

UNITED



NATIONS

**REPORT
OF THE SECURITY COUNCIL
TO
THE GENERAL ASSEMBLY**

Covering the period from 16 July 1956 to 15 July 1957

**GENERAL ASSEMBLY
OFFICIAL RECORDS : TWELFTH SESSION
SUPPLEMENT No. 2 (A/3648)**

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NOTE

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INTRODUCTION

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

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

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 612th plenary meeting, on 7 December 1956, elected the Philippines for a

term of one year to replace Yugoslavia which had announced its withdrawal from membership of the Council effective 1 January 1957, and at its 627th plenary meeting on 19 December 1956, elected Colombia, Iraq and Sweden for a term of two years, to replace Peru, Iran and Belgium as non-permanent members of the Council, beginning 1 January 1957.

The newly-elected members of the Security Council also replaced the retiring members on the Disarmament Commission which was established under the Security Council by the General Assembly in accordance with its resolution 502 (VI) of 11 January 1952, to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments.

The period covered in the present report is from 16 July 1956 to 15 July 1957. The Council held fifty-two meetings during that period.

¹ This is the twelfth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167, A/2437, A/2712, A/2935 and A/3157.

PART I

Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

Chapter 1

QUESTIONS RELATING TO THE MIDDLE EAST

A. Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888

(i) COMMUNICATIONS RECEIVED PRIOR TO THE REQUESTS FOR SECURITY COUNCIL CONSIDERATION OF THE SITUATION

1. In a joint letter dated 12 September 1956 (S/3654), addressed to the President of the Security Council, the representatives of France and the United Kingdom stated that the action of the Egyptian Government in attempting unilaterally to bring to an end the system of international operation of the Suez Canal, confirmed and completed by the Suez Canal Convention of 1888, had created a situation which might endanger the free and open passage of shipping through the Canal. A conference had therefore been called in London on 16 August 1956. Of the twenty-two States attending the conference, eighteen, representing over 90 per cent of the user interest in the Canal, had put forward proposals to Egypt for the future operation of the Canal. The Egyptian Government, however, had refused to negotiate on the basis of those proposals which, in the opinion of the United Kingdom and French Governments, offered means for a just and equitable solution. The United Kingdom and French Governments considered that the refusal was an aggravation of the situation which, if allowed to continue, would constitute a manifest danger to peace and security.

2. Under cover of a letter dated 15 September 1956 (S/3649) the representative of the USSR transmitted a statement by his Government "on the need for a peaceful settlement of the Suez question". The USSR Government stated that the United Kingdom and France, by threatening Egypt with force, were creating a situation dangerous to peace. The USSR Government regarded the nationalization of the private Suez Canal Company as an internal affair within Egypt's legal rights and as not providing any justification for attempts to use armed force against Egypt. The Anglo-French military preparations, manifesting the intention to commit aggression against Egypt, were incompatible with the participation of the United Kingdom and France in the United Nations, especially since they were permanent members of the Security Council. Hostilities in the area would lead to immense destruction in the Canal and cause serious damage to many coun-

tries. Further, in an age of atomic and hydrogen weapons, it was clearly useless to threaten force.

3. The USSR Government, the statement continued, was convinced that the Suez Canal question could and must be solved by peaceful means. It had itself taken a number of steps to promote a just solution of the Suez question by negotiation. As a Great Power it could not fail to show concern at the situation, particularly since any violation of the peace in the Near and Middle East could not but affect its security. It considered that the United Nations could not fail to react to the existing situation and the threats of force directed against Egypt.

4. In a letter dated 17 September 1956 (S/3650), the representative of Egypt contended that the claim contained in the joint Anglo-French letter of 12 September (S/3645), to the effect that Egypt had attempted unilaterally to bring to an end the system of international operation of the Suez Canal, was completely devoid of any legal, historical or moral foundation. Article 14 of the Suez Canal Convention of 1888 stipulated that the obligations resulting from the Convention were not limited to the duration of the concession granted to the Suez Canal Company. Furthermore, neither the history and background of the formation of the Company, and its correlation with the Convention, nor the inconceivability of an eternal status to that Company, would corroborate the Anglo-French thesis.

5. In connexion with the nationalization of the Suez Canal Company, Egypt had provided for full and equitable compensation to the shareholders, set up an independent Canal authority, and reaffirmed its determination to continue to guarantee freedom of passage through the Canal. Although Egypt had acted fully within its sovereign rights and without infringing the rights of any nation, France and the United Kingdom had resorted to threats of force, mobilization and movements of armed forces, and hostile economic measures against Egypt. In addition, they had attempted to hinder the operation of the Canal by inducing a large number of Company pilots to withdraw from Egypt.

6. The Government of Egypt had announced on 12 August that it would not attend the London Conference since it was convened without consulting Egypt to discuss a proposal that concerned Egyptian territory and sovereignty. On the same date Egypt itself had announced its willingness to sponsor, together with the other Governments signatories to the Convention of 1888, a conference for reviewing the Convention. However, no such negotiations had yet taken place. After

its study of the eighteen-Power proposals worked out at the London Conference, Egypt, on 10 September, had stated its belief that solutions by peaceful means could and should be found for questions relating to: (a) freedom and safety of navigation in the Canal; (b) the development of the Canal to meet the future requirements of navigation; and (c) the establishment of just and equitable tolls and charges. To that end, it had proposed, as an immediate step, the formation of a negotiating body, representative of the different views held among the States using the Canal, which might also be entrusted with the task of reviewing the Convention of 1888. It had suggested immediate discussions to settle the composition, the venue and the date of the meeting of such a body and had expressed the opinion that it should be composed of representatives of Egypt and of about eight of the countries using the Canal, selected by agreement through diplomatic channels. Formal acceptance of that proposal had been received from twenty-one countries.

7. Egypt considered that the proposal to establish a "Users' Association" to co-ordinate traffic and collect transit dues was incompatible with its dignity and sovereign rights and constituted a flagrant violation of the United Nations Charter and of the 1888 Convention. The proposal had no justification, especially since traffic through the Canal had been going on with regularity and efficiency in spite of the difficulties created by France, the United Kingdom and the former Suez Canal Company.

8. Egypt, the letter concluded, was determined to spare no effort to reach a peaceful solution of the question on the basis of the recognition of its legitimate and sovereign rights and in accordance with the Charter, so that the Canal would continue to prosper and progress for the benefit of all nations. With that objective in view, it was indispensable that an end should be put to attempts, particularly by France and the United Kingdom, to take virtual possession of the Suez Canal and destroy the very independence of Egypt.

9. In letters dated 17 September (S/3648 and S/3651), the representatives of Jordan, Lebanon and Syria drew the attention of the Council to the despatch of French armed forces to Cyprus and to official declarations that the step had been taken in view of the French Government's concern to protect the interests of its nationals in the Eastern Mediterranean. They considered that the continuance of the situation thus created constituted a certain threat to the maintenance of peace and international security in the area.

(ii) REQUESTS FOR CONSIDERATION BY THE SECURITY COUNCIL

10. In a joint letter dated 23 September 1956 (S/3654), the representatives of France and the United Kingdom requested the inclusion of the following item in the agenda of the Council: "Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888".

11. In a letter dated 24 September 1956 (S/3656), the representative of Egypt requested the inclusion of the following item in the agenda of the Council: "Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to

international peace and security and are serious violations of the Charter of the United Nations".

(iii) INCLUSION OF THE ITEMS IN THE AGENDA

12. The item submitted by France and the United Kingdom and that submitted by Egypt were included in the provisional agenda of the 734th meeting held on 26 September.

13. The representatives of the United Kingdom and France contended that the item submitted by Egypt was a manoeuvre designed to distract attention from the real problem and contained an inaccurate statement of facts. Whatever the Council might decide on its inclusion, they hoped that the Council would first deal with the item sponsored by them. The representative of the *Union of Soviet Socialist Republics* proposed priority for the item submitted by Egypt on the ground that it concerned a situation which the Council was duty bound to consider and that the other item was an attempt to represent the nationalization of a private Egyptian company, a matter exclusively within the domestic jurisdiction of Egypt, as a threat to the peace. Subsequently, he withdrew his proposal in favour of a Yugoslav proposal for simultaneous consideration of both items.

Decisions: *The Council unanimously decided to include the item proposed by France and the United Kingdom in the agenda. It decided, by 7 votes to none, with 4 abstentions (Australia, Belgium, France, United Kingdom) to include the item proposed by Egypt in the agenda.*

The Yugoslav proposal for simultaneous consideration of the two items was rejected by 6 votes to 2 (USSR, Yugoslavia), with 3 abstentions (China, Iran, Peru).

14. The President stated that the two items would be discussed separately in the order in which they had been included in the agenda.

Decision: *The Council further decided to accept the proposal of the United Kingdom representative that the representative of Egypt should be invited to participate in the discussion of the question and, on the proposal of the representative of Australia, to defer until the next meeting the consideration of a letter received from the representative of Israel (S/3657) requesting the opportunity to participate in the discussion of the item submitted by France and the United Kingdom.*

15. At the 735th meeting held on 5 October, when the Security Council began discussion of the item submitted by France and the United Kingdom, it had before it the request from the representative of Israel (S/3657) to participate in the discussion of that item and a second letter of 3 October (S/3663) in which he made it clear that the intention of his delegation was to limit its intervention in the discussion solely to the aspect of the problem which arose from the Council resolution of 1 September 1951 (S/2322). The Council also had before it a joint letter dated 4 October (S/3664) from the representatives of Iraq, Jordan, Lebanon, Libya, Saudi Arabia, Syria and Yemen requesting permission to participate in the discussion of the two items included in the agenda of the Council. The Council accepted a proposal by the representative of Yugoslavia that a decision on the requests should be postponed.

(iv) DRAFT RESOLUTION SUBMITTED BY THE REPRESENTATIVES OF FRANCE AND THE UNITED KINGDOM (S/3666)

16. On 5 October, the representatives of France and the United Kingdom jointly submitted the following draft resolution (S/3666):

"The Security Council,

"Recognizing that the action of the Government of Egypt in unilaterally bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888, has prejudiced the rights and guarantees enjoyed by users of the Canal under that system, thereby creating a situation which endangers the free and open passage of shipping through the Canal, without distinction of flag, as laid down by that Convention;

"Considering that this action was designed to, and did, subject to the Egyptian national interest, and to exclusive Egyptian control, the operation of an international public service which was set up for the benefit of all nations;

"Considering that the action of the Egyptian Government is contrary to the principles of respect for international obligations and the interdependence of nations;

"Considering that the situation created by this action, which has gravely impaired the confidence necessary for the operation of an international service, is likely to endanger the maintenance of international peace and security;

"Considering that, for these reasons, the rights and interests of users of the Suez Canal cannot be left in the hands of a purely national organization;

"Noting that a conference to discuss this situation was called in London on 16 August 1956, and that eighteen of the twenty-two States attending that conference, who between them are responsible for over 90 per cent of the traffic using the Canal, put forward proposals to the Egyptian Government;¹

"Noting with regret the refusal of the Egyptian Government to negotiate on the basis of these proposals;

"Noting that a second conference held in London from 19 to 21 September 1956 provided for the establishment of an Association designed to assist its members in the exercise of their rights as users of the Suez Canal in consonance with the 1888 Convention and with due regard for the rights of Egypt;

"Noting that, in the view of the Governments which participated in this conference, the proposals of the eighteen Powers continue to offer a fair basis for a peaceful solution of the Suez Canal problem, taking into account the rights and interests of the user nations as well as those of Egypt;

"Noting that on 1 October 1956 the Suez Canal Users' Association was inaugurated;

"1. Reaffirms the principle of the freedom of navigation of the Suez Canal in accordance with the Suez Canal Convention of 1888;

"2. Considers that the rights which all users of the Suez Canal enjoyed under the system upon which the Suez Canal Convention of 1888 was based, should

be safeguarded, and the necessary guarantees restored;

"3. Endorses the proposals of the eighteen States as suitably designed to bring about an adjustment and solution of the Suez Canal question by peaceful means and in conformity with justice;

"4. Recommends that the Government of Egypt should co-operate by negotiation in working out, on the basis of these proposals, a system of operation to be applied to the Suez Canal;

"5. Recommends that the Government of Egypt should, pending the outcome of such negotiations, co-operate with the Suez Canal Users' Association."

(v) OPENING STATEMENTS BY THE REPRESENTATIVES OF THE UNITED KINGDOM, FRANCE AND EGYPT

17. At the 735th meeting held on 5 October, the representative of the United Kingdom said that the situation before the Security Council had arisen out of the action of the Egyptian Government on 26 July 1956 in issuing a law purporting to nationalize the Universal Suez Canal Company and to transfer all its funds, rights and obligations to the Egyptian State. The problem confronting the Council concerned the rights of user countries in the Suez Canal. The fact that the Canal was geographically part of Egypt and was under Egyptian sovereignty did not confer upon Egypt the right to destroy existing international rights.

18. Concessions for the construction of a canal and its operation had been granted between 1855 and 1866 by the Khedive of Egypt to Ferdinand de Lesseps specifically on the basis that he should found a "Universal" Suez Canal Company. The Company, duly founded on an international basis as regards its substantive ownership, the provision of capital, its senior personnel and its operation and management, had secured the impartial and non-political operation of the Canal in a way which could never have been assured by operation on a purely national basis. The Turkish Government, as suzerain of Egypt, by a declaration attached to the report of the Commission on International Tonnage and Suez Canal Dues which had met at Constantinople in 1873, had undertaken that "no modification of the conditions of passage through the Canal" in respect of the dues levied on navigation, pilotage, towage, anchorage, etc., should be effected "except with the consent of the Sublime Porte", which would not take any decision "without previously coming to an understanding with the Powers interested therein". It had thus recognized clearly the interests of the user countries not merely in passage as such, but in the conditions of operation of the Canal. The Suez Canal Convention of 1888 had constituted, as clearly reflected in its preamble, the completion rather than the initiation of a system which, taken as a whole, had guaranteed passage rights through the Canal. It was also clear from the preamble of the Convention that the system established by the concessionary agreements would continue at any rate for their full duration. Further, the repeated emphasis on the notion of freedom of passage in the Convention indicated the existence of a system by which the enjoyment of the rights, and their effective application in practice, would be secured.

19. The system of the Convention, the concessions and the Turkish declaration of 1873 constituted a balanced scheme under which the position of Egypt was secured by the fact that the Canal was under Egyptian sovereignty and the position of the users was safe-

¹ The text of the proposals was transmitted to the Security Council by the representative of the United Kingdom in a letter dated 5 October 1956 (S/3665).

guarded partly by the Convention and partly by the fact that the Canal was operated by a company so constituted as to be capable of providing for user interests.

