlement of problems related to the conflict; (2) call for an immediate cease-fire in the West; and (3) call on Member States to refrain from any action which would impede normalization of the situation in the Indostan subcontinent.

The representative of the United States also introduced a new draft resolution, co-sponsored by Japan. By this text as subsequently revised, the Council, gravely concerned with the situation in the India-Pakistan subcontinent which constituted an immediate threat to peace and security, and noting the General Assembly's resolution of 7 December 1971 and the statement of the Indian Foreign Minister that India had no territorial ambitions, would: (1) demand strict observance of the cease-fire followed by disengagement and leading to prompt withdrawal of armed forces from all occupied territories; (2) call on Member States to refrain from aggravating the situation; (3) call on all concerned to take all measures necessary to preserve human life and to observe the 1949 Geneva Conventions; (4) call for international aid to relieve suffering and help refugees return to their homes; (5) invite the Secretary-General to appoint a special representative to lend his good offices in solving humanitarian problems; (6) ask the Secretary-General to keep the Council informed on implementation; and (7) decide to

discuss further measures to restore peace to the area.

The Council met again on 21 December 1971. The President announced that agreement had been reached on a compromise resolution sponsored by the following six members: Argentina, Burundi, Japan, Nicaragua, Sierra Leone and Somalia.

The six-power resolution was adopted by the Council by 13 votes to 0, with 2 abstentions (Poland and the USSR), as resolution 307(1971).

By the preamble to the resolution, the Council, having discussed the grave situation in the subcontinent, which remained a threat to international peace and security, noted the General Assembly's resolution of 7 December 1971, the replies and statements relating to the cease-fire by India and Pakistan and the fact that a cease-fire prevailed. It then, by the operative part of the resolution: (1) demanded that a cessation of all hostilities in all areas of conflict remain in effect until withdrawals took place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respected the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan (UNMOGIP); (2) called upon all Member States to refrain from any action which might aggravate the situation; (3) called upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949; (4) called for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes; (5) authorized the Secretary-General to appoint, if necessary, a special representative to lend his good offices for the solution of humanitarian problems; (6) requested the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the resolution; (7) decided to remain actively seized of the matter.

Prior to the vote, the President of the Council, referring to the provision of the text calling for observance of the the 1949 Geneva Conventions, mentioned rumours of the danger of retaliatory action in Dacca.

Following the vote, Somalia made a statement on behalf of the sponsors of the six-power text in explanation of certain aspects of the resolution, emphasizing in particular that India and Pakistan had subscribed to it in general. It was understood that in the eastern theatre, foreign troops were to be withdrawn as soon as practicable, while in the western theatre there was to be disengagement leading without delay to withdrawals. India's disclaimer of territorial ambitions was noted by the sponsors, who further considered that in implementing the resolution, the parties might make

any mutually acceptable arrangement or adjustment.

In explanation of his vote, the representative of the Syrian Arab Republic, while supporting the resolution, voiced serious reservations over the fact that it deferred withdrawals to the uncertain future. He appealed to the parties to stop individual or collective reprisals.

The representative of China said that, although he had voted in favour of the draft, he was highly dissatisfied with it because it did not condemn the open aggression against and dismemberment of a sovereign State by the Indian expansionists with the support of the USSR Government.

The USSR and Poland said that the resolution contained provisions with which they could not agree, notably the reference to the General Assembly's resolution (2793(XXVI)) of 7 December 1971. Consequently, they had abstained in the voting although they noted the merits of certain provisions of the resolution just adopted, especially the ones dealing with the cease-fire, withdrawals and humanitarian measures.

The representative of the USSR also drew attention to a statement of 18 December issued by his Ministry of Foreign Affairs, welcoming the cessation of hostilities which created the conditions for a normal transfer of power to the elected representatives of the people of East Pakistan.

The representative of Pakistan said that the Council had failed signally in dealing with the situation in accordance with the principles of the United Nations Charter. Pakistan had been subjected to open and unconcealed aggression and the Council had failed to prevent or stop the blatant breach of the peace. An untold number of lives had been lost and the Council had done nothing to save them. The resolution as adopted was weak. This would cause reappraisal of the Council's relevance to issues of war and peace.

The Pakistan representative defined his Government's understanding that Indian troops were to withdraw from East and West Pakistan territory alike. The United Nations, he said, could not violate the territorial integrity of a Member State. Consequently it was precluded from according even implicit recognition to the result of any attempt to dismember Pakistan. Also, the cease-fire line in Jammu and Kashmir remained as established by the Karachi Agreement of 1949.<sup>16</sup> He said that acts of genocide were being carried out in East Pakistan since the fall of Dacca on 13 December. Lastly, the resolution did not embody any amicable settlement of the conflict between the two parties.

The Foreign Minister of India questioned the relevance of the reference in the adopted resolu-

<sup>16</sup> See footnote 11.



tion to the General Assembly's resolution of 7 December 1971 and regretted that the Council's resolution ignored the existence of Bangladesh and of the Bangladesh Government. The Indian armed forces would withdraw from Bangladesh as soon as practicable, but their presence there was necessary for such purposes as the protection of Pakistan troops who had surrendered and for prevention of reprisals and the like. Pakistan no longer had the right to keep any troops in Bangladesh, and any attempt by Pakistan to enter Bangladesh by force would create a threat to peace and security and could endanger stability again. As for the western theatre, the international frontier between India and Pakistan was well defined, but during the hostilities certain areas of India and Pakistan had come under the control of the opposing forces. India accepted the principle of withdrawals and wished to negotiate and settle the matter with Pakistan as early as possible. The State of Jammu and Kashmir was an integral part of India. However, in order to avoid bloodshed, India had respected the cease-fire line supervised by UNMOGIP. There was a need to make some adjustments in the cease-fire line, a subject that India would discuss and settle with Pakistan. India had no territorial ambitions and would like a similar declaration from Pakistan.