20. The Egyptian Government, by its action of 26 July 1956, had destroyed that balance by removing one of the guarantees afforded under the regime of the Convention to user interests. It could not, therefore, require the user countries to recognize the consequences of its action or to accept a purely Egyptian authority for the operation of the Canal or to pay the passage dues to that authority. The user countries were entitled to set up their own association to safeguard their passage rights and to call upon Egypt to restore the guarantees it had impaired, either by restoring the Company or by replacing it by an operating authority of an international character which would serve the same purpose.

21. The representative of the United Kingdom, proceeding with his statement, said that his Government's apprehension as to the future had been greatly increased by the way in which the Egyptian Government had behaved in practice. The concession had been summarily cancelled only a few weeks after the Egyptian Government had formally recognized its validity by an agreement of 10 June 1956 under which the Company had undertaken to invest large sums of money in Egypt. Moreover, the reasons given by the President of Egypt were most disturbing to any future confidence or reliance upon the undertakings of that Government. He had indicated that the action had been taken in retaliation against the refusal of aid by the United States Government for the construction of the Aswan High Dam and that the revenues of the Canal would be used for that purpose. In other words, he had let it be known that the action in regard to the Canal had been taken for political reasons and that in future its finances would be conducted for the benefit of Egypt alone. Further, the Egyptian decision had been taken without notice and without any discussion with any Governments or with the Canal Company itself. It had been staged in the manner of a *coup d'état* with armed personnel occupying the Company's premises. In view of those events, which had produced a lack of confidence in the Egyptian Government, the United Kingdom Government felt that in the future the guarantees for the users must be clear and specific, the methods for ascertaining breaches of those guarantees defined, and the consequences of such breaches clearly specified.

22. Although the United Kingdom regarded the forcible seizure of the assets of the Canal Company in Egypt as illegal and as an act of violence, its concern from the beginning had been to try to establish basic principles and practical methods which would ensure that the international aspects of the system for the operation of the Suez Canal should be preserved in the future. In that spirit, in consultation with the Governments of France and the United States, it had on 2 August invited the Powers principally concerned, including Egypt, to discuss the matter at a conference in London. Unfortunately, the Egyptian Government had refused to attend the conference. Eighteen of the Powers attending the Conference, representing the overwhelming user interests in the Canal and over 90 per cent of the traffic passing through it, had subscribed to certain proposals which would respect the sovereign rights of Egypt and would also, in the words of the 1888 Convention, establish "a definite system designed to guarantee at all times and for all the Powers the free use of the Suez Maritime Canal". The proposals had been

presented in Cairo, as a basis for discussion, but had been rejected by the Egyptian Government which had put forward no proposal in reply.

23. Subsequently, at the second London Conference, the main users of the Canal had decided to give their association corporate form so as to protect their rights. That association was in no way provocative and it had been made clear at the Conference that the co-operation of the Egyptian Government would be necessary in order to make the rights of the users under the 1888 Convention effective. The conclusions of the Security Council might decisively influence the attitude of the Egyptian Government towards the association as indeed in other matters.

24. The representative of the United Kingdom emphasized that the matter before the Council was a grave situation threatening the very life and strength of countless nations. At stake was the economic future of many countries east and west of Suez. If one Government were to have the power to control the Canal, the confidence of those countries that the present patterns of their trade and economies could be maintained would be badly shaken. It should not be forgotten that Egypt had flagrantly disregarded the Security Council resolution of 1951 (S/2322) with regard to the passage of Israel ships.

25. The joint draft resolution (S/3666) defined a basis for negotiations just both to the users and to Egypt. By adopting it, the Council would be upholding justice and the sanctity of international obligations and promoting a peaceful solution of the dangerous situation. The United Kingdom, for its part, was determined to uphold its rights to free transit through the Suez Canal and sought a peaceful solution by negotiations.

26. As to the procedure in the Security Council, the representative of the United Kingdom suggested that, after there had been a chance for those who wished to state their views in public session, the Council should move into private session so that the possibilities for a peaceful solution might be explored as rapidly as possible.

27. The President, speaking as the representative of France, described the situation as serious and as one likely, if it continued, to threaten international peace and security.

28. Disputing the Egyptian contention that the Universal Suez Canal Company was an Egyptian Company subject to nationalization, he stated that, as Egyptian courts had themselves affirmed, the company had a special status which was *sui generis*. It was an international company set up under French law, with administrative headquarters in Paris. It was subject to Egyptian jurisdiction in certain cases but to French and international law in certain other respects. The universal character of the Company stemmed not only from its special status but also from the Convention of 29 October 1888, which recognized the Company as one of the essential elements in a system of guarantees established in order to maintain freedom of passage through the Canal. Even before the Convention, passage through the Canal, the establishment of moderate tolls without discrimination, as well as the security and maintenance of the Canal had been regarded as matters over which the international community should exercise control. The Convention, in its preamble, had been clearly linked with the Universal Suez Canal Company. The Egyptian Government could not lawfully nationalize the

Company which was thus inherently international and an essential element of the guarantees established by the Convention.

29. In order to form an objective opinion on the case, it should be viewed in the political setting in which the head of the Egyptian Government had placed it. The methods adopted and the threats inserted in the nationalization decree were also bound to disturb the French and United Kingdom Governments profoundly. Hence their military measures which had resulted in certain concessions by Egypt.

30. The French Government continued to believe that passage through the Canal ought to be managed by an international body and that Canal users should be assured that traffic arrangements, the fixing of tolls, the assignment of pilots and maintenance and modernization work would always be carried out with the legitimate interests of the users primarily in mind. The whole flow of trade between Europe and Asia would be endangered if traffic conditions could be rendered uncertain as a result of sudden measures taken out of purely national considerations. While the feelings aroused by its action had prompted the Egyptian Government to do its best to reassure public opinion, it could hardly expect others to rely solely upon it to safeguard respect for the rights and interests it had just violated. In that connexion, there was the disturbing precedent of the refusal of the Egyptian Government to carry out a recommendation of the Security Council concerning the use of the Canal by vessels belonging to Israel. In view of those considerations, the French Government had decided to stand by the principle of international operation, since international control did not meet the requirements of the situation.

31. Despite the methods adopted by Egypt, the French Government had shown patience and had made repeated attempts to negotiate. However, the consistently negative attitude of the Egyptian Government had confirmed the misgivings which many users of the Canal had harboured since 26 July. The representative of France concluded that it was incumbent upon the United Nations to recognize that there could be no genuine peace without the maintenance of justice and international law, and to act firmly to restore international confidence.

32. At the 736th meeting held on 8 October the representative of Egypt said that the present Suez Canal question was deeply rooted in the struggle between domination and freedom. Egypt had made great sacrifices, including many tens of thousands of lives, for the construction of the Suez Canal and had scrupulously honoured its pledge to keep the Canal always free for international navigation. The Suez Canal Company, however, had squandered or appropriated practically all the revenues, leaving for Egypt only a trickle. When the Company had been nationalized, a new *entente cordiale* had been formed between France, the United Kingdom and segments of the former Company to ensure that the Canal would be finally amputated and severed from Egypt.

33. The Egyptian Government had expressed its readiness to compensate the shareholders of the former Suez Canal Company in accordance with the value of the shares on the Paris stock market on 25 July, the day preceding the nationalization. The representative of Egypt wished to state, on behalf of his Government, that it would be ready to pay compensation, alterna-

tively, according to the average value of the shares during the five years preceding nationalization and that, if no agreement could be reached on that basis, it would agree to arbitration.

34. The Egyptian Government had made many offers to negotiate a peaceful settlement of the dispute. On 12 August, it had issued a statement in which it had expressed willingness to sponsor, with the other Governments signatories to the Constantinople Convention of 1888, a conference for the purpose of reviewing the Convention and considering the conclusion of an agreement reaffirming and guaranteeing freedom of navigation in the Suez Canal. On 10 September, in a note communicated to the Powers and to the Secretary-General of the United Nations, it had declared that, without prejudice to Egypt's sovereignty or dignity, solutions could be found by peaceful negotiation for questions relating to navigation in the Canal and had proposed as an immediate step the establishment of a negotiation body which might also be entrusted with the task of reviewing the 1888 Convention.

35. Meanwhile, navigation in the Canal had been proceeding with perfect regularity and efficiency despite such French and British acts of sabotage, in which segments of the former Suez Canal Company had participated, as refusal to pay tolls to the Egyptian Suez Canal Authority and the instigation of French and British pilots to abandon their duties abruptly.

36. The Governments of France and the United Kingdom had challenged the right of the Egyptian Government "unilaterally" to nationalize the Suez Canal Company as if an act so eminently one of sovereignty as the nationalization of an Egyptian company by the Egyptian Government could be anything but unilateral. The right of every sovereign State to nationalize undertakings in its territory for the purposes of national economy and development had become an established principle in international law, recognized by the General Assembly in resolution 626 (VII) of 21 December 1952. The Egyptian national character of the Suez Canal Company was clear from article 16 of the concession granted by the Egyptian Government in 1866, which had provided that it was an Egyptian company, subject to the laws and usages of the country. That had been recognized by the Mixed Courts of Egypt in the cases brought before them in 1925, 1931 and 1942, and in the memorandum submitted by the agent of the British Government to the Mixed Court of Appeals of Alexandria in 1939. The term "universal" in the title of the Company indicated the character of its activity and had no bearing on its juridical status.

37. The contention of France and the United Kingdom that the concessions granted to the Company had been "completed" by and were inherent in the 1888 Convention was at variance both with historic facts and with legal principles. What had been "completed" was the system of navigation created by a declaration of the Egyptian Government in the Firman of 19 March 1866 to the effect that the Canal would always be open as a neutral passage to every merchant ship without distinction on payment of dues and observance of regulations. The 1888 Convention had completed that system by providing that the Canal would be free in time of war as in time of peace to every vessel of commerce or of war and by prescribing certain obligations incumbent upon the contracting parties. It had completely absorbed the system existing before 1888 and established a definite conventional system in lieu of a uni-

lateral declaration by Egypt. The Suez Canal Company formed no part of the system established by the Convention. Any contention that the reference to the Company's concessions in the preamble and in article 14 had invested the act of concession with an international character would be entirely unfounded. An alienation or limitation of Egypt's sovereign right regarding the act of concession would have required an explicit stipulation in the Convention.

38. As to the claim of the Governments of France and the United Kingdom that Egypt was endangering international peace and security, the representative of Egypt said that such a danger could not conceivably be the outcome of the nationalization of the Suez Canal Company.

39. The Egyptian Government had not been consulted on any aspects of the London Conference on the Suez Canal, which had been preceded and accompanied by threats of force and hostile military and economic measures by France and the United Kingdom against Egypt and in the context of which the invitation to Egypt had the nature of an ultimatum to attend a trial. Quoting some of the statements of British, French and Australian officials which, he contended, threatened force against Egypt, and indicating some of the measures taken against his country, the representative of Egypt said that they were in violation of the stipulations of paragraphs 3 and 4 of Article 2 of the United Nations Charter and, furthermore, had all the aspects of a malicious interference in the internal affairs of Egypt. Hence, despite its extreme desire for peace and harmony, Egypt had been unable, for reasons beyond its will, to attend the London Conference.

40. After the Conference, a committee headed by the Prime Minister of Australia had visited Cairo to present, on behalf of eighteen Governments, certain proposals relating to the future operation of the Canal. The Committee's Chairman had made it clear that it would confine itself to the presentation of the eighteen-Power proposals and would not discuss any other proposals. There had, therefore, been no refusal by the Egyptian Government to participate in genuine negotiations for finding a peaceful and just solution to the present dispute.

41. The representative of Egypt opposed the draft resolution submitted by France and the United Kingdom, which was a mere restatement of proposals already rejected by the Egyptian and other Governments for reasons which could not be treated as frivolous or arbitrary. If there was agreement on negotiating a peaceful settlement, it would be advisable to establish a negotiating body and formulate for its guidance a set of basic principles and objectives on which there was no disagreement. The principle of guaranteeing for all and for all time the freedom of navigation in the Suez Canal was the most basic among the principles which should guide the work of the negotiating body. Foremost in importance among the objectives to be attained were:

(1) To establish a system of co-operation between the Egyptian authority operating the Suez Canal and the users of the Canal, taking into full consideration the sovereignty and the rights of Egypt and interests of the users;

(2) To establish a system for the tolls and charges guaranteeing for the users fair treatment free from exploitation; and

(3) To provide for a reasonable percentage of the revenues to be allotted especially for improvements.

(vi) GENERAL DISCUSSION

42. At the 736th meeting held on 8 October, the representative of the Union of Soviet Socialist Republics said that the nationalization of the Suez Canal Company, which had operated the Canal on the basis of acts of concession subject to Egyptian law, had no relevance to the question of freedom of passage which was proclaimed and guaranteed by the international Convention of 1888. The implication in the joint draft resolution that the Suez Canal Company should be regarded as a kind of international body guaranteeing freedom of passage through the Canal had no basis in the 1888 Convention and was clearly untenable.

43. The nationalization of the Suez Canal Company was an exclusively internal affair of Egypt which could not be subject to international investigation of any kind. Freedom of navigation through the Suez Canal was, however, governed by the Convention of 1888 which could not be abrogated by a unilateral act of any of its signatories. The Government of Egypt had not refused to comply with its obligations under the Convention but had in fact been proving its loyalty to those obligations in practice despite large-scale disruptive activity by the management of the former Suez Canal Company.

44. The Suez Canal problem was being artificially complicated and aggravated, because certain reactionary elements wanted to restore the old colonialist order in Egypt under the cloak of the so-called internationalization of the Suez Canal. Immediately after the nationalization of the Suez Canal Company, the Governments of the United Kingdom and France had begun to apply military measures and economic sanctions against Egypt, and had created a most serious situation in the Eastern Mediterranean. Such sabre rattling and economic aggression constituted a grave violation of the basic principles of the United Nations Charter and was particularly inadmissible on the part of permanent members of the Security Council.

45. The different plans put forth by the Western Powers for the "settlement" of the Suez problem had in common an approach to Egypt on a basis other than that of equality. The essential purpose of the so-called "Dulles plan", presented to Egypt by the Menzies mission, was to deprive Egypt of the right to operate the Canal, to set up an international authority as the master of the Canal in perpetuity, and to institute a system of sanctions aimed against Egypt. Such a plan, leading to the deprivation of Egypt's sovereignty, had naturally ended in failure. The refusal to treat Egypt as an equal was also characteristic of the plan to set up the Suez Canal Users' Association, a closed body with a definite membership, designed to interfere in the internal affairs of Egypt and flagrantly violate its sovereignty. The joint draft resolution submitted by France and the United Kingdom, which sought the sanction of the Council to the "Dulles plan" and to the setting up of a Users' Association, in essence once again confronted Egypt with conditions amounting to an ultimatum to which Egypt could not agree.

46. The USSR Government felt that the Council's task was to facilitate the search for a peaceful settlement corresponding to the principles of the United Nations and to prevent any further aggravation of the

situation in the Near East. It recognized that the Suez Canal had a vital importance for many countries, particularly for the United Kingdom and France. Since Egypt had repeatedly shown willingness to conduct fruitful negotiations and to co-operate in a practical manner with the users, he felt that an effective international agreement meeting the interests of Egypt and the users was possible. In order to achieve such a solution, however, the policy of ultimatum, military threats and economic pressure should be renounced, and negotiations on terms of full equality between the parties must be initiated.

47. The USSR Government believed that the following principles could form the basis of such an agreement: 1. freedom of passage through the Canal to ships of all countries on the basis of equality; 2. an undertaking by Egypt, in exercising its rights of sovereignty, ownership and operation, to ensure full freedom of passage, security of the Canal and its installations, maintenance of the Canal in a proper navigable condition, improvement of conditions of navigation in order to increase the capacity of the Canal, and regular provision of information to the United Nations on the functioning of the Canal; 3. an undertaking by all parties to the agreement to refrain under all circumstances from acts which might infringe on the inviolability of the Canal or cause material damage to its installations, and to ensure that the Canal would never become a theatre of hostilities or be subjected to a blockade; 4. the establishment of appropriate forms of co-operation between Egypt and the users of the Canal.

48. The representative of the USSR recalled that, at the London Conference, his Government had supported the Indian plan providing for a consultative body of Canal users to exercise advisory and liaison functions, and had suggested certain functions for such a body. Such functions could be worked out more comprehensively and other arrangements within the framework of the United Nations defined more precisely in the proposed negotiations.

49. He suggested that an authoritative committee of the Security Council, balanced in such a way as to preclude the prevalence of any one point of view, should be set up to negotiate the basis of a settlement of the Suez problem. It could draft a new Convention guaranteeing freedom of navigation through the Suez Canal and arrange for the convening of a broad international conference to consider the new Convention.

50. At the 737th meeting held on 8 October, the representative of Peru said that the problem before the Council involved legal principles of great significance. The 1888 Convention was a multilateral affirmation of the principle of freedom of passage through the Suez Canal which had already been proclaimed unilaterally by the Khedive of Egypt in article 14 of the Firman of 1856. The Convention had reconciled the inalienable and inviolable principle of respect for the sovereignty of Egypt and the principle of international co-operation. In article 8, it had provided that the agents in Egypt of the signatory Powers would watch over its execution but, in reality, the executive or administrative organ was the Suez Canal Company which antedated the Convention.

51. Now that the Company had been nationalized, one side had argued that the change in its status had affected the operation of the 1888 Convention and was a violation of its provisions. That was an important

legal problem of the type enumerated in the Statute of the International Court of Justice. On the other hand, Egypt's contention that economic interests, even when they involved foreign participation, were liable to statutory expropriation subject to fair and equitable compensation, raised two further legal considerations. First, the question arose whether it was possible to distinguish between the economic and the technical and to exclude the extension of the principle of nationalization to a technical operation bound up with the guarantee of an international right. Secondly, there was the consideration that the right of nationalization must be exercised with due regard to expediency in a manner which would be least harmful to the other parties concerned and to mankind.

52. The issue, however, was not merely one of legal principles, but involved economic, political and psychological aspects, affecting the economy of Europe and Asia, the future of Egypt and the question of peace and war. The representative of Peru felt that guidance might be sought in the principles of the Charter which imposed on all members an obligation to create and maintain an atmosphere conducive to the fulfilment of treaties, and which required international co-operation in solving international problems, while proclaiming the principle of equal sovereignty of member States. In his opinion, however, sovereignty could not put itself outside the international rule of law.

53. In conclusion, the representative of Peru felt that the positions of the parties indicated the possibility of immediate negotiation in good faith. He therefore supported the proposal that the Council should hold closed meetings to facilitate the conduct of fruitful negotiations.

54. The representative of Iran said that his Government attached great importance to the problem not only because of its concern for peace and stability in the Middle East, but also because over 70 per cent of Iran's international trade went through the Canal. It had, therefore, taken part in the two London Conferences and, in view of the differences of opinion which had persisted, urged that the question should be referred to the United Nations.

55. His delegation's attitude to the question was governed by certain general principles. The Government of Iran recognized the right of peoples to nationalize their own natural resources and could not challenge Egypt's legal right to nationalize the Universal Suez Canal Company. Secondly, it felt that the Canal users were entitled to a system of operation based on an international convention which, while being compatible with Egypt's sovereignty and rights, would give firm effect to the principles embodied in the 1888 Convention. Thirdly, in view of the interdependence of the rights of Egypt and of the Canal users, a search for a solution to the problem must be facilitated through international co-operation, a suitable and effective role being reserved for the United Nations in the system established. Fourthly, the Suez Canal question must be settled by peaceful means through negotiations and direct contact between the parties concerned.

56. The failure of the committee of five, which had submitted the eighteen-Power proposals to the Egyptian Government, was, in his Government's view, no reason for being discouraged since it had resulted from the committee's lack of authority to negotiate with Egypt. His delegation felt that, at the first stage of its discussion, the Council should encourage the establishment of

close contact between the parties most directly concerned in order to find common ground as a basis for agreement. He therefore welcomed the United Kingdom suggestion that the Council should hold closed meetings. The Soviet suggestion regarding the setting up of a committee for negotiations also deserved attention. He believed that any discussion of the joint draft resolution (S/3666) should be avoided at the present stage of the proceedings.

57. The representative of Australia said that the Egyptian Government's action in unilaterally repudiating the concessions of the Suez Canal Company, without consultation or agreement, twelve years before the due date of termination, and thereby upsetting the international system of the Canal, was undoubtedly a breach of international law and of obligations under the United Nations Charter which, if overlooked or condoned, would encourage further acts of lawlessness. The Egyptian action was accompanied by the use of force in seizing the Company's property and by the threat of force regarding the retention of the Company's employees. That had been done not because the international arrangement had been inefficient, but primarily in pursuit of exclusive national possession and in a spirit of retaliation.

58. Whatever view might be taken of the legality of the Egyptian action, it could not be represented as an act of good-neighbourliness towards the many countries whose economies had long been dependent to varying degrees upon the assurance of free transit through the Canal. Moreover, that action, unless quickly remedied, was likely to have very wide repercussions upon the international flow of capital to under-developed countries.

59. The Australian Government had already taken an active part in international efforts designed to bring about a peacefully negotiated solution and its Prime Minister had led the five-nation committee to Cairo to explain the eighteen-Power proposals to the Egyptian Government. The Committee had presented no ultimatum, but had tried to explore possibilities of bringing representatives of Egypt and the user countries together on the basis of the proposals, which were not inconsistent with Egyptian sovereignty. Unfortunately, Egypt had rejected the proposals as a basis for negotiations and had also refused to co-operate with the Users' Association which had subsequently been established.

60. The representative of Australia welcomed the approach of the French and United Kingdom representatives and believed that their draft resolution (S/3666) offered a sound foundation for the Council's work. He supported the United Kingdom suggestion for private meetings of the Council.

61. The representative of Cuba felt that the attitude of the Egyptian Government on the Suez problem contained some points requiring clarification. While a legally granted concession had been cancelled several years before the date of its expiry, Egypt had stated that compensation would be paid to the shareholders out of the revenue from the Canal itself, which was a somewhat irregular procedure. Moreover, while the Convention of 1888 had provided in categorical terms that the Canal would always be free and open to every vessel without distinction, the Egyptian Government had denied free passage to vessels of Israel and even to vessels carrying cargoes to Israel despite the Council's resolution of 1 September 1951 (S/2322). Such an attitude affected all users of the Canal, including Cuba.

62. The representative of Cuba supported in principle the draft resolution submitted by France and the United Kingdom (S/3666) which he considered a basis for peaceful negotiations. His country had every respect for the sovereignty of the Egyptian people, but it had always defended the principle of free navigation. It felt that the two principles could be reconciled in such a way as to ensure that, without prejudice to the sovereignty of Egypt, the right of passage through the Canal was not left to the discretion of a single party.

63. The representative of China said that his Government believed that a peaceful and just settlement of the Suez Canal question was possible and felt that such a settlement should be promoted. His delegation could not accept the thesis that the Universal Suez Canal Company was a completely Egyptian company. The Suez Canal and the Company formed one enterprise, international in origin, ownership, control and operation. The international character of the enterprise had been established by international agreement, including the agreement of the successive sovereign authorities of Egypt.

64. All types of nationalization could not be treated as if they had the same legal implications. The question of international obligations did not arise when a government changed a private enterprise of its citizens into a public enterprise. Egypt, however, had tried to transform an international enterprise into a national enterprise and the question of international obligations under existing international agreements immediately arose. The action of the Egyptian Government was, in the judgement of his delegation, not in harmony with the spirit of the Charter, since it was essential that the United Nations, which sought to promote economic development of the world through international co-operation, should uphold the sanctity of international obligations. Promise of monetary compensation to the stockholders of the Company was alone not adequate since the economies and standards of living of many peoples depended on the free and smooth navigation of the Canal.

65. His delegation did not feel that some measure and form of participation in the operation of the Canal by the principal users was a violation of Egyptian sovereignty. While Egyptian sovereignty would limit the extent of non-Egyptian participation in control or operation, he believed that it was possible to work out a practical settlement within the limits of regard for Egyptian sovereignty on the one hand and for common international interests on the other.

66. The representative of Belgium said that by abruptly putting an end to the system of navigation completed by the 1888 Convention, without prior warning or consultation and in a spirit of retaliation and defiance, the Egyptian Government had done a disservice to the cause of peace and had been disloyal at any rate to the spirit of the United Nations Charter. He was led to condemn the methods used by the Egyptian Government even more in that he believed that Egypt was not legally justified in destroying the international guarantee which the existence of the Company had represented for Canal users. The preamble of the 1888 Convention indicated the establishment of a close connexion between the act of concession establishing the Company and the affirmation of the principle of freedom of navigation, while article 14 provided in effect that until 1968 the signatories of the Convention would

benefit from the safeguard which the company represented.

67. There was general agreement that the principle of freedom of navigation embodied in the 1888 Convention must be maintained and that, to ensure that freedom, agreement must be reached on specific questions such as the safety of navigation, the development of the Canal to meet future requirements, and the establishment of just and equitable tolls and charges. However, while the Egyptian Government had suggested that it could be trusted to apply those principles, the eighteen Powers had proposed that the maintenance and development of the Canal should be entrusted to an international body.

68. The representative of Belgium felt that the Egyptian Government could not be trusted unreservedly by itself to manage the Canal and apply the principles of the Convention equitably, since it had not taken notice of resolutions in an earlier case involving the Canal and since the unilateral procedure adopted by it on 26 July 1956 had shown that it was easily swayed by certain passions. He regretted the Egyptian Government's rejection of the proposals of the eighteen Powers which, in his view, were not contrary to Egypt's sovereignty and dignity, but would in fact further the interests of the Egyptian people. They would have provided Egypt with a fair revenue and facilitated the development of the Canal.

69. Even if Egypt persisted in refusing to enter into a discussion on the basis of the eighteen-Power proposals, the Security Council must continue its efforts to reconcile opposing points of view. It should not be left to the arbitrary decision of a single authority to determine the conditions of navigation in the Canal. The safety of the Canal and the rights of its users must be safeguarded by standards laid down in a convention and some system worked out to ensure the maintenance and extension of the Canal installations. Some safeguard must also be established against a recurrence of events such as those which had led to the Suez Canal crisis and against the adoption of any unilateral position in the future. Egypt had not indicated how it proposed to satisfy those requirements, whether it was ready to settle those issues by a treaty the observance of which could be supervised by the United Nations and whether it would agree that sanctions should be applied to any one violating the treaty. Only an answer to those questions would indicate whether negotiations could serve any useful purpose.

70. At the 738th meeting held on 9 October, the representative of Yugoslavia said that the juridical status of the Suez Canal Company was governed by acts of internal jurisdiction which provided that it was an Egyptian company subject to Egyptian law. The 1888 Convention in no way modified the legal status of the Company. In nationalizing it, the Egyptian Government had acted strictly within the sphere of its domestic jurisdiction.

71. He regretted that the Suez question should have assumed the proportions of a crisis calling for Security Council action, especially in view of the otherwise improving climate of world affairs. The disturbing display of force and the measures of economic pressure that had been brought to bear upon Egypt by France and the United Kingdom, irrespective of any reservations with regard to the actual manner in which nationalization had been carried out, had been clearly in conflict with the obligations stipulated in the United Nations Charter

and had a most unfortunate effect on the situation. Such a course was all the more to be regretted as the Egyptian Government had shown its readiness to seek an agreement through free and equal negotiations.

72. It was generally agreed that the crux of the problem, as distinct from the immediate crisis, was to bring Egypt's sovereign rights with regard to the Suez Canal into harmony with the legitimate interests of the world community in navigation through the Canal. The problem might seem somewhat less formidable if it were viewed on two different practical levels at which it had always been dealt with in the past. On one level, there was the question of freedom of navigation through the Canal. Egypt had solemnly reaffirmed its obligation to ensure such freedom in accordance with the 1888 Convention. It had been felt, however, that a more up-to-date instrument than the Constantinople Convention was required. The responsibility for its implementation, as in the case of the Constantinople Convention, must of necessity rest with the territorial Power which would assume a very definite international obligation in that respect. The new instrument should seek an improvement in the procedure for settling possible differences arising from its application by providing recourse to appropriate international bodies and by bringing the whole system into relationship with the United Nations. Violations might be considered as endangering international peace and security within the meaning of the United Nations Charter. It would hardly be possible to visualize an additional guarantee without going far beyond even a functional internationalization of the Canal and, in effect, depriving Egypt of the Canal zone.