The representative of Pakistan rejected the contention of the Foreign Minister of India that Pakistan had no right to keep troops in so-called Bangladesh. East Pakistan was an integral part of the territory of Pakistan, and the juridical status and the inalienable rights of the people of Pakistan could not be altered in any manner by an act of aggression and military occupation. The withdrawal of occupying armed forces could not be conditional upon negotiations. It was only after withdrawal that negotiations could really take place. As for the statement of the Indian representative regarding territorial ambitions, Pakistan had no territorial claims on Indian territory but did not consider Jammu and Kashmir to be part of India; it was disputed territory whose future would be settled by agreement under the aegis of the Security Council.

#### **Reports and communications to Security Council (December 1971)**

On 21 December, shortly after the adoption of Security Council resolution 307(1971), the Secretary-General issued a report on the implementation of that resolution and of General Assembly resolution 2790(XXVI) of 6 December 1971 dealing with aid to East Pakistan refugees. Referring to efforts to reactivate the relief operation in the area, he stated that United Nations personnel in Dacca would be strengthened and as soon as possible would reassess the requirements

for international assistance in the light of the changed situation. Significant amounts of supplies which had been diverted to nearby staging areas when the hostilities broke out made possible a prompt response to the needs of the distressed population. United Nations Children's Fund and World Food Programme shipments were en route. It was anticipated that the United Nations High Commissioner for Refugees in his capacity as focal point (for co-ordination of United Nations assistance to East Pakistan refugees), as well as the United Nations Relief Operation in Dacca (UNROD), would henceforward assign high priority in their work to the repatriation from India and the resettlement of refugees.

The Secretary-General reported United Nations losses sustained during the hostilities, including the death of two captains and the wounding of four other crew members of vessels transporting humanitarian supplies under United Nations auspices. The Secretary-General also indicated that he was giving serious consideration to the provision in the Security Council's resolution of 21 December concerning the appointment of a special representative to lend his good offices for the solution of humanitarian problems.

In a report of 22 December, the Secretary-General, on the basis of information from UNMOGIP, reported on the observance in Jammu and Kashmir of the cease-fire as called for by the resolution. The situation along the cease-fire line in Jammu and Kashmir was generally quiet. The Secretary-General said he was in no position to report on the observance of the cease-fire in other areas of the subcontinent, since the United Nations had no military observation machinery outside Jammu and Kashmir. The Chief Military Observer was endeavouring to return the functioning of UNMOGIP to normal.

Addenda to the report were issued on 29 December 1971 and 4 January 1972; the latter indicated that the cease-fire in Jammu and Kashmir appeared relatively stable.

On 21 December 1971, the representative of Pakistan circulated an appeal from President Zulfikar Ali Bhutto to the heads of State of the members of the Security Council, drawing attention to reports of mass murders and other atrocities in areas of Pakistan under Indian military occupation. The appeal suggested an immediate approach to India to stop the violence and comply with humanitarian principles.

The representative of China on 24 and again on 28 December, in letters to the President of the Security Council, similarly referred to persecution and massacres of the Pakistan people being carried out by Indian troops and East Pakistan rebels under their command. He asked the President of the Security Council to request the Secretary-Gen-

eral to issue an immediate report on the implementation of the relevant portions of the Council's resolution of 21 December 1971.

On 25 December 1971, the Secretary-General reported that, in accordance with the terms of the Security Council's resolution of 21 December and in the light of developments in the subcontinent, he had appointed Vittorio Winspeare Guicciardi as his special representative for humanitarian good offices and had asked him to proceed to the subcontinent immediately.

On 27 December, the Foreign Secretary of Pakistan replied to a letter of 22 December of the Secretary-General conveying the text of the Security Council resolution of 21 December. He noted the Security Council's demand for a cessation of hostilities and stated that only the cessation of aggression by India in East Pakistan and in all other areas of conflict could restore peace in the subcontinent.

Complaints of cease-fire violations by Indian and Pakistan armed forces in Jammu and Kashmir and along the international border to the south

were received by the Secretary-General from the Pakistan and Indian representatives on 23 and 30 December, respectively.

In a letter of 30 December 1971, the representative of Pakistan stated that his Government on 27 December had initiated discussions with Sheikh Mujibur Rahman.

On 31 December 1971, Pakistan conveyed to the Secretary-General its concern over reports of official Indian statements that trials of high government and civilian officials of the East Pakistan Government, as well as of certain prisoners of war, were contemplated by the "Bangladesh authorities." Such action would constitute a flagrant violation of the Geneva Conventions of 1949 and of the Security Council's resolution of 21 December, Pakistan declared. India was the sole "detaining power" with respect to the prisoners of war, and was also the "occupying power" with respect to civilians. Pakistan requested the intervention of the Secretary-General in this matter, as well as action through his special representative.

#### DOCUMENTARY REFERENCES

Communications concerning  
India-Pakistan question

##### COMMUNICATIONS TO SECURITY COUNCIL (1 JANUARY-2 SEPTEMBER 1971)

S/10084. Letter of 21 January 1971 from Pakistan.  
S/10094, S/10100. Letters of 28 January and 2 February 1971 from India.  
S/10102, S/10116. Letters of 5 and 13 February 1971 from Pakistan.  
S/10171. Letter of 8 April 1971 from India.  
S/10193. Letter of 10 May 1971 from Pakistan.  
S/10273. Letter of 20 July 1971 from India.  
S/10304. Letter of 2 September 1971 from Pakistan.