73. On another level were various practical and technical problems connected with navigation, such as maintenance and development of the Canal, transit dues, and service and facilities. In that respect, the Indian proposal made at the first London Conference contained valuable suggestions for recognizing the interests of the international community in general and of the Canal users in particular, without encroaching upon Egyptian territorial jurisdiction, and by providing for the establishment of an international organ with advisory, arbitration and liaison functions. Possibly, certain temporary arrangements could be worked out with respect to some of those questions, pending a more lasting and comprehensive solution. The suggestion of the representative of Belgium to seek a solution of the various practical questions relating to the Suez Canal by way of treaties deserved particular attention.

74. In the view of the representative of Yugoslavia, the draft resolution submitted by France and the United Kingdom (S/3666) was not such as to provide a basis for agreement since it contained proposals already rejected by Egypt and tended to prejudge settlements which could only be reached through negotiation on a basis of equality. He supported the United Kingdom suggestion for closed meetings of the Council, and felt that the USSR suggestion for the establishment of a special committee of the Council was also worthy of consideration.

75. The representative of the United States of America, who had intervened briefly at the 735th meeting held on 5 October to state that the United States continued to support the eighteen-Power proposals and would vote for the joint draft resolution (S/3666), said that the Council had the responsibility to seek a settlement of the dispute by peaceful means and in accordance with the principles of justice and international law. He was optimistic regarding the possibilities of bring-

ing about a settlement by peaceful means since nations deeply aggrieved and endangered by the Egyptian action had lived up to their Charter obligation to seek, first of all, a solution by negotiation or other peaceful means. They had made several peace moves, such as the convening of the first London Conference, agreement on eighteen-Power proposals which they believed should be acceptable to Egypt and to nations which were users of the Canal or dependent thereon, the setting up of the Committee of five nations to present and explain the proposals to the Egyptian Government, the visit of the Committee to Cairo, the establishment of a co-operative association of Canal users to deal, as their agent, with the Egyptian Canal authorities on practical matters pending a permanent solution, and bringing the matter to the attention of the Security Council. Rarely, if ever, in history had comparable efforts been made to settle peacefully a question of such dangerous proportions.

76. Turning to the second aspect of the problem, which was to find a solution that would conform to the principles of justice and international law, he felt that the way was clear in view of the existence of the Convention of 1888. Although the Suez Canal was in Egypt and was in that sense Egyptian, it had never been a purely Egyptian internal affair. Its character as an international right-of-way had been guaranteed for all time by the 1888 Convention. For the users to combine to secure the observance of their rights was therefore no violation of Egyptian sovereignty but a clear exercise of their rights accorded by the 1888 Convention. He recalled that Egypt had accepted that view and that the representative of Egypt had told the Security Council on 5 August 1947 that, under the Convention, the nations had organized to regulate the traffic of the Canal, its neutrality and its defence. Further, on 14 October 1954, the representative of Egypt had stated before the Council, in connexion with the *Bat Galim* case, that the Canal Company which controlled the passage was an international company and that things would continue to be managed that way in future.

77. The representative of the United States believed that, in attempting to apply principles of justice, the Council should give much weight to the conclusions of the eighteen nations from different regions of the world whose economies were largely dependent upon the Canal and which represented over 90 per cent of the traffic through the Canal. They had enunciated four basic principles which, with due regard to the sovereign rights of Egypt, should find expression through a definite system to guarantee the free use of the Canal. Only one of the principles had been disputed at the first London Conference and by the Soviet Union alone; it was the second principle, namely that the operation of the Canal should be insulated from the influence of the politics of any nation. But that was the essence of the matter. If the Canal could be used as an instrument of national policy by any Government which physically controlled it, no nation depending upon the Canal could feel secure, the 1888 Convention would be negated, and both justice and law would be violated. He felt, therefore, that the Council could unhesitatingly accept the principles enunciated by the eighteen nations as principles of justice.

78. The eighteen nations had also suggested a mechanism for the application of the four principles. That particular mechanism had not been regarded as sacrosanct and the Council could consider any alternative suggestions to carry out the four basic principles.

79. The representative of the United States felt that the problem before the Council was not one of restraining nations which wanted war, nor of creating a new body of international law, nor of applying justice where the equities were confused. The problem was to deal concurrently, as the Charter required, with peace, which was sought by all, and with the principles of justice and international law, which were clear. He supported the joint draft resolution (S/3666) as designed to preserve peace and justice and to uphold the authority and prestige of the United Nations. He believed that the USSR suggestion to refer the problem to a committee was merely a scheme to perpetuate controversy. It indicated that, dissatisfied with the agreement of eighteen nations representing over 90 per cent of the traffic and diversified user interest, the Soviet representative wanted to make a fresh start by establishing a committee so constituted as to prevent agreement. The Egyptian proposal for setting up a negotiating body, which would be guided by an agreed set of principles and objectives, was more constructive. The heart of the problem was whether the principle that the Canal could not be used by any country as an instrument of its distinctly national policy would be accepted. If Egypt were to accept that principle, the subsidiary problems could be resolved. If that principle was repudiated, it was difficult to foresee any settlement in accordance with the principles of justice and of international law.

80. The Council subsequently decided to continue the consideration of the question at meetings in private. Its 739th, 740th and 741st meetings were held in private on 9, 11 and 12 October 1956.

81. At the 742nd meeting held on 13 October, the representative of the United States of America referred to the requests of the representatives of Israel and several Arab States to be invited to participate in the discussion of the question, and suggested that, while leaving their requests open for consideration at a later stage, the Council should invite them to present their Governments' views in written statements to be circulated by the President.

Decision: *The United States proposal was adopted without objection.*

82. At the same meeting, the following joint draft resolution (S/3671) was submitted by the representatives of France and the United Kingdom:

"The Security Council,

"Noting the declarations made before it and the accounts of the development of the exploratory conversations on the Suez question given by the Secretary-General of the United Nations and the Foreign Ministers of Egypt, France and the United Kingdom;

"Agrees that any settlement of the Suez question should meet the following requirements:

"(1) there should be free and open transit through the Canal without discrimination, overt or covert—this covers both political and technical aspects;

"(2) the sovereignty of Egypt should be respected;

"(3) the operation of the Canal should be insulated from the politics of any country;

"(4) the manner of fixing tolls and charges should be decided by agreement between Egypt and the users;

"(5) a fair proportion of the dues should be allotted to development;

"(6) in cases of disputes, unresolved affairs between the Suez Canal Company and the Egyptian Government should be settled by arbitration with suitable terms of reference and suitable provisions for the payment of sums found to be due;

"*Considers* that the proposals of the Eighteen Powers correspond to the requirements set out above and are suitably designed to bring about a settlement of the Suez Canal question by peaceful means in conformity with justice;

"*Notes* that the Egyptian Government, while declaring its readiness in the exploratory conversations to accept the principle of organized collaboration between an Egyptian authority and the users, has not yet formalized sufficiently precise proposals to meet the requirements set out above;

"*Invites* the Governments of Egypt, France and the United Kingdom to continue their interchanges and in this connexion *invites* the Egyptian Government to make known promptly its proposals for a system meeting the requirements set out above and providing guarantees to the users not less effective than those sought by the proposals of the Eighteen Powers;

"*Considers* that pending the conclusion of an agreement for the definitive settlement of the regime of the Suez Canal on the basis of the requirements set out above, the Suez Canal Users' Association, which has been qualified to receive the dues payable by ships belonging to its members, and the competent Egyptian authorities, should co-operate to ensure the satisfactory operation of the Canal and free and open transit through the Canal in accordance with the 1888 Convention."

83. The representative of the United Kingdom said that he believed that as a result of the discussions in the Council and the exploratory conversations between the Foreign Ministers of Egypt, France and the United Kingdom in the presence of the Secretary-General, a beginning had been made in the process of finding a basis for negotiation. Agreement had been reached on six basic requirements for the settlement of the Suez Canal question, which bore a marked similarity to those formulated in the eighteen-Power proposals and which had been set out in the new joint draft resolution. He expressed satisfaction that Egypt had accepted the third requirement providing for the insulation of the operation of the Canal from the politics of any country, which the United States representative had described as being the essence of the matter, and the fourth requirement calling for agreement between Egypt and the users on the manner of fixing tolls and charges.

84. While those requirements constituted a framework, he felt that they would not serve any purpose unless means for carrying them out were specified. In that regard, the eighteen-Power proposals represented the only system which had so far been precisely formulated and laid before the Council. If Egypt continued to reject these proposals, it should make specific alternative proposals.

85. Another positive achievement of the discussions, in his view, had been to establish the general acceptance of the principle that the users of the Suez Canal were entitled to associate together in order to maintain and protect their rights under the 1888 Convention.

86. The representative of the United Kingdom said that the new joint draft resolution (S/3671) had been

submitted in view of the above developments and that the sponsors did not intend to ask for a vote on their earlier draft resolution. He drew particular attention to the last paragraph of the new text which provided for provisional measures which were essential to ensure that negotiations towards a definitive settlement would not in the meantime be prejudiced by any events or incidents.

87. The President, speaking as the representative of France, said that the private conversations which had taken place in the past few days had dealt with the principles on the basis of which a settlement of the Suez problem might be envisaged and the practical measures designed to put those principles into effect. On the statement of principles, his Government was satisfied with the Egyptian acceptance of the six requirements which corresponded to law and international justice. With regard to the application of principles, the respective points of view had been clarified but no specific solutions had been reached.

88. The French Government considered that the eighteen-Power proposals were still the only proposals under which the agreed principles could be put into effect, but would be prepared to study any proposals by the Egyptian Government giving the same guarantees to the users. Pending the outcome of further conversations on that matter, it was essential that some provisional system for the operation of the Canal should be arranged in order to prevent the occurrence of incidents. The draft resolution, therefore, stated the agreed principles and set out proposals from the earlier draft resolution regarding the application of the principles and the modalities for the operation of a provisional system.

89. The representative of Egypt said that his Government accepted the first part of the draft resolution in which six basic principles were outlined, and hoped that it would be adopted by the Council. However, he wished to state that subparagraph (3) of the first operative paragraph, providing for the insulation of the operation of the Canal from the politics of any country, allowed scope for various and contradictory interpretations. His Government believed that the real insulation of the Canal from politics would best be guaranteed by a solemn and internationally binding commitment in the form of a reaffirmation or renewal of the 1888 Convention. Referring to the various proposals and statements made by the Egyptian Government with respect to co-operation between the Egyptian authority operating the Suez Canal and the users, charges and tolls, recourse in case of violation of the convention or the code of navigation and compensation to the shareholders of the Suez Canal Company, he submitted that they indicated the logical and practical way to deal with the Suez Canal question and to insulate the Canal from politics, whereas the approach outlined in the second part of the joint draft resolution would turn the Suez Canal into the turmoil of politics of a great number of nations. He hoped that the Council would not adopt the second part of the draft resolution beginning with the second operative paragraph.

90. The representative of Iran expressed satisfaction that the conversations had led to agreement on the six principles and felt that, if negotiations should take place in a similar atmosphere, an agreement on means of applying those established principles should not be very difficult. Desirous of preserving that favourable atmosphere during the negotiations, establishing equality between the parties and avoiding controversy, he made

the following suggestions regarding the joint draft resolution: (1) at the end of the second operative paragraph, to add the words "while recognizing that other proposals, corresponding to the same requirements, might be submitted by the Egyptian Government" after the words "in conformity with justice"; (2) to replace the third operative paragraph by the following text: "Notes that the Egyptian Government has declared its readiness, in the exploratory conversations, to accept the principle of organized collaboration between the Egyptian Authority and the users"; (3) to replace in the fourth operative paragraph the words "guarantees to the users not less effective than those sought by the proposals of the eighteen Powers" by the words "adequate guarantees"; (4) to replace the last paragraph by the wording used by the sponsors in their earlier draft resolution (S/3666), namely "*Recommends* that the Government of Egypt should, pending the outcome of such negotiations, co-operate with the Suez Canal Users' Association". He hoped that the suggestions would be acceptable to the sponsors of the draft resolution.

91. The representative of the Union of Soviet Socialist Republics was gratified that the exchange of views between the three Foreign Ministers, with the active and fruitful participation of the Secretary-General, had resulted in an important agreement which reflected goodwill on the part of Egypt and gave cause for optimism regarding further negotiations. He was certain that the first part of the joint draft resolution, in which the six agreed principles had been set forth, would receive the unanimous support of the Council.

92. The second part of the draft resolution, in the view of the USSR representative, in no way stemmed from the conversations or from the work done by the Security Council, and was incompatible with the first. Endorsement of the eighteen-Power proposals, already opposed by Egypt, would lead to an infringement of the sovereign rights of Egypt and make future negotiations purposeless. Moreover, the fifth paragraph referred to the so-called Suez Canal Users' Association which consisted of a restricted group of States. In the form in which it had been conceived, that "association" represented a violation of the 1888 Convention. The provision that members of the "association" should pay transit dues to it went even further than the eighteen-Power proposals and the wording in the original draft resolution. The endorsement of such an unjustified proposal by the Security Council might aggravate the situation, while consideration of the question by the Security Council and the initiation of negotiations provided a genuine safeguard obviating the need to apply any extraordinary measures to which one party had justified objections. For the above reasons, the USSR representative stated that he was unable to support the second part of the draft resolution.

93. At the 743rd meeting held on 13 October, the representative of the United States of America expressed gratification at the important agreements which had emerged. In view of the agreement on basic principles, in particular that the Canal should be insulated from the politics of any country, he adhered to the belief that the remaining problems could be resolved. As to the draft resolution, it appeared that the first portion embodying the agreed requirements had met with complete acceptance of the Council. Certain questions had been raised about the second operative paragraph which characterized the eighteen-Power proposals as being suitably designed to bring about a settlement in con-

formity with justice. In his view, the Council could reasonably assume that proposals with such a broad sponsorship must be reasonable. Moreover, no one had contended that those were the only proposals which could comply with the agreed principles and the draft resolution itself invited Egypt to make alternative proposals. The USSR view that the provisional measures indicated in the final paragraph were not required since the matter was before the Council was hardly logical since the Charter itself contemplated such measures on matters before the Council. Further, the USSR argument that those interim arrangements were designed to enable the Suez Canal Users' Association to exercise administrative powers in Egypt and substitute itself for the Egyptian authorities in the collection of dues was inaccurate. What was contemplated was merely practical co-operation at the operating level between the users and the Egyptian authorities. The association was qualified to receive dues payable by ships belonging to its members but had not attempted any compulsory regime with regard to the collection of dues. The United States would vote for the draft resolution which it considered an honest attempt to advance the pursuit of peace and justice without offending the dignity or sovereignty of Egypt.

94. The representative of China congratulated the Foreign Ministers of Egypt, France and the United Kingdom and the Secretary-General for their success in securing agreement on the principles embodied in the first part of the draft resolution. He regretted that the second part which, in his view, was important, useful and, on the whole, acceptable, had been rejected outright by the representative of Egypt. He supported all the amendments suggested by the representative of Iran except that he would favour the retention of the words "to the users" after the words "adequate guarantees" in the amended text of the fourth operative paragraph. He found nothing in the draft resolution which was inconsistent with respect for the sovereignty of Egypt.

95. The representative of Yugoslavia said that his delegation would vote for the first part of the draft resolution which was acceptable to all members of the Council, but could not vote for the second part which was based on the eighteen-Power proposals which had already shown themselves to offer no basis of agreement. He felt that the positive results achieved during the conversations had demonstrated the desirability and necessity of continuing the negotiations. To maintain the spirit which had prevailed in the conversations, and to avoid any action which might complicate the subsequent negotiations, he submitted a draft resolution (S/3672) by which the Security Council would note with satisfaction the conversations which had taken place between the Foreign Ministers of Egypt, France and the United Kingdom, with the assistance of the Secretary-General, as well as the spirit in which they had been conducted; endorse the six agreed requirements for a solution of the problem; recommend that the negotiations should be continued; request the Secretary-General to offer, if necessary, his assistance in subsequent stages of negotiations; and call on all the parties concerned to abstain from taking any measures which might impair those negotiations.

96. The representative of the United Kingdom, replying to some of the remarks made in the debate, particularly by the USSR representative, said that the Governments of France and the United Kingdom had acted with great restraint and had of their own volition

done everything possible to promote a peaceful situation. Their draft resolution, he maintained, was moderate and did not demand any decisions from the Council on any of the matters at issue. However, in order to make the matter clear beyond any doubt, he was prepared to accept the amendment suggested by the representative of Iran to add at the end of the second operative paragraph the words, "while recognizing that other proposals, corresponding to the same requirements, might be submitted by the Egyptian Government." He believed that at the moment when the international community was suffering from a unilateral Egyptian act, the continuation of the situation could be accepted only if there was a genuine attempt to establish, *ad interim*, a system of co-operation between the users and the competent Egyptian authorities. The purposes of the Suez Canal Users' Association were far from being provocative or in breach of international law, but were directly designed to assist the evolution of either provisional or final settlement.

97. The representative of Australia felt that the success of the three Foreign Ministers and the Secretary-General in drawing up a statement of principles had demonstrated that there was no irreconcilable difference of principle in the matter. The Council had come to the very crucial stage of working out arrangements which should give the world all the necessary assurances regarding the non-political control of the Suez Canal in the future. He hoped that the Council would adopt the new joint draft resolution, the terms of which could be a very useful guide for further discussions.

98. The representative of Belgium regretted that certain representatives had stated that they could not vote for the second part of the joint draft resolution on the grounds that it contained references to the eighteen-Power proposals and to provisional measures. He felt that the eighteen Powers could not be denied the right to have it placed on record that their proposals had been formulated in good faith with the intention of putting into effect the six agreed principles. Reference to those proposals did not constitute undue pressure on Egypt since, with the acceptance of the Iranian amendment, it was clear that further negotiations should be held on the basis of the six principles and that alternative proposals by Egypt would be discussed. As regards the third and fourth operative paragraphs, although he would have preferred a positive formulation as suggested by the representative of Iran, it was clear that they were simply a statement of facts. With respect to the final paragraph, he wished to emphasize that in the present instance where events had shown that a final solution was hard to find, it was necessary to agree upon provisional measures to prevent the deterioration of the situation. The proposed measures would not encroach upon Egypt's interests or prejudice a final solution. The representative of Belgium said that he would vote for the joint draft resolution, as amended, since it was wise and moderate, and would have been incomplete if it had been bereft of references to the eighteen-Power proposals and provisional measures.

99. The representative of Peru expressed great satisfaction at the results of the conversations between the Foreign Ministers. The principles agreed upon by the parties not only represented a reaffirmation or clarification of the 1888 Convention, but included provisions such as the insulation of the Canal from the politics of any country and the need for deciding the manner of fixing tolls and charges by agreement between Egypt

and the users, which marked an advance upon the Convention. As to the second part of the draft resolution, he could not understand the aversion of certain members to taking note of the eighteen-Power proposals although the Iranian amendment, accepted by the United Kingdom, had placed those proposals on a footing of legal equality with proposals which Egypt might put forward in the course of the negotiations. In his view, the affirmation in the second operative paragraph of the draft resolution was not an exaggeration and did not imply any special sympathy for either party. The third and fourth operative paragraphs must be viewed in the light of the Iranian amendment to the second operative paragraph. As to the final paragraph, he felt that the Security Council was competent to decide upon provisional measures even under Chapter VI of the Charter. He would have preferred the general term "users" rather than "Suez Canal Users' Association" in that paragraph, but that was a matter of detail which would not prevent him from voting for the draft resolution.

100. The President informed the Council that the representative of France was prepared to accept the amendment to the second operative paragraph suggested by Iran and already accepted by the United Kingdom.

Decision: *The first part of the joint draft resolution submitted by France and the United Kingdom, up to the end of the first operative paragraph, was adopted unanimously.*

The remainder of the draft resolution, as amended, received 9 votes in favour and 2 against (USSR, Yugoslavia), and was not adopted, one of the negative votes being that of a permanent member of the Council.

101. The representative of Iran, explaining his vote in favour of the second part of the draft resolution, stated that, in view of the acceptance of his amendment to the second operative paragraph, it was clear that the eighteen-Power proposals would be considered in conjunction with any which might be made in the same context by Egypt. As to the final paragraph, it had become clear from the discussions that it did not imply any administrative measures by the users which might affect Egypt's sovereignty and did not refer to any compulsory system. As his Government had made clear in joining the Suez Canal Users' Association, the primary aim of the Association was to seek the co-operation of Egypt.

102. The representative of the United States of America regretted that it had not been possible for the Council to agree on more than the principles, but felt that the agreement on principles was important. He stated his understanding that the Council remained seized of the matter and that the Secretary-General might continue to encourage interchanges between the Governments of Egypt, France and the United Kingdom.

103. The representative of Yugoslavia said that, although the resolution which had been adopted did not cover all the points on which agreement had been reached, his delegation would not press for a vote on its own draft resolution (S/3672).

104. In a letter dated 15 October (S/3679), the Foreign Minister of Egypt recalled that, as a contribution by his Government to providing the proper atmosphere for future negotiations, he had accepted the six principles later confirmed by the Council and he had not pressed for the immediate consideration of the Egyptian

complaint (S/3656). He brought to the attention of the Council a statement made on 13 October by the Prime Minister of the United Kingdom that military measures in the Eastern Mediterranean would be continued and that force could not be excluded as the last resort. The Foreign Minister stated that such statements and the continued economic and military measures would have an extremely damaging effect on the proposed negotiations and would throw the Suez Canal question into the turmoil of politics.

(vii) WRITTEN STATEMENTS SUBMITTED TO THE SECURITY COUNCIL

105. On 13 October, the representative of Israel submitted a statement (S/3673) of his Government's position which, *inter alia*, said that Egypt had been violating the central provision of the 1888 Convention for eight years, that effective measures had not yet been concerted to ensure Egyptian observance of the Convention in the future and that Egypt's refusal to carry out its international obligations had already been determined and condemned by the Security Council in its resolution of 1 September 1951 (S/2322). Egypt had persistently defied that resolution.¹ All the grounds on which Egypt had based its discrimination against Israel commercial shipping had been examined in 1951, 1954 and 1955 and rejected by the Security Council. In any new projects designed to ensure and guarantee respect for the 1888 Convention, Israel would require specific guarantees for its rights, which were fully established in law and did not need further adjudication. The six principles agreed to by Egypt, France and the United Kingdom could not possibly be reconciled with the continued Egyptian discrimination against Israel.

106. In a letter dated 13 October (S/3674) the representative of Syria indicated his Government's deep concern with regard to the question before the Council and the continued build-up of the military forces of France and the United Kingdom in the Eastern Mediterranean. He argued that the nationalization of the Suez Canal Company was not contrary to the 1888 Convention. The measures of inspection and control instituted by Egypt with regard to ships carrying arms and strategic materials to Israel did not constitute evidence of violation of the Convention. The Council resolution of 1 September 1951 (S/2322) had nowhere alluded to any such violation. Further, the events since 1951 had changed the situation on which that resolution was based.

107. In a letter dated 13 October (S/3676), the representative of Saudi Arabia stated that his country had a vital interest in the Suez Canal since the largest part of its oil output sold to the Western countries was channelled through the Canal. It had not been perturbed by the nationalization of the Suez Canal Company because Egypt had undertaken to abide by the 1888 Convention and it was in Egypt's interest to do so. Further, Egypt had run the Canal most efficiently for two and a half months after the nationalization act despite repeated attempts to sabotage its operation. He expressed deep concern at the bellicose attitude of certain Western Powers.

¹ In letters dated 5 and 19 September 1956 (S/3642, S/3653 and S/3652), Israel had informed the Council that Egypt had prevented the transit of the Greek vessel, s.s. *Panagia*, bound from Haifa to Elath via the Suez Canal with a cargo of cement and had protested the confiscation by Egypt of the Israeli vessel *Bat Galim* which had been seized on 28 September 1954.

108. In a letter dated 15 October (S/3680), the representative of Jordan stated that since the Suez Canal was not a natural strait but an artificial waterway constructed on Egyptian territory by a concession granted by the Government of Egypt to an Egyptian Company, Egypt was fully entitled to nationalize the Company. The question of the measures taken by the Egyptian authorities against the passage of Israel vessels through the Canal had been discussed by the Council within the context of the Palestine question, and had nothing to do with the Suez Canal question. Moreover, Israel could not call for the implementation of a resolution while defying all resolutions not to its liking. The concentration of troops in the neighbourhood of the Arab zone for the purpose of pressing Egypt to accept a dictated solution was a threat not only to Egypt, but to peace and stability in all the Middle East as well.

109. In a letter dated 15 October 1956 (S/3681), the representative of Yemen considered that the United Kingdom and France were determined to restore a certain degree of domination over the area, and urged the Council to reject any formula of settlement which might embody the sanctioning of foreign domination in any form. Expressing concern at the military preparations initiated by the United Kingdom and France, he appealed to the Council to ensure that there was no resort to military measures.

110. In a letter dated 15 October (S/3683), the representative of Lebanon stated that there was no basis for a dispute of a legal or financial nature over the Suez Canal since Egypt was fully entitled to nationalize the Suez Canal Company and had undertaken to pay compensation. He noted that Egypt had repeatedly reaffirmed its eagerness to guarantee freedom and security of navigation, except with respect to Israel. In that matter, however, Egypt's position was justified by law and in fact constituted a legitimate exercise of a right expressly stipulated in the 1888 Convention. The Security Council resolution of 1 September 1951 had been adopted, as the records revealed, without an examination of the legal basis of the right claimed by Egypt. The representative of Lebanon added that the Suez Canal crisis, which was essentially political in character, was a culmination of a chain of events ultimately aimed at bolstering the influence of West European colonial Powers in the Middle East. Complaining that France and the United Kingdom had resorted to slanderous attacks, attempts at economic strangulation and threats of force in violation of the Charter, he called for a peaceful settlement in accordance with the United Nations Charter.

111. In a letter dated 17 October (S/3684), the representative of Libya deplored the economic measures taken by France and the United Kingdom as well as the military movements to the Eastern Mediterranean area designed to force a settlement on Egypt. He supported the Security Council resolution of 13 October and felt that the dispute must be settled in accordance with the Charter by peaceful means through negotiations which would respect the sovereignty of Egypt and the interests of the users of the Canal.

(viii) EXCHANGE OF CORRESPONDENCE BETWEEN THE SECRETARY-GENERAL AND THE MINISTER OF FOREIGN AFFAIRS OF EGYPT (S/3728)

112. Between 13 and 19 October, the Secretary-General held private talks with the Minister of Foreign Affairs of Egypt in order further to explore and clarify

existing possibilities to find a solution of the Suez problem meeting the requirements approved by the Security Council. On 24 October he set out, in a confidential letter to the Foreign Minister, his conclusions on possible arrangements for meeting the six "requirements" which would have to be studied if exploratory talks between the three Governments directly concerned were to be resumed. Without putting out any proposals of his own, he indicated his conclusions from the entirely non-committal observations made in the course of the private talks, interpolating on some points in the light of his interpretation of the sense of the talks where they had not fully covered the ground. He said that he understood from the discussions that there need be no difficulties as regards: (1) legal reaffirmation of all the obligations under the Constantinople Convention and widening those obligations to cover the questions of maximum of tolls, maintenance and development, and reporting to the United Nations; (2) the Canal Code and the Regulations, with revision to be subject to consultation; (3) tolls and charges and the reservation of a proportion for development, all of which would be subject to agreement; (4) the question of disputes between the Suez Canal Company and the Egyptian Government, which seemed fairly well covered by the sixth requirement; (5) the principle of organized co-operation between an Egyptian authority and the users. However, the question of implementation of an organized co-operation obviously represented a field where the arrangements to be made called for careful exploration in order to make sure that they would meet the three first requirements approved by the Security Council. Such co-operation would require joint meetings between the Authority in charge of operating the Canal and a representation of the users, entitled to raise all matters affecting the users' rights or interests, for discussion and consultation or by way of complaint, without interfering with the administrative functions of the operating organ. Such organized co-operation would not give satisfaction to the three first requirements approved by the Security Council unless completed with arrangements for fact-finding, reconciliation, recourse to appropriate juridical settlement of possible disputes, and guarantees for execution of the results thereof. Suggested methods of juridical settlement included a standing local organ for arbitration, the International Court of Justice, of which the jurisdiction should in this case be mandatory, and the Security Council. Normal rules should apply concerning the implementation of findings of a United Nations organ. The parties should undertake to carry out in good faith awards of organs of arbitration. "In case of a complaint because of alleged non-compliance with an award, the same arbitration organ which gave the award, should register the fact of non-compliance. Such a "constatation" would give the complaining party access to all normal forms of redress, but also the right to certain steps in self-protection, the possible scope of which should be subject to an agreement in principle. . . ."