Decisions of Security Council  
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##### SECURITY COUNCIL DECISION OF 6 DECEMBER 1971

##### Security Council, meetings 1606-1608.

S/10380, S/10383, S/10390. Letters of 29 October and 4 and 16 November 1971 from Pakistan.  
S/10410 and Add.1. Report of 3 December 1971 of Secretary-General, and addendum.  
S/10411. Letter of 4 December 1971 from Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, United Kingdom and United States (request to convene Council).  
S/10412 and Add.1.2. Report of 4 December 1971 by Secretary-General on situation along cease-fire line in Kashmir, and addenda.  
S/10413. Letter of 4 December 1971 from Tunisia (supporting request to convene Council).  
S/10414. Letter of 4 December 1971 from Tunisia (request to participate in Council's discussion).  
S/10415. Letter of 4 December 1971 from India (transmitting letter of 4 December 1971 from "Leader, Bangladesh delegation").  
S/10416. United States: draft resolution, rejected by Council,

having received the negative vote of a permanent member, on 4 December 1971, meeting 1606, by vote of 11 in favour (Argentina, Belgium, Burundi, China, Italy, Japan, Nicaragua, Sierra Leone, Somalia, Syrian Arab Republic, United States) to 2 against (Poland, USSR), with 2 abstentions (France, United Kingdom).

S/10417. Belgium, Italy, Japan: draft resolution.  
S/10418. USSR: draft resolution, rejected by Council on 5 December 1971, meeting 1607, by vote of 2 in favour (Poland, USSR) to 1 against (China), with 12 abstentions (Argentina, Belgium, Burundi, France, Italy, Japan, Nicaragua, Sierra Leone, Somalia, Syrian Arab Republic, United Kingdom, United States).  
S/10419. Argentina, Burundi, Nicaragua, Sierra Leone, Somalia: draft resolution.  
S/10421. China: draft resolution.  
S/10422. Letter of 5 December 1971 from USSR (transmitting TASS statement of 5 December 1971).  
S/10423. Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Sierra Leone, Somalia: draft resolution, rejected by Council, having received the negative vote of a permanent member, on 5 December 1971, meeting 1607, by vote of 11 in favour (Argentina, Belgium, Burundi, China, Italy, Japan, Nicaragua, Sierra Leone, Somalia, Syrian Arab Republic, United States) to 2 against (Poland, USSR), with 2 abstentions (France, United Kingdom).  
S/10424. Letter of 5 December 1971 from Saudi Arabia (request to participate in Council's discussion).  
S/10425. Belgium, Italy, Japan, Nicaragua, Sierra Leone: draft resolution.  
S/10426 and Rev.1. USSR: amendment and revised amendment to 5-power draft resolution. S/10425.  
S/10428. USSR: draft resolution.  
S/10429. Argentina, Burundi, Japan, Nicaragua, Sierra Leone, Somalia: draft resolution.

RESOLUTION 303(1971), as proposed by 6 powers, S/10429, adopted by Council on 6 December 1971, meeting 1608, by 11 votes to 0, with 4 abstentions (France, Poland, USSR, United Kingdom).

The Security Council,

Having considered the item on the agenda of its 1606th meeting, as contained in document S/Agenda/1606.\*

Taking into account that the lack of unanimity of its permanent members at the 1606th and 1607th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

Decides to refer the question contained in document S/Agenda/1606 to the General Assembly at its twenty-sixth session, as provided for in Assembly resolution 377 A (V) of 3 November 1950.

\*The item on the agenda of the Council (S/Agenda/1606) read as follows:

"(a) Letter dated 4 December 1971 from the Permanent Representatives of Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council (S/10411);

"(b) Report of the Secretary-General (S/10410)."

#### REPORTS OF SECRETARY-GENERAL OF 7 DECEMBER 1971

S/10432 and Add.1-11 (A/8556 and Add.1-11). Report of 7 December 1971 of Secretary-General on situation along cease-fire line in Kashmir, and addenda.

S/10433 (A/8557). Report of 7 December 1971 of Secretary-General on his efforts to evacuate United Nations and other international personnel from Dacca.

#### CONSIDERATION BY GENERAL ASSEMBLY

General Assembly—26th session  
Plenary meetings 2002, 2003, 2031.

A/8401/Add.1. Introduction to report of Secretary-General on work of the Organization, September 1971, paras. 177-191.

A/8402. Report of Security Council, 16 June 1970-15 June 1971, Chapter 15.

A/8555. Letter of 6 December 1971 from President of Security Council (transmitting text of Security Council resolution 303(1971)).

A/L.647 and Rev.1. Algeria, Argentina, Brazil, Burundi, Cameroon, Chad, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Haiti, Honduras, Indonesia, Italy, Ivory Coast, Japan, Jordan, Liberia, Libyan Arab Republic, Morocco, Netherlands, Nicaragua, Panama, Paraguay, Sierra Leone, Somalia, Spain, Sudan, Tunisia, Uruguay, Yemen, Zaire, Zambia: draft resolution and revision.

A/L.648. USSR: draft resolution.

RESOLUTION 2793(XXVI), as proposed by 34 powers, A/L.647/Rev.1, adopted by Assembly on 7 December 1971, meeting 2003, by roll-call vote of 104 to 11, with 10 abstentions, as follows:

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bolivia, Botswana, Brazil, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, China, Colombia, Congo, Costa Rica, Cyprus, Dahomey, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, People's Democratic Republic of Yemen, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, South Africa, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Republic of Tanzania, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bhutan, Bulgaria, Byelorussian SSR, Cuba, Cze-

choslovakia, Hungary, India, Mongolia, Poland, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Chile, Denmark, France, Malawi, Nepal, Oman, Senegal, Singapore, United Kingdom.

The General Assembly,

Noting the reports of the Secretary-General of 3 and 4 December 1971 and the letter from the President of the Security Council transmitting the text of Council resolution 303(1971) of 6 December 1971,

Gravely concerned that hostilities have broken out between India and Pakistan which constitute an immediate threat to international peace and security,

Recognizing the need to deal appropriately at a subsequent stage, within the framework of the Charter of the United Nations, with the issues which have given rise to the hostilities,

Convinced that an early political solution would be necessary for the restoration of conditions of normalcy in the area of conflict and for the return of the refugees to their homes,

Mindful of the provisions of the Charter, in particular of Article 2, paragraph 4,

Recalling the Declaration on the Strengthening of International Security, particularly paragraphs 4, 5 and 6,

Recognizing further the need to take immediate measures to bring about an immediate cessation of hostilities between India and Pakistan and effect a withdrawal of their armed forces to their own side of the India-Pakistan borders,

Mindful of the purposes and principles of the Charter and of the General Assembly's responsibilities under the relevant provisions of the Charter and of Assembly resolution 377 A (V) of 3 November 1950,

1. Calls upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan borders;

2. Urges that efforts be intensified in order to bring about, speedily and in accordance with the purposes and principles of the Charter of the United Nations, conditions necessary for the voluntary return of the East Pakistan refugees to their homes;

3. Calls for the full co-operation of all States with the Secretary-General for rendering assistance to and relieving the distress of those refugees;

4. Urges that every effort be made to safeguard the lives and well-being of the civilian population in the area of conflict;

5. Requests the Secretary-General to keep the General Assembly and the Security Council promptly and currently informed on the implementation of the present resolution;

6. Decides to follow the question closely and to meet again should the situation so demand;

7. Calls upon the Security Council to take appropriate action in the light of the present resolution.

A/8556 and Add.1-11 (S/10432 and Add.1-11). Report of 7 December 1971 of Secretary-General on situation along cease-fire line in Kashmir, and addenda.

A/8557 (S/10433). Report of 7 December 1971 of Secretary-General on his efforts to evacuate United Nations and other international personnel from Dacca.

A/8567 (S/10440). Letter of 9 December 1971 from Pakistan.

A/8580 (S/10445). Letter of 12 December 1971 from India.

A/8587 (S/10452). Note verbale of 13 December 1971 from Pakistan.

A/8614 (S/10460). Letter of 16 December 1971 from Libyan Arab Republic.

A/8637/Rev.1 (S/10463/Rev.1). Letter of 18 December 1971 from USSR.

A/8640 (S/10466). Report of 21 December 1971 of Secretary-General concerning implementation of General Assembly resolution 2790(XXVI) and Security Council resolution 307(1971).

A/8641 (S/10468). Letter of 21 December 1971 from Pakistan.

A/8644 (S/10485), A/8645 (S/10486). Notes verbales of 15 and 16 December 1971 from Pakistan.

A/8429. Resolutions adopted by General Assembly during its 26th session, 21 September-22 December 1971. Other decisions, p. 21.

SECURITY COUNCIL DECISION OF 21 DECEMBER 1971

Security Council meetings 1611, 1613-1617, 1621.

S/10432 and Add.1-11 (A/8556 and Add.1-11). Report of 7 December 1971 of Secretary-General on situation along cease-fire line in Kashmir, and addenda.

S/10440 (A/8567). Letter of 9 December 1971 from Pakistan.

S/10444. Letter of 12 December 1971 from United States (request to convene Council).

S/10445 (A/8580). Letter of 12 December 1971 from India.

S/10446 and Rev.1. United States: draft resolution and revision, rejected by Council, having received the negative vote of a permanent member, on 13 December 1971, meeting 1613, by vote of 11 in favour (Argentina, Belgium, Burundi, China, Italy, Japan, Nicaragua, Sierra Leone, Somalia, Syrian Arab Republic, United States) to 2 against (Poland, USSR), with 2 abstentions (France, United Kingdom).

S/10451. Italy and Japan: draft resolution.

S/10452 (A/8587). Note verbale of 13 December 1971 from Pakistan.

S/10453 and Rev.1. Poland: draft resolution and revision.

S/10454. Letter of 15 December 1971 from Ceylon (request to participate in Council's discussion).

S/10455. France and United Kingdom: draft resolution.

S/10456. Syrian Arab Republic: draft resolution.

S/10457, S/10458. USSR: draft resolutions.

S/10459 and Rev.1. Japan and United States: draft resolution and revision.

S/10460 (A/8614). Letter of 16 December 1971 from Libyan Arab Republic.

S/10461. Letter of 16 December 1971 from China.

S/10463/Rev.1 (A/8637/Rev.1). Letter of 18 December 1971 from USSR.

S/10465. Argentina, Burundi, Japan, Nicaragua, Sierra Leone, Somalia: draft resolution.

RESOLUTION 307(1971), as proposed by 6 powers, S/10465, adopted by Council on 21 December 1971, meeting 1621, by 13 votes to 0, with 2 abstentions (Poland, USSR).

The Security Council,

Having discussed the grave situation in the subcontinent, which remains a threat to international peace and security,

Noting General Assembly resolution 2793(XXVI) of 7 December 1971,

Noting the reply of the Government of Pakistan on 9 December 1971,

Noting the reply of the Government of India on 12 December 1971,

Having heard the statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

Noting further the statement made at the 1616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,

Noting Pakistan's agreement to the cease-fire in the western theatre with effect from 17 December 1971,

Noting that consequently a cease-fire and a cessation of hostilities prevail,

1. Demands that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;

2. Calls upon all Member States to refrain from any action which may aggravate the situation in the subcontinent or endanger international peace;

3. Calls upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and sick, prisoners of war and civilian population;

4. Calls for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes, and for full co-operation with the Secretary-General to that effect;

5. Authorizes the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;

6. Requests the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolution;

7. Decides to remain seized of the matter and to keep it under active consideration.

Reports and communications to Security Council (December 1971)

REPORTS OF SECRETARY-GENERAL

S/10466 (A/8640). Report of 21 December 1971 of Secretary-General concerning implementation of General Assembly resolution 2790(XXVI) and Security Council resolution 307(1971).