113. Whether or not a set of arrangements would meet the three first requirements approved by the Council would, according to his understanding of the situation, depend on the reply to the above questions relating to the implementation of organized co-operation. If he had rightly interpreted the sense of the discussions as concerned specifically the questions of verification, recourse and enforcement and if, thus, no objection in principle was made *a priori* against arrangements as set

down above, he would, from a legal and technical point of view, without raising here the political considerations which came into play, consider the framework sufficiently wide to make a further exploration of a possible basis for negotiations along the lines indicated worth trying.

114. On 2 November the Secretary-General received a reply to his letter of 24 October. In his reply the Egyptian Minister of Foreign Affairs declared that, with the exception of the part referring to entitlement to certain action in self-protection quoted above, his Government shared the view of the Secretary-General that the framework outlined was sufficiently wide to make a further exploration for a possible basis for negotiations worth trying.

115. On 3 November the Secretary-General circulated the above-mentioned letters which, in his opinion, represented a significant further development in the consideration of the matter as initiated by the Security Council.

(ix) LETTER DATED 24 APRIL 1957 FROM THE MINISTER OF FOREIGN AFFAIRS OF EGYPT (S/3818)

116. In a letter to the Secretary-General, dated 24 April (S/3818), the Minister of Foreign Affairs of Egypt announced that the Suez Canal was again open for normal traffic. He conveyed his Government's appreciation and gratitude for the efforts of all those, and in particular of the United Nations, who had helped to clear and restore the Canal for normal traffic in so short a time. He enclosed a Declaration on the Suez Canal and the arrangements for its operation made on 24 April by the Government of Egypt "in fulfilment of their participation in the Constantinople Convention of 1888, noting their understanding of the Security Council resolution of 13 October 1956 and in line with their statements relating to it before the Council", and requested that it be received and registered with the Secretariat.

The text of the Declaration follows:

"In elaboration of the principles set forth in their memorandum dated 18 March 1957, the Government of the Republic of Egypt, in accord with the Constantinople Convention of 1888 and the Charter of the United Nations, make hereby the following Declaration on the Suez Canal and the arrangements for its operation.

1. *Reaffirmation of Convention*

It remains the unaltered policy and firm purpose of the Government of Egypt to respect the terms and the spirit of the Constantinople Convention of 1888 and the rights and obligations arising therefrom. The Government of Egypt will continue to respect, observe and implement them.

2. *Observance of the Convention and of the Charter of the United Nations*

While reaffirming their determination to respect the terms and the spirit of the Constantinople Convention of 1888 and to abide by the Charter and the principles and purposes of the United Nations, the Government of Egypt are confident that the other signatories of the said Convention and all others concerned will be guided by the same resolve.

3. *Freedom of navigation, tolls, and development of the Canal*

The Government of Egypt are more particularly determined:

(a) To afford and maintain free and uninterrupted navigation for all nations within the limits of and in accordance with the provisions of the Constantinople Convention of 1888;

(b) That tolls shall continue to be levied in accordance with the last agreement, concluded on 28 April 1936, between the Government of Egypt and the Suez Canal Maritime Company, and that any increase in the current rate of tolls within any twelve months, if it takes place, shall be limited to 1 per cent, any increase beyond that level to be the result of negotiations, and, failing agreement, be settled by arbitration according to the procedure set forth in paragraph 7 (b).

(c) That the Canal is maintained and developed in accordance with the progressive requirements of modern navigation and that such maintenance and development shall include the 8th and 9th Programmes of the Suez Canal Maritime Company with such improvements to them as are considered necessary.

4. *Operation and management*

The Canal will be operated and managed by the autonomous Suez Canal Authority established by the Government of Egypt on 26 July 1956. The Government of Egypt are looking forward with confidence to continued co-operation with the nations of the world in advancing the usefulness of the Canal. To that end the Government of Egypt would welcome and encourage co-operation between the Suez Canal Authority and representatives of shipping and trade.

5. *Financial arrangements*

(a) Tolls shall be payable in advance to the account of the Suez Canal Authority at any bank as may be authorized by it. In pursuance of this, the Suez Canal Authority has authorized the National Bank of Egypt and is negotiating with the Bank of International Settlement to accept on its behalf payment of the Canal tolls.

(b) The Suez Canal Authority shall pay to the Government of Egypt 5 per cent of all the gross receipts as royalty.

(c) The Suez Canal Authority will establish a Suez Canal Capital and Development Fund into which shall be paid 25 per cent of all gross receipts. This Fund will assure that there shall be available to the Suez Canal Authority adequate resources to meet the needs of development and capital expenditure for the fulfilment of the responsibilities they have assumed and are fully determined to discharge.

6. *Canal Code*

The regulations governing the Canal, including the details of its operation, are embodied in the Canal Code which is the law of the Canal. Due notice will be given of any alteration in the Code, and any such alteration, if it affects the principles and commitments in this Declaration and is challenged or complained against for that reason, shall be dealt with in accordance with the procedure set forth in paragraph 7 (b).

7. *Discrimination and complaints relating to the Canal Code*

(a) In pursuance of the principles laid down in the Constantinople Convention of 1888, the Suez Canal Authority, by the terms of its Charter, can in no case grant any vessel, company or other party any advantage or favour not accorded to other vessels, companies or parties on the same conditions.

(b) Complaints of discrimination or violation of the Canal Code shall be sought to be resolved by the complaining party by reference to the Suez Canal Authority. In the event that such a reference does not resolve the complaint, the matter may be referred, at the option of the complaining party or the Authority, to an arbitration tribunal composed of one nominee of the complaining party, one of the Authority and a third to be chosen by both. In case of disagreement, such third member will be chosen by the President of the International Court of Justice upon the application of either party.

(c) The decisions of the arbitration tribunal shall be made by a majority of its members. The decisions shall be binding upon the parties when they are rendered and they must be carried out in good faith.

(d) The Government of Egypt will study further appropriate arrangements that could be made for fact-finding, consultation and arbitration on complaints relating to the Canal Code.

8. *Compensation and claims*

The question of compensation and claims in connexion with the nationalization of the Suez Canal Maritime Company shall, unless agreed between the parties concerned, be referred to arbitration in accordance with the established international practice.

9. *Disputes, disagreements or differences arising out of the Convention and this Declaration*

(a) Disputes or disagreements arising in respect of the Constantinople Convention of 1888 or this Declaration shall be settled in accordance with the Charter of the United Nations.

(b) Differences arising between the parties to the said Convention in respect of the interpretation or the applicability of its provisions, if not otherwise resolved, will be referred to the International Court of Justice. The Government of Egypt would take the necessary steps in order to accept the compulsory jurisdiction of the International Court of Justice in conformity with the provisions of Article 36 of its Statute.

10. *Status of this Declaration*

The Government of Egypt make this Declaration, which re-affirms and is in full accord with the terms and spirit of the Constantinople Convention of 1888, as an expression of their desire and determination to enable the Suez Canal to be an efficient and adequate waterway linking the nations of the world and serving the cause of peace and prosperity.

This Declaration, with the obligations therein, constitutes an international instrument and will be deposited and registered with the Secretariat of the United Nations."

117. In a letter dated 24 April 1957 (S/3819), the Secretary-General informed the Foreign Minister of Egypt that the original of the Declaration had been de-

posited in the archives of the United Nations. He stated his understanding that the Government of Egypt considered that the Declaration constituted an engagement of an international character coming within the scope of Article 102 of the Charter, and registration had therefore been effected in accordance with article 1 of the Regulations to give effect to that Article.

(x) LETTER DATED 24 APRIL 1957 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/3817/REV.1)

118. In a letter dated 24 April (S/3817/Rev.1), the representative of the United States of America requested the President of the Security Council to convene a meeting of the Council for the purpose of resuming discussion of item 28 of the list of matters of which the Security Council was seized (the item relating to the Suez Canal, included in the agenda at the request of France and the United Kingdom) and taking note of the situation regarding passage through the Suez Canal.

119. The Security Council began consideration of the matter at its 776th meeting held on 26 April. The representative of the United States of America stated that his Government did not consider that the Egyptian Declaration of 24 April as submitted fully met the six requirements approved by the Security Council. A fundamental difficulty lay in the fact that there was no provision for "organized co-operation", the phrase referred to in the Secretary-General's letter of 24 October 1956 (S/3728), between Egypt and the users, and thus no assurance that the six requirements would in fact be implemented. Since no judgment could perhaps be made until the proposed regime had been tried out in practice, *de facto* acquiescence by the United States must be provisional and the Council should remain seized of the matter. In the meantime, a number of practical arrangements would have to be worked out and whether confidence among the users of the Canal could be established would depend on the manner in which the Declaration was carried out in practice. Pending the settlement with the Universal Suez Canal Company, and in view of the possibility of double jeopardy, United States vessels would be authorized to pay Egypt only under protest, as had been the case since July 1956.

120. The representative of Egypt stated that his Government's Declaration, which was in fulfilment of its obligations under the 1888 Convention, was in accordance with the principles set forth in the Security Council resolution of 13 October 1956, as interpreted by the Egyptian Foreign Minister in his statements before the Council. In a spirit of conciliation, Egypt had agreed to have recourse to arbitration even in the event of a dispute concerning an increase in the rate of tolls. It had stated that the Canal would be operated and managed by the autonomous Suez Canal authority and had added that it would welcome and encourage co-operation with representatives of shipping and trade. The Authority would establish a fund into which 25 per cent of all gross receipts would be paid, a greater percentage than had been allocated by the former Suez Canal Company for the development of the Canal. With regard to the Canal Code, Egypt undertook to have recourse to arbitration in the event of any dispute regarding alteration in the Code. Legal provisions for the benefit of those concerned regarding complaints of discrimination or violation of the Canal Code as had been provided in the

Declaration had never existed in the days of the former Company.

121. The Declaration was in accordance even with the most delicate of the six requirements approved by the Security Council, namely, the third requirement that the operation of the Canal should be insulated from the politics of any country. He recalled that the requirement had given rise to considerable difficulties with respect to its interpretation during the debates in October, especially since agreement had not been reached on the means of application of the requirements. Egypt, had, however, taken that principle into account. It had entrusted the management of the Canal to an autonomous organ, accepted the principle of arbitration in respect of various disputes and complaints and, above all, had accepted the jurisdiction of the International Court of Justice in any disputes that might arise concerning the interpretation or application of the Constantinople Convention of 1888.

122. The Egyptian Government, he said, had decided to make the Declaration in a spirit of conciliation and in its concern that the Canal should continue to be a public service. The tragic events which had occurred after the adoption of the resolution of 13 October and the attack on Egypt had not caused the Egyptian Government to change its attitude. He was confident that with the co-operation of the parties concerned, Egypt would be able to succeed in its task of ensuring that the Canal should remain an international waterway meeting all the demands of trade, international co-operation and peace.

123. The representative of France said that the system of operation of the Suez Canal, which was the outcome of international agreements, could be modified only by a new international agreement, not by a unilateral Declaration, even one registered with the United Nations. The equilibrium which had prevailed under the former system was still unrestored and the six requirements approved by the Security Council on 13 October were, therefore, not respected in their entirety. While the first requirement approved by the Council referred to freedom of passage without any reservation, the Egyptian Declaration of 24 April provided for freedom of navigation within the limits of the 1888 Convention. Egypt would thus be reserving its right to interpret the Convention in its own way and claim the right to prohibit Israel's vessels from passing through the Canal although that claim had been rejected by the Council by its resolution of 1 September 1951 (S/2322). The Declaration also left the door open to discrimination by Egypt against any particular country on the pretext that that country was not complying with the purposes and principles of the United Nations.

124. The representative of France stated further that most of the provisions in the Declaration were so vague that in themselves they provided no safeguards whatsoever. There was no indication as to who would take part in the negotiations, as to how it would be decided whether an agreement had been reached and as to what points would be covered by arbitration. Provisions regarding development and capital expenditure also offered no clear-cut guarantee. It was not stated precisely by whom alterations to the Canal Code or its violation or discrimination could be challenged or complained against. The arbitration procedure included no standing body and no time limit. The wording of the provision regarding compensation and claims was also too vague and did not indicate clearly whether Egypt

was prepared to resume negotiations with the Universal Suez Canal Company. The text was so drafted as to enable the Egyptian Government at any time to plead its territorial sovereignty over the Canal if any States should invoke the freedom of passage established by the 1888 Convention. It did not indicate the terms of the declaration of acceptance of the compulsory jurisdiction of the International Court and mentioned only disputes between the parties to the 1888 Convention, whereas the Convention was universal in scope and all States had an interest in the right of free passage. The jurisdiction of the Court was not extended to disputes relating to the interpretation and application of the Declaration itself.

125. In view of the above, the representative of France said that the Declaration was based only on the second requirement approved by the Council on 13 October and excluded all other principles. In order fully to conform with the 1888 Convention, the Declaration required modification and completion. The essential guarantees and safeguards could be obtained, in his Government's opinion, only if the Council decided to continue negotiations for the purpose of settling the provisional operation of the Canal on a contractual basis, and then later of defining the system of permanent operation by means of an international instrument.

126. The representative of Cuba felt that the Egyptian Government appeared to be more favourably disposed towards an agreement on navigation through the Canal and noted with interest the proposal that any problems arising with regard to freedom of passage through the Canal should be settled by the International Court of Justice or by an arbitration tribunal. He was, of course, aware that the Declaration would have to be converted into an international instrument. The manner in which the Canal was operated in the future would be the most important factor in determining his Government's opinion.

127. The representative of the Philippines expressed his Government's adherence to the six principles adopted by the Security Council on 13 October which had acquired a binding character because of their acceptance by the principal parties concerned. He believed that the Declaration might lawfully be invoked by a user of the Canal before any United Nations organ as binding on the Egyptian Government. Since the Declaration had itself indicated the need for further negotiations, it might be that the proposed arrangements should be regarded merely as *de facto* or interim measures pending a final or definitive settlement. However, in practice the rights of the users of the Canal were adequately safeguarded in accordance with the six principles, the status of the present preliminary arrangements would not matter. His delegation was by and large confident that the provision in the Declaration regarding the compulsory jurisdiction of the International Court of Justice could insulate the Canal from the politics of any country. Further, the provisions regarding arbitration, if fulfilled in good faith, should provide adequate preliminary safeguards for the former owners and for the users of the Canal.