S/10467 and Add.1,2. Report of 22 December 1971 of Secretary-General on implementation of Security Council resolution 307(1971).

S/10473. Report of 25 December 1971 of Secretary-General concerning implementation of Security Council resolution 307(1971).

COMMUNICATIONS TO SECURITY COUNCIL

S/10468 (A/8641), S/10472. Letters of 21 and 23 December 1971 from Pakistan.

S/10474. Letter of 24 December 1971 from China.

S/10475. Letter of 27 December 1971 from Pakistan.

S/10476. Letter of 28 December 1971 from China.

S/10485 (A/8644), S/10486 (A/8645). Notes verbales of 15 and 16 December 1971 from Pakistan.

S/10487. Letter of 30 December 1971 from Pakistan.

S/10488. Letter of 30 December 1971 from India.

S/10490. Letter of 31 December 1971 from Pakistan.

S/10493, S/10497. Letters of 3 and 7 January 1972 from India.

## Questions pertaining to Korea

In response to a General Assembly request of 7 December 1970,<sup>17</sup> the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) submitted a report to the Secretary-General covering the period 14 August 1970 to 4 August 1971. The Assembly had asked UNCURK to keep it informed on the situation in the area and

on the results of its efforts through regular reports.

The Commission stated in the report that while there was a noticeable decrease in the number of incidents along the demilitarized zone, the Republic of Korea had reported some 20 significant

<sup>17</sup> See Y.U.N., 1970, pp. 211-12, text of resolution 2668(XXV).

incidents south of the military demarcation line in the demilitarized zone, as well as engagements with North Korean agents in the rear areas of the Republic of Korea.

The report noted that the question of Korean reunification had featured prominently during the 1971 presidential and parliamentary elections in the Republic of Korea; President Park Chung Hee of the Republic of Korea had stated that he was giving serious consideration to approaches other than political and diplomatic, such as steps of a humanitarian nature, for easing tensions between North and South Korea, and had also declared that if the North Korean régime recognized United Nations competence, authority and objectives with respect to the Korean problem his Government would not be opposed to the presence of a representative of the Democratic People's Republic of Korea at United Nations deliberations on that question.

The Commission recalled that on 12 April 1971, the Foreign Minister of the Democratic People's Republic of Korea had announced a peaceful unification programme which suggested, *inter alia*, the following points as a means of achieving the unification of Korea;

- (1) withdrawal of United States forces from South Korea;
- (2) reduction of forces in North and South Korea to 100,000 or less each after that withdrawal;
- (3) abolition of all "subordinate treaties and agreements" concluded by South Korea;
- (4) establishment of a unified central government through free North-South general elections on a democratic basis, without outside interference, following United States withdrawal;
- (5) guarantee of freedom of political activity for the North-South general elections for all persons and organizations throughout Korea and release of all political prisoners in South Korea;
- (6) establishment of a North-South confederation, as a transitional measure while retaining the two differing social systems intact, if need be, prior to complete unification; or, if South Korea did not accept establishment of a unified democratic government through free North-South general elections, organization of a supreme national committee of both sides for mutual co-operation was suggested;
- (7) promotion of trade and economic co-operation, as well as scientific, cultural, social and personal contacts between the people of both parts of Korea, or alternatively, in lieu of a confederation, establishment of a North-South economic committee for economic co-operation independently of the political problems for the time being;
- (8) convocation of a political consultative meeting of both sides including all political parties and organizations at any given time and place.

The Commission further noted that the eight-point programme of the Democratic People's

Republic of Korea also formally proposed that "the representatives of political parties, public organizations and individual persons in North and South Korea sit together at Panmunjom or in a third country at any time to have a heart-to-heart consultation with each other."

Notwithstanding such moves by both sides, UNCURK stated, no real and meaningful progress had been made with respect to Korean unification. While the Government of the Republic of Korea had consistently co-operated with and accepted United Nations authority and General Assembly resolutions, the Democratic People's Republic of Korea had, on the other hand, consistently denied United Nations competence and authority to deal with the Korean question.

During August 1971, three separate items relating to Korea were proposed for the agenda of the General Assembly, whose twenty-sixth session was due to open on 21 September 1971. One item entitled "Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations" was jointly proposed by the following 19 States: Algeria, Bulgaria, the Byelorussian SSR, the Congo, Cuba, Czechoslovakia, Guinea, Hungary, Iraq, Mauritania, Mongolia, the People's Democratic Republic of Yemen, Poland, Romania, Somalia, Sudan, the Syrian Arab Republic, the Ukrainian SSR and the USSR. An explanatory memorandum accompanying the proposal stated that the occupation of South Korea by foreign troops and their continued provocative acts against the Democratic People's Republic of Korea hindered peaceful Korean unification by the Korean people themselves and constituted a grave threat to peace in the whole region of the Far East. The memorandum also expressed support for the eight-point programme of peaceful unification proposed by the Democratic People's Republic of Korea.

A second item entitled "Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea" was proposed by the same 19 States and Mali.

An explanatory memorandum accompanying this proposal stated that the illegally established Commission served only United States interests in Korea and was a major obstacle to Korean unification, which was a domestic matter which should be solved by means of direct negotiations between the two parties in Korea.

Finally, the Secretary-General proposed the inclusion in the agenda of an item entitled "Question of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea."