128. The representative of Colombia felt that although the Egyptian Declaration was unilateral and could be unilaterally amended, it involved irrevocable commitments to submit certain disputes to arbitration and to comply with Article 36 of the Statute of the International Court of Justice. Although only a country signatory to the Convention of 1888 could have recourse

to the International Court, the regular procedure of the Court would apply once the matter was before it. In view of the acceptance of the Court's jurisdiction, it would be for the Court to interpret the 1888 Convention and not for Egypt as had been indicated by the representative of France. As to claims in connexion with the nationalization of the Suez Canal Company, Egypt had accepted a commitment to undertake negotiations and, if no agreement was reached, to submit the matter to arbitration. The other articles of the Declaration represented no more than an expression of intentions, notification of which was being given to the United Nations. His delegation felt that an expression of intent was not sufficiently complete and that negotiations would have to continue until an international treaty was framed which would embrace the rest of the points mentioned in the Security Council resolution of 13 October.

129. At the 777th meeting held on 26 April, the representative of Australia noted that the Declaration had been regarded by the Egyptian Government as constituting merely an international instrument and not a binding engagement of a permanent nature. It seemed to him ironical that nations which had suffered for many months as a result of the Egyptian sabotage of the Canal, entirely unwarranted by any defence considerations, and had made advances towards the cost of the Canal's clearance, should be presented with a Declaration which made no reference to any payment for the cost of clearance. From the procedural point of view, the Declaration was a unilateral document which would not provide the same degree of assurance to the users as an international agreement. The actual contents of the Declaration fell short of providing a settlement that would fully meet the Council's six requirements which his Government regarded as an essential minimum. It did not really satisfy the third requirement, except to the extent of the reaffirmation of the 1888 Convention and did not make it clear whether the first requirement would be given full effect. His Government could not regard as satisfactory any arrangement which seemed likely to extend Egypt's denial of passage through the Canal to Israel on specious grounds. The fourth requirement regarding the fixing of tolls was not satisfied, while the procedure suggested for the settlement of disputes gave no recourse to countries not parties to the 1888 Convention except when the dispute concerned discrimination or complaints arising out of the Canal Code. Moreover, the meaning of certain parts of the Declaration was far from clear as was the procedure for the interpretation of the Declaration itself. Further, there was no guarantee that the funds set apart for developmental purposes would be fully utilized for development of the Canal.

130. The representative of Australia added that the resumption of the use of the Canal by shippers should not be regarded as an acceptance of the Egyptian Declaration and that the Council should be ready to facilitate the early pursuit of negotiations towards a proper international agreement, especially since international capital necessary for the development of the Canal would not be available in the absence of such an agreement.

131. The representative of Iraq expressed satisfaction that progress had been made despite the military intervention in Egypt which had nullified the patient efforts made in October to settle the problem peacefully and that Egypt had demonstrated a genuine desire to arrive at a just solution. The fact that the Egyptian Government had considered the Declaration a solemn

undertaking and a binding international instrument should afford security to the users and allay fears that Egypt intended to use the Canal for political ends. He believed that the Declaration had substantially met the six principles approved by the Council, and was a significant step forward. The new arrangements should be given a chance to function and should not be condemned outright as if no progress had been achieved.

132. The representative of the Union of Soviet Socialist Republics said that while France and the United Kingdom had demonstrated contempt for the Security Council resolution of 13 October 1956 by aggression against Egypt which had put the Canal out of action for a time, Egypt had done everything possible to obtain a positive solution of the Suez Canal problem. The Declaration of the Egyptian Government, which was in complete accord with the Constantinople Convention of 1888 and the Charter of the United Nations, represented a constructive contribution for the settlement of the Suez problem. The USSR Government was convinced that Egypt was in a position to ensure and was already ensuring in practice the normal operation of the Suez Canal on the basis of the principles stated in the Declaration. It was convinced that, by the proclamation of the Declaration, the problem of the Suez Canal was substantially settled. It considered that the Security Council should put an end to the desire of certain circles in the Western countries, as evidenced by statements in the Council, to foist upon Egypt a solution of the Suez problem which would infringe upon its sovereign rights over the Canal and would allow for intervention in its domestic affairs.

133. The representative of China said that, without commenting on the various questions which had been raised with regard to the Egyptian Declaration, he wished to state that the Security Council resolution of 13 October 1956 was still valid and that obligations resulting from that resolution were still binding on all the parties concerned. Secondly, he felt that the exact meaning of some of the provisions of the Declaration could only be learned from actual experience of their administration. Thirdly, he believed that the provision concerning compulsory arbitration in connexion with certain operational disputes, if implemented in good faith, might prove very helpful. He hoped that this provision would be given a fair trial by all the parties concerned.

134. The representative of Sweden understood that the Egyptian Government regarded the Declaration as constituting an instrument that was internationally binding on it. He attached great importance to the reaffirmation of the principle of non-discrimination in respect of the use of the Suez Canal and noted with satisfaction the provisions regarding arbitration and recourse to the International Court of Justice. He wished to emphasize that his Government considered it highly desirable that an agreement in some form for co-operation between Egypt and the users of the Canal should be established; that was an urgent matter which should be dealt with in the near future in an atmosphere of mutual understanding.

135. The President, speaking as the representative of the United Kingdom, said that his Government stood firm by the Security Council resolution of 13 October and considered that the authority of the Council in the matter remained engaged. Commenting on the Egyptian Declaration in the light of the six requirements approved by the Council, he said that while Egypt affirmed

respect for the terms and the spirit of the 1888 Convention, further clarification was required on how it would apply that policy in practice. Although the arbitration procedures set out in the Declaration might be said to be a step toward the implementation of the third requirement, to which his Government attached particular importance, it would appear that Egypt retained the power to withdraw or modify at any time the unilateral Declaration and the procedures laid down in it. Further, there was little provision for co-operation with the users of the Canal, the importance of which was recognized in the correspondence between the Secretary-General and the Foreign Minister of Egypt. The proposal on tolls appeared to have come reasonably close to meeting the fourth requirement, but it had not been specified with whom the Suez Canal Authority would negotiate about an increase in the level of tolls. While the allocation of 25 per cent of all gross receipts to the Capital and Development Fund appeared to be adequate in the light of the fifth requirement, the proposed Fund would apparently be under the sole control of the Canal Authority. In his view, it would be more in keeping with the third requirement if the funds were placed in some independent bank and if there was some binding understanding about its use. The procedures regarding compensation were a reasonable approach to meeting the sixth requirement, but it was not clear what was meant by "the parties concerned", whereas the Council had expressly recognized the position of the Suez Canal Company. Moreover, the Declaration contained no provisions for the payment of any sums found to be due.

136. The representative of the United Kingdom concluded that the procedure adopted by the Egyptian Government and the unilateral form of the Declaration was the point on which that document was most open to criticism. He noted the general feeling that it could not be regarded as a final settlement in accordance with the six requirements contained in the resolution of 13 October.

137. The representative of Egypt, referring to the comment of the representative of France that Egypt had not carried out the Council resolution of 13 October 1956, claimed that Egypt had implemented that resolution as explained in his earlier statement, while France had violated it by resorting to force a few days after its adoption. He also expressed surprise that the representative of Australia had accused Egypt of sabotage of the Canal. Even if there had been sabotage, it had been caused by an unprovoked aggression in violation of the Charter, which Australia had endorsed. Egypt had every right to take the necessary steps to defend itself and to decide on the type of measures to be adopted. He wished to clarify the position of his delegation that, in order to implement the resolution of 13 October 1956, Egypt was resolved to continue to apply the Convention of 1888 and to carry out the terms of the Declaration in the interests of trade, peace and friendly relations among States.

(xi) LETTER DATED 15 MAY 1957 FROM THE REPRESENTATIVE OF FRANCE (S/3829)

138. In a letter dated 15 May (S/3829), the representative of France requested that a meeting of the Security Council should be called to resume consideration of the item relating to the Suez Canal. In explanation of his request, he enclosed a communiqué issued on that day by the Council of Ministers of France stating that the French Government had noted with regret the

decision taken by those users of the Suez Canal who had agreed to make direct payment of tolls to Egypt without the minimum guarantees concerning free transit through the Canal and the equitable distribution of the monies collected. The French Government, which had always, even when its own higher interests had been at stake, paid heed to the decisions or recommendations of the United Nations, could not regard as acceptable, still less as final, a solution to the Canal problem which was in flagrant contradiction with the six requirements unanimously approved by the Security Council. In a last appeal in the United Nations, therefore, it requested the Security Council to call upon Egypt to comply with the six requirements.

139. At its 778th meeting held on 20 May, the Security Council decided by 10 votes to none, with 1 abstention (USSR), to include the letter of the representative of France in the agenda.

140. The representative of France stated that the purpose of the debate was to find out whether the United Nations would once again provide one rule valid for nations which complied with its decisions or even recommendations and another rule for countries which could with impunity consider them null and void. The unilateral Declaration of the Egyptian Government, as already indicated by the French representative, was not consistent with the six principles approved by the Security Council. In the opinion of the French Government, it was not possible to modify or interpret the 1888 Convention and to study the modalities of implementing the Security Council decision of 13 October without appropriate negotiations on a multilateral basis. The French Government was disturbed that the regime under the Declaration, which was regarded by other Canal users as temporary, might last indefinitely and that Egypt might be prompted to evade an international agreement. France was therefore asking the Council to see to it that negotiations were opened as soon as possible for the purpose of settling the question in accordance with the six principles.

141. The representative of Egypt said that his delegation was surprised by the decision of the Council to reopen the Suez Canal question. At the previous meeting, even those delegations which had maintained that the Egyptian Declaration had not completely answered the six requirements had believed that the regime proposed by Egypt should be tested by time in order to take a final position. Since then, no complaint had been made against the Egyptian authorities managing the Canal, traffic had been resumed at a normal pace and many ships belonging to the most important maritime nations of the world had been using the Canal. In order to put into effect the resolution of 13 October 1956, Egypt was determined to continue to implement the Constantinople Convention of 1888 and the Declaration of 24 April 1957.

142. The representative of Cuba said that the delay of the Egyptian Government in accepting the compulsory jurisdiction of the International Court of Justice increased the concern of his delegation, and his delegation reaffirmed its view that something more than a simple Declaration was necessary in order that all parties might consider that their legitimate rights and interests were guaranteed. Further, his delegation must express concern at declarations published to the effect that it was intended to deny the right of free transit through the Canal to ships of certain specified flags and thus to ignore the Constantinople Convention and a resolution

of the Security Council. Cuba would support any demand for strict compliance with the six principles for the operation of the Suez Canal approved by the Council, since any actions contrary to those principles would aggravate the problem.

143. The representative of the United Kingdom drew particular attention to the fact that Egypt had not indicated that the Suez Canal Capital and Development Fund would be constituted in such a way as to ensure its independent status, that it had not made suitable provision for the payment of compensation, that it had not taken steps to accept the compulsory jurisdiction of the International Court of Justice, that it had not clearly indicated the manner of co-operation envisaged with the nations of the world, that it had not clarified with whom it intended to negotiate about increase of tolls, and that it had not reported on the progress of the study of further arrangements for fact-finding, consultation and arbitration on complaints relating to the Canal Code, arrangements which the United Kingdom Government expected would be worked out in collaboration with the users. The unilateral Egyptian Declaration could not be accepted as a settlement of the Suez Canal problem. Until there was an internationally negotiated settlement, which alone would receive the full confidence of the users and the international community, it could not be said that the requirement providing for the insulation of the Canal from the politics of any country had been adequately met. His Government would continue to work for a negotiated settlement and had made it clear that the use of the Canal by British shipping should not prejudice its existing legal rights.

144. The representative of the Philippines said that his delegation continued to regard the arrangement proclaimed in the Egyptian Declaration as provisional. It felt that the obligations assumed by the Egyptian Government, if fulfilled in good faith, should provide adequate preliminary safeguards for the former owners and for the users of the Canal, and that the provisions for settlement of disputes regarding the applicability or the interpretation of the Constantinople Convention by recourse to the International Court of Justice could insulate the Canal against the politics of any country. The Council's resolution of 13 October did not require that any interim measure should comply with all the six principles. If, however, it was the intention to consider the Egyptian Declaration as a proposal for a final and definitive settlement, negotiations between the parties might be pursued towards such a settlement. The United Nations, in the view of his delegation, must continue to seek a final solution, while giving the interim arrangements a trial without injury to the interests of any of the nations involved.

145. The representative of the Union of Soviet Socialist Republics said that the Egyptian Declaration, which was in full accord with the Constantinople Convention and the United Nations Charter, and which reflected the six principles approved by the Security Council, offered an acceptable solution taking into account the legitimate interests of all the users and the rights of the Egyptian people. The Canal was being used by all countries which wished to use it, and the French Government had not presented any proof that Egypt had in any way obstructed free navigation in the Canal. The USSR delegation felt that the call for a renewed discussion of the Suez question represented a new attempt to compel Egypt to accept a settlement incompatible with its sovereignty and legitimate rights,

and was designed to aggravate the situation in the Near East. He reiterated his delegation's deep conviction that the Suez problem had been settled in substance with the publication of the Egyptian Declaration and that there was no reason for further discussion of that problem in the United Nations.

146. The representative of France, referring to the statement of the representative of the Philippines, said that if Egypt were to inform the Council that the Declaration of 24 April was a provisional solution and were to undertake that the six principles would be fully reflected in the final solution, considerable progress would have been made in the direction of conciliation.

147. At the 779th meeting held on 21 May, the representative of Australia reiterated his Government's view that the procedure adopted by the Egyptian Government and the actual contents of the Declaration fell short of providing the sort of international agreement which was needed to establish the world's confidence in the future of the Suez Canal and to meet the six requirements laid down by the Security Council. The Security Council must insist that any final settlement should provide a full reflection of the six principles. Although the Canal might be temporarily used under an unjust system unjustly imposed, the influence of such a position taken by the Security Council would continue to exert itself in the right direction and promote a just settlement.

148. The representative of China said that although the Egyptian Declaration had been accepted as a *modus vivendi* by a number of nations, members of the international community must hold fast to the six principles which continued to be binding on all the parties concerned. In case of any contravention of the principles, the full machinery for the peaceful settlement of disputes must be applied, including arbitration, reference to the International Court and, if necessary, appeal to the Security Council. For the time being, it appeared to his delegation that it would be better for the Council to pay attention not so much to the form of the Declaration as to the actual administration of the Canal from day to day. As to the specific points raised during the discussion regarding compensation to the former Suez Canal Company, the Capital and Development Fund, arbitration procedures and acceptance of compulsory jurisdiction of the Court, his delegation believed that it was incumbent on the Egyptian Government to remedy those inadequacies of the *modus vivendi* as soon as possible.