An explanatory memorandum stated that his request was in compliance with a communication dated 5 August 1971 from the Chairman of

UNCURK who, in transmitting the UNCURK report, had requested that it be transmitted to the General Assembly for its consideration should an item on the -Korean question be included in the provisional agenda of the twenty-sixth (1971) session.

On 23 September 1971, the General Committee considered the requests for the inclusion of the three items in the agenda. On a proposal by the United Kingdom, the General Committee decided by a vote of 13 in favour to 9 against, with 2 abstentions, that the consideration of these three items should be deferred at the twenty-sixth (1971) session and that the items should be placed on the provisional agenda of the twenty-seventh (1972) session for consideration by the General Assembly at that session. The General Assembly discussed this recommendation of the General Committee at two plenary meetings.

Speaking against the recommendation of the General Committee were the following Members, among others: Albania, Algeria, Czechoslovakia, Guinea, Mali, Mongolia, Sierra Leone, Somalia, the USSR and the United Republic of Tanzania. Their arguments included the following.

The maintenance of foreign troops on Korean soil, the numerous acts of provocation against the Democratic People's Republic of Korea, a peace-loving State, and the escalation of military preparations in South Korea created an extremely serious situation and were converting the Far East region into one of the most dangerous hotbeds of war. UNCURK was an instrument of United States aggressive policies intervening in the internal affairs of the Korean people in the interests of outside forces.

While the first contact between the two Red Cross Societies of Korea, initiated by the Democratic People's Republic of Korea, was a promising event, these Members felt that if such contacts between North and South Koreans were to be facilitated, discussion at the current session was essential and representatives of both North and South Korea should be invited to participate.

Members supporting the General Committee's recommendation to include the item on Korea in the provisional agenda of the twenty-seventh (1972) session argued that consideration of the items should be deferred in view of the unprecedented significance of the talks recently begun between the two Red Cross Societies in Korea.

A debate at the current session was bound to have adverse and unhealthy effects on the atmosphere surrounding the talks. They maintained that if, prior to the twenty-seventh session in 1972, progress were made in dealing with the humanitarian aspects of the Korean problem, the atmosphere would be greatly improved for consideration by the General Assembly of the question of Korea at that session.

Speakers who shared this view included the representatives of Australia, Canada, Costa Rica, New Zealand, Saudi Arabia, Thailand, the United Kingdom and the United States.

On 25 September 1971, the General Assembly in three separate votes approved the General Committee's recommendation to defer consideration of the three Korean items at the 1971 session and to include them in the provisional agenda of the twenty-seventh (1972) session.

The voting was as follows:

—**a**n the recommendation concerning the item entitled "Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations," 68 in favour to 28 against, with 22 abstentions (by roll-call);

—**a**n the recommendation concerning the item entitled "Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea," 68 in favour to 25 against, with 22 abstentions;

—**a**n the recommendation concerning the item entitled "Question of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea," 70 in favour to 21 against, with 23 abstentions.

## DOCUMENTARY REFERENCES

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General Committee, meetings 192, 193.  
Plenary meeting 1938, 1939.

A/8401. Report of Secretary-General on work of the Organization, 16 June 1970-15 June 1971, Part One, Chapter IV J.

A/8402. Report of Security Council, 16 June 1970-15 June 1971, Chapter 16.

A/8427. Report of UNCURK (covering period 14 August 1970-4 August 1971).

A/8443 and Add.1. Letter of 21 August 1971 from Mongolia, and letter of 26 August 1971 from Algeria, Bulgaria, Byelorussian SSR, Congo, Cuba, Czechoslovakia, Guinea, Hungary, Iraq, Mauritania, People's Democratic Republic of Yemen, Poland, Romania, Somalia, Sudan, Syrian Arab Republic, Ukrainian

SSR and USSR (request for inclusion in agenda of item entitled: "Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations").  
A/8444 and Add.1.2. Letter of 21 August 1971 from Mongolia, and letters of 26 August 1971 from Algeria, Bulgaria, Byelorussian SSR, Congo, Cuba, Czechoslovakia, Guinea, Hungary, Iraq, Mali, Mauritania, People's Democratic Republic of Yemen, Poland, Romania, Somalia, Sudan, Syrian Arab Republic, Ukrainian SSR, and USSR (request for inclusion in agenda of item entitled: "Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea").

A/8445. Note by Secretary-General dated 23 August 1971 (proposal for inclusion in agenda of item entitled: "Question of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea").

**APPROVAL OF ITEMS FOR AGENDA**

A/BUR/177 and Corr.1. Organization of 26th regular session of General Assembly, adoption of agenda and allocation of items.

Memorandum by Secretary-General (containing draft provisional agenda).

A/8500. First report of General Committee, paragraph 18.

[Item 106 of draft agenda (Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations), item 107 of draft agenda (Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea) and item 108 of draft agenda (Question of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea) recommended for inclusion in provisional agenda of Assembly's 27th session by General Committee on 23 September 1971, meeting 193, by 13 votes to 9, with 2 abstentions.

Draft agenda items 106, 107 and 108 approved for inclusion in agenda of 27th session by General Assembly on 25 September 1971, meeting 1939, as follows:

(a) Item 106, by roll-call vote of 68 to 28, with 22 abstentions, as follows:

In favour: Argentina, Australia, Barbados, Belgium, Bolivia, Botswana, Brazil, Canada, Central African Republic, Chad, China, Colombia, Costa Rica, Dahomey, Denmark, Dominican

Republic, Ecuador, El Salvador, Fiji, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Khmer Republic, Laos, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, Togo, Turkey, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Albania, Algeria, Bulgaria, Burundi, Byelorussian SSR, Chile, Congo, Cuba, Czechoslovakia, Egypt, Equatorial Guinea, Guinea, Hungary, India, Iraq, Libyan Arab Republic, Mali, Mauritania, Mongolia, People's Democratic Republic of Yemen, Poland, Romania, Sierra Leone, Somalia, Ukrainian SSR, USSR, United Republic of Tanzania, Yugoslavia.

Abstaining: Afghanistan, Austria, Bahrain, Burma, Cameroon, Ceylon, Cyprus, Ethiopia, Finland, Indonesia, Iran, Kuwait, Lebanon, Mexico, Nepal, Pakistan, Rwanda, Senegal, Singapore, Sweden, Tunisia, Uganda.

(b) Item 107, by 68 votes to 25, with 22 abstentions;

(c) Item 108, by 70 votes to 21, with 23 abstentions.]

A/8429. Resolutions adopted by General Assembly during its 26th session, 21 September-22 December 1971. Other decisions, p. 19.

## Communications concerning the situation in and around the Viet-Nam area

During 1971, a number of communications were addressed to the President of the Security Council or to the Secretary-General which dealt with various aspects of the situation in and around the area of Viet-Nam.

Eight of these dealt largely with the subject of the military operations undertaken in Laos during February-March 1971 by units of the armed forces of the United States and the Republic of Viet-Nam. (For further details, see below.)

One of the other communications, from the USSR, transmitted the text of a statement on developments throughout Indo-China and other international problems. This was issued jointly in Hanoi, Democratic Republic of Viet-Nam, on 7 October 1971, by the President of the Presidium of the USSR Supreme Soviet and the First Secretary of the Central Committee of the Workers' Party of Viet-Nam, on behalf of the Governments of the USSR and the Democratic Republic of Viet-Nam. (For further details, see below.)

On 8 February 1971, the Permanent Observer of the Republic of Viet-Nam to the United Nations transmitted to the President of the Security Council the text of a message from the President of the Republic to "the people, soldiers and cadres on the operations carried out on 8 February 1971 by the armed forces of the Republic of Viet-Nam on Laotian territory."

The President stated that he had ordered the armed forces to attack North Viet-Name bases situated on Laotian territory along the Viet-Nam/Laos border in an operation limited in both time and space, with the clear and unique objective of

disrupting the supply and infiltration network of the North Viet-Name troops situated in Laotian territory and used to launch attacks against the Republic of Viet-Nam. The President added that the Republic of Viet-Nam had always respected and continued to respect the independence, neutrality and sovereignty of Laos, had no territorial ambition whatsoever and had never interfered, and would never interfere, in the internal politics of Laos. He pledged that when the military operation ended, the armed forces of the Republic of Viet-Nam would withdraw completely from Laotian territory.

Also on 8 February 1971, the United States transmitted a statement by the official press spokesman of the United States Department of State. This noted that the Republic of Viet-Nam had announced that elements of its armed forces had crossed into enemy-occupied territory of Laos to attack North Viet-Name forces and military supplies assembled in sanctuaries located close to the border of South Viet-Nam. The United States military command in Saigon had announced the limits of the United States military participation.

The United States Government said it continued to favour the neutrality of Laos and the restoration of the situation contemplated by the 1962 Geneva Agreement (Declaration on the neutrality of Laos, and Protocol, signed at Geneva, Switzerland, on 23 July 1962) by which all foreign forces would be withdrawn from Laos territory, which could be accomplished through a new Indo-China conference as proposed by President Richard M. Nixon.

On 11 February 1971, the representative of the

USSR transmitted a statement issued by the Telegraphic Agency of the Soviet Union (TASS) on 4 February 1971 on the situation in Indo-China. According to the TASS statement, the situation in Indo-China had recently become decidedly more complicated, inasmuch as large numbers of Saigon ground forces with United States air support had invaded Laos, and United States aircraft, including B-52 heavy bombers, were carrying out mass air raids over Laotian territory. These acts constituted an act of aggression, a further direct violation of the United Nations Charter, a blatant outrage against the principles of international law and a further violation of the Geneva Agreement, to which the United States was a party.

Similar charges, made by the Bulgarian news agency, the Czechoslovak Government, the Mongolian parliament and the Mongolian news agency were transmitted in February and March by the representatives of the Governments concerned.

Also, the representative of Poland, on 13 February 1971, transmitted an unofficial translation of an aide-mémoire which his Government had addressed on 12 February to the Co-Chairmen of the International Conference on the Settlement of the Laotian Question at Geneva.

This condemned United States intervention in Laos as contrary to the Geneva Agreement of 1962, and stated, *inter alia*, that the Polish Government, as a member of the International Commission for Supervision and Control in Laos, was appealing to the Co-Chairmen of the Geneva Conference on Laos to use their utmost influence to prevent the United States from escalating military operations in Indo-China and to induce it to refrain from any further aggression against Laos.

By a letter dated 26 February 1971, the USSR representative transmitted a declaration of his Government condemning United States intervention in Laos as being in violation of standards of international law and the provisions of the United Nations Charter. The declaration emphasized that, in the view of the USSR, the main prerequisite for a settlement of the Indo-China problem was the cessation of United States aggression and *de facto* recognition of the essentially inalienable national right of the peoples of the area to settle their own fate without foreign interference, in accordance with proposals of the Provisional Revolutionary Government of the Republic of South Viet-Nam made on 17 September 1970, which were supported by the Government of the Democratic Republic of Viet-Nam, as well as the proposals of the National United Front of Cambodia and the Patriotic Front of Laos.

On 30 November 1971, the USSR representative transmitted the text of a statement—issued jointly in Hanoi on 7 October 1971 by a visiting Party-Government delegation of the USSR and

senior representatives of the Government of the Democratic Republic of Viet-Nam—which dealt with the subject of future friendly co-operation between the Governments of the USSR and the Democratic Republic of Viet-Nam, and with the situation in Viet-Nam and on the Indo-Chinese peninsula created by the United States aggression..

The USSR among other things pledged its continuing support on the military, political and diplomatic fronts for the struggle of the Viet-Nameese people against the United States.

Both parties also urged that the United States end the war of aggression, withdraw all its troops from South Viet-Nam and dismantle its military bases there, and cease its support of the present régime in Saigon in accordance with the seven-point proposals of the Provisional Revolutionary Government of the Republic of South Viet-Nam which, it was stated, provided a fair and reasonable basis for settling the Viet-Nameese question.

#### **Complaints by the Khmer Republic**

During 1971, the Government of the Khmer Republic addressed 19 communications to the President of the Security Council alleging numerous violations of its sovereignty and territorial integrity by armed units of "Viet-Cong and North Viet-Nameese forces."

The most frequent complaints related to armed incursions into its territory, attacks upon Khmer military posts, clashes with Khmer defence forces and the occupation of several points in the country. As a result of those attacks, it was stated, scores of Khmer nationals, both military and civilian, including women and children as well as Buddhist monks, were reported to have been killed, several were missing and hundreds of buildings had been set on fire and destroyed.

One letter charged that the Viet-Cong-North Viet-Nameese forces had used poison gas shells in their attacks against Kompong Thom province. In some of the letters it was reported that many of the weapons captured by Khmer forces were of Chinese manufacture.

In most of its communications, the Government of the Khmer Republic declared its firm protest against "the illegal and permanent occupation" of Khmer territory, and the savage attacks committed by the "Viet-Cong-North Viet-Nameese forces" against a neutral and peace-loving country in flagrant violation of the Charter of the United Nations, international law and the 1954 Geneva Agreements.

These criminal attacks, the Khmer Republic stated, revealed the annexationist aims of the "Viet-Cong-North Viet-Nameese communist imperialists" and represented a dangerous threat to peace and security, not only in the Khmer Republic but throughout South-East Asia. The Government of the Khmer Republic held the



Government of the Democratic Republic of Viet-Nam and the so-called Provisional Revolutionary Government of South Viet-Nam entirely responsible for all the very serious consequences resulting from that situation. It reserved the right to take any necessary action to defend the country's independence, neutrality, sovereignty and territorial integrity.

#### Statement by Secretary-General

In the introduction to his annual report to the General Assembly on the work of the Organization for the period 16 June 1970 to 15 June 1971, the Secretary-General, expressing concern with the situation in Indo-China, stated that the conflict in the peninsula constituted a direct challenge to the principles and authority of the Organization. Moreover, it diverted the energies and the technical and financial capacity of some of the world's most powerful nations towards the barren task of advancing or consolidating so-called zones of influence.

Noting that the absence of the People's Republic of China and both parts of Viet-Nam from the Organization had largely deprived the parties themselves of United Nations channels of communication and the world community of the means of exerting a mediatory role, the Secretary-General said he had made it clear to the parties involved that the Organization and the Secretary-General were ready to use their best efforts in the service of peace in the area.

Referring to the United States decision to halt bombings, the opening of Paris talks and the withdrawal of important contingents of foreign troops from Viet-Nam as encouraging elements, the Secretary-General noted that, despite these steps, the war was still raging on the peninsula.

Could an end to that tragic situation be seriously expected, he asked, as long as the peoples of the area were not allowed to attempt to reconcile their differences and to express freely their wishes without any interference from outside powers? He expressed the hope that it would soon be possible for all trends of opinion in Viet-Nam to participate in the elaboration of decisions at the national level and for political discussions to be substituted for armed confrontations between factions.

A lasting settlement, the Secretary-General believed, would undoubtedly have to take into account a political reality which was also one of the reasons for the conflict, namely the community of language, civilization and interest and the close kinship between North and South Viet-Nam.

Another distressing factor in the situation in Indo-China, the Secretary-General commented, was the extension of the conflict to two neighbouring countries—Laos and Cambodia (the Khmer Republic)—which had become battlefields where soldiers of foreign countries confronted each other.

No solution to the Laotian conflict, the Secretary-General observed, would be found as long as the bombing lasted and as long as Laos was denied the actual exercise of sovereignty over parts of its territory. It was high time for the international community, and particularly for those powers which had signed the Geneva agreements on Laos, to fulfil the responsibilities they had accepted at that time. Furthermore, no strategic or other outside interests could justify the current afflictions of the people of Cambodia. Cambodia as well as the other countries of Indo-China, he added, should be free from foreign intervention and should be allowed to live in peace.

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- S/10106. Letter of 8 February 1971 from United States (transmitting statement issued 8 February 1971 by official spokesman of Department of State).
- S/10115. Letter of 11 February 1971 from USSR (transmitting TASS statement of 4 February 1971).
- S/10117. Letter of 13 February 1971 from Poland (transmitting aide-mémoire of 12 February 1971 from Government of Poland to Co-Chairmen of Geneva Conference on Laos).
- S/10120. Letter of 12 February 1971 from Bulgaria (transmitting Bulgarian Telegraph Agency statement).
- S/10134. Letter of 26 February 1971 from USSR (transmitting Declaration of 25 February 1971).
- S/10150. Letter of 5 March 1971 from Czechoslovakia (transmitting statement of 25 February 1971).
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- S/10406. Letter of 30 November 1971 from USSR (transmitting joint statement of 7 October 1971 of USSR and Democratic Republic of Viet-Nam).
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S/10077, S/10093, S/10095, S/10099. Letters of 7, 26, 27, and 28 January 1971 from Khmer Republic.
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