149. The representative of Colombia said that problems such as that of the Suez Canal had to be solved within the framework of the limited and imperfect procedure of conciliation that existed under the Charter of the United Nations. The resolution of 13 October, adopted under such a procedure, was more than a simple recommendation. Since it expressed an agreement accepted by Egypt, it was of a mandatory nature. The Egyptian Declaration had merely established a provisional regime and did not claim to solve all the problems regarding the nationalization of the Suez Canal. It established procedures such as negotiation, arbitration and reference to the International Court of Justice for the settlement of remaining problems. The question could be considered definitively settled only when those procedures had been followed and negotiations had been concluded. In view thereof, his delegation felt that it was essential for Egypt itself to supplement its Declaration and clarify some points which had given rise to

misunderstandings. Firstly, Egypt had to submit the text of the acceptance of the compulsory jurisdiction of the International Court. Secondly, the second paragraph of the Declaration required clarification, since it was regarded by European public opinion as a kind of threat by Egypt to reserve to itself the right to reconsider the terms of its Declaration if other countries refused to abide by United Nations recommendations on similar matters. In his view, that provision meant merely that Egypt and all the other nations concerned must confine themselves to resolving their differences within the spirit of the United Nations Charter. Thirdly, negotiations had to be undertaken to reach an agreement on compensation of claims. In the opinion of the Colombian representative, the Council should, so to speak, open a parenthesis in the debates in order to give time for the provisions of clarifications, the drafting of a letter accepting the compulsory jurisdiction of the Court and the conduct of negotiations with regard to compensation. Conversations between the Secretary-General and the parties concerned might be continued without any further decision by the Council.

150. The representative of Iraq said that, since the last meeting of the Council when it had reached a tacit understanding that the new arrangements provided in the Egyptian Declaration should be tried out in practice, transit through the Canal had been effected efficiently and smoothly, the international maritime community had been showing increasing confidence in the new Canal administration and Egypt had been doing everything possible to earn and retain that confidence. The Egyptian Declaration was, in his view, a significant step forward and provided the basic guarantees required to ensure smooth navigation through the Canal. It recognized that there remained points at issue which had to be agreed upon. He hoped, however, that those differences would be resolved later in a spirit of understanding and compromise in the light of the six principles. He was concerned that the French decision to bring the matter before the Council now might render a solution more difficult and urged the Council not to take any action which would further complicate the problem.

151. The representative of Sweden reiterated his Government's position that the situation with regard to the arrangements for the operation of the Canal was not completely satisfactory, but that in the circumstances the present regime should be given a fair trial. Less importance should be attached to the legal form than to the actual implementation of the Egyptian Declaration. He understood that the Declaration was internationally binding on the Government of Egypt.

152. The President, speaking as the representative of the United States of America, recalled his Government's position that the Egyptian Declaration, in its present form, did not fully meet the six requirements of the Security Council, particularly in view of the lack of provision for an organized system of co-operation with the users. Further clarifications were required on several points such as the way in which Egypt intended to insulate the operation of the Canal from the politics of any country, the procedure by which continuous co-operation with the users would be assured with regard to the fixing of tolls and charges, the time when Egypt would deposit its acceptance of the compulsory jurisdiction of the Court, the manner in which Egypt proposed to give effect to the arbitration provisions and the method it had in mind for reaching agreement on compensation of claims. The United States believed that it

would serve the interests of Egypt and of the users if the doubts which had been expressed could be dispelled by the Egyptian Government. In the meantime, the Council should remain seized of the question.

153. The representative of France expressed gratification at the discussion in the Council. He hoped that the interpretation given by the Colombian representative to the second paragraph of the Egyptian Declaration would be confirmed by the Government of Egypt. As to the view that the present system should be tried out before passing any judgment on its merits as a final system, he felt that it was better to tackle difficulties before they arose and that it would be preferable not to delay in beginning negotiations on a settlement of the Suez problem as a whole. He was interested to see that other delegations had attached as much importance as the French delegation to the provisional or interim nature of the system set forth in the Egyptian Declaration.

154. The President said that it was clear from the discussion that the majority of the members of the Council were of the opinion that the six requirements of the Council had not yet been met, that there were uncertainties requiring clarification and that the Egyptian position remained to be completed. Members of the Council wished to know when the Egyptian Government would deposit its acceptance of the compulsory jurisdiction of the International Court. Questions had been raised regarding the nature of the obligations recognized by the Egyptian Government under the Declaration, the manner in which they had been put forward and the status of the Declaration. Reference had been made to the provisional nature of the Declaration. Comments of the members reflected continuing doubts regarding the system now put into effect by the Egyptian Government, and further clarification was desired on the participation of the users and the insulation of the Canal from the politics of any nation. Members had also felt that the obligations assumed by Egypt, such as the compensation of claims arising out of nationalization, required further initiative from Egypt. The Egyptian Government would presumably wish as soon as possible to examine those points carefully and to consider the concrete steps it could take to remove the doubts which had arisen. In the meantime, the Council would remain seized of the question and would be in a position to resume its deliberations to hear further from the representative of Egypt or when other developments made it desirable. The agenda item was still pending and the matter could be raised by any member of the Council.

155. The representative of the Union of Soviet Socialist Republics said that it was clear that the questions to which the President had referred in his summary reflected the views of individual delegations and did not in any way reflect the opinion of the Council as a whole.

156. The President stated that he believed that his summary of the proceedings of the two meetings was accurate and spoke for itself.

157. The representative of Egypt said that since Egypt was not a member of the Council, he should like to make reservations on behalf of his delegation in regard to the summary made by the President.

158. By a letter (S/3839/Rev.1) dated 13 June 1957, addressed to the Secretary-General, the representative of France transmitted a communication from his Government in which it was stated that, having regard to the fact that the conclusions drawn by the President

of the Security Council indicated the provisional nature of the Egyptian memorandum of 24 April and the need for complete implementation of the six principles adopted by the Council on 13 October 1956, the French Government was making available to French shipping companies and shipowners the means necessary to enable their ships to use the Canal. That action, it was stated, in no way affected the conclusions referred to and could neither prejudice the rights of third parties nor modify in any way the point of view expressed by the representative of France at the Council meetings on 20 and 21 May.

B. The Palestine Question

(i) REPORTS OF THE SECRETARY-GENERAL AND OF THE CHIEF OF STAFF, AND COMMUNICATIONS FROM THE PARTIES CONCERNED

159. In his report of 9 May 1956 (S/3596) on the problem of enforcement of and compliance with the General Armistice Agreements and the Council's resolutions, the Secretary-General had analyzed the basic issues involved and indicated certain lines of action which, if followed by the parties in co-operation with the United Nations organs established for the purpose, could lead to a state of full compliance with the Armistice Agreements. In its resolution of 4 June the Security Council expressed its general endorsement of that report.

160. During the period between the submission of the Secretary-General's report on 9 May and the intervention by Israel in Egypt on 29 October 1956, the Chief of Staff of the United Nations Truce Supervision Organization and the Secretary-General, under his mandate from the Security Council of 4 April and 4 June, were concerned with efforts to implement specific proposals designed to support the cease-fire. In that connexion the Secretary-General again visited the area between 18 and 23 July. In the ensuing three-month period, the Secretary-General and the Chief of Staff submitted a number of reports to the Security Council.¹ Some of the proposals and developments in regard to them as contained in those reports are briefly mentioned below.

(a) *Proposals in support of the cease-fire*

161. As indicated in the Secretary-General's report of 9 May (S/3596), the Governments of Egypt and Israel had accepted the proposal put forward in April 1956 for the establishment of a number of United Nations observation posts on both sides of the Gaza Demarcation Line. Israel, however, had set a time limit of six months, i.e., until 31 October 1956, for the operation of the system. The United Nations posts were to be supported by patrols of the Truce Supervision Organization, and the Observers were promised free access to those positions at any time. A total of twelve posts were established at selected locations, six on each side of the Armistice Demarcation Line.

162. In a report of 5 September (S/3659, annex), the Chief of Staff stated that conditions along the Demarcation Line surrounding the Gaza Strip, stable for a period of nearly two and a half months, had begun to deteriorate about the middle of July. The presence of the Observers had not always deterred the parties from

¹ See S/3632, S/3638, S/3658, S/3659, S/3660, S/3670 and S/3685.

opening fire across the Demarcation Line or from crossing it. In his view, additional measures proposed but not implemented might have gone far towards preventing so many breaches of the cease-fire. The Chief of Staff further noted in his report the difficulties encountered in the placing by the United Nations Truce Supervision Organization of conspicuous markers along the Demarcation Line surrounding the Gaza Strip.

163. In the negotiations in April, the Secretary-General pointed out in his report of 9 May, the Egyptian Government had agreed that the parties should withdraw their armed forces from the Demarcation Line to a distance sufficient to eliminate or greatly reduce risks of violations of the cease-fire. Israel had indicated its intention of refraining from sending patrols up to the Demarcation Line except when it proved essential. The Chief of Staff noted in his report of 5 September that in practice the Israel arrangements had not proved sufficiently firm.

164. As regards articles VII and VIII of the Egypt-Israel General Armistice Agreement which, *inter alia*, established a Demilitarized Zone centered on El Auja and forbade the presence of armed forces therein, prohibited Egypt from maintaining defensive positions in an adjoining area west of the Demilitarized Zone, and limited the arms and troops in the Defensive Areas on both sides of the Line, both Egypt and Israel had indicated to the Secretary-General their willingness to comply fully with those two articles, within the framework of a full return to the state of affairs envisaged in the Armistice Agreement. However, the Secretary-General noted the view expressed during the negotiations that such implementation had to find its place in relation to other steps in fulfilment of the aims of the Armistice Agreement. Since 21 September 1955, when the Demilitarized Zone had been occupied by Israel armed forces, the Secretary-General and the Chief of Staff had been engaged in efforts to secure the implementation of a plan which provided for the withdrawal of the Israel armed forces and for the removal of prohibited Egyptian positions. The Israel Government had given assurances of their full acceptance in principle of that plan. However, the agreed withdrawal did not take place.

165. The Chief of Staff noted that the village of El Auja was also, under article X of the Armistice Agreement, the headquarters of the Egyptian-Israel Mixed Armistice Commission. Israel had at first limited access to El Auja by the Egyptian members of the Commission and had subsequently refused it altogether. Israel had in addition placed restrictions on the movement and activities of the United Nations Military Observers in the Demilitarized Zone. The Chief of Staff drew attention to the importance of maintaining Observers in the Demilitarized Zone, with freedom to move and to send messages to the Chairman of the Mixed Armistice Commission and the United Nations Truce Supervision Organization by the speediest means. The strategic importance, he stated, of the roads radiating from El Auja was such that, if one side or the other should contemplate aggression on a large scale against the territory of the other, primary or secondary lines of operations would certainly be established through the Demilitarized Zone. The presence of United Nations military Observers, therefore, was a deterrent against aggression. On 3 September 1956, at a meeting with the Chief of Staff, Mr. Ben-Gurion, Prime Minister of Israel, had repeated his refusal to allow meetings of the Commission in El Auja, stating that the relevant articles of the

General Armistice Agreement were "in suspension" owing to Egypt's non-compliance with article I and the Security Council resolution of 1 September 1951 concerning the passage through the Suez Canal of shipping bound for Israel.

166. In his report submitted on 27 September 1956 (S/3659), the Secretary-General commented on the argument advanced by Israel that each of the Agreements constituted an indivisible whole. On that basis, what one party found to be a lack of compliance by the other parties to the Armistice Agreement, especially with their basic article I, was considered to give the party who found its interests jeopardized freedom from its obligations under the Armistice Agreement (apart from the cease-fire obligation), including its obligation to the United Nations in connexion with the Observers' operations as envisaged in the Agreements. While recognizing that the Armistice Agreements were formally bilateral agreements, the Secretary-General noted the fact that, with the consent of the parties, the Agreements had been endorsed by the Security Council and that they must be considered as establishing the equivalent of an international undertaking. That fact subjected the application of the theory of "indivisibility" to the Armistice Agreements to very serious limitations.

167. The report of the Chief of Staff (S/3659, annex) also furnished information regarding the non-implementation of certain proposals to support the cease-fire on the Israel-Jordan frontier by Local Commanders' Agreements and on the Israel-Syrian frontier by observation posts in the eastern and north-eastern area adjoining Lake Tiberias.

(b) Developments on the Egypt-Israel Armistice Demarcation Line, and comments of the Secretary-General in relation to the cease-fire obligation of the parties to the General Armistice Agreements

168. In incidents in the Negev and Gaza Strip areas on 14 and 16 August 1956, reported on by the Chief of Staff on 20 August (S/3638), an Israel truck and a civilian vehicle were blown up by mines and an Israel bus and jeep were attacked. Four Israel citizens died and eight others were wounded. Annexed to the report was a statement made by the Secretary-General on 16 August in which he had reminded the Governments of Egypt and Israel of their duty to observe strictly the cease-fire and also their obligations "to take active measures against the crossing of the Demarcation Line and acts of violence in connexion therewith". On the following day, in connexion with two new incidents in which an Egyptian car with medical personnel was ambushed in Egyptian-controlled territory and nine Egyptians were killed, the Secretary-General made a further statement, also annexed to the report of the Chief of Staff, warning that the party which resorted to such acts, whether starting or prolonging a chain of disturbances, assumed a great responsibility. The difference in the degree of responsibility borne by those found to have initiated such a chain of disturbances and by the other party did not remove the responsibility of the latter for a resort to acts of violence in contravention of the rules of the Charter.

169. The report submitted by the Secretary-General on 27 September commented on developments since 4 June 1956. The immediate reason for the report, the Secretary-General stated, was continued incidents along the Armistice Demarcation Lines, particularly those complained of by Israel and Egypt near the Gaza Strip

and the El Auja Demilitarized Zone, and the temporary suspension of discussions on various local arrangements. In the report the Secretary-General reviewed the significance of the re-establishment during the negotiations in April 1956 of a general and independent cease-fire obligation. Furthermore, he stated that the assurances given to the United Nations of unconditional observance of the cease-fire clauses made the United Nations itself a party to the cease-fire obligations, thereby again clearly establishing its right to take steps for securing the implementation of those obligations.

170. Possibilities still remained open, the Secretary-General said, for constructive steps on such matters as abstention from repeated threats, compliance by both Egypt and Israel with the articles of the Armistice Agreement relating to the El Auja Demilitarized Zone and the adjacent Defensive Areas, the re-establishment of freedom of navigation for Israel ships in the Suez Canal in accordance with the Security Council's resolution of 1 September 1951 and such other matters as the utilization of the Jordan waters or the repatriation and resettlement of refugees, where decisions by the United Nations had for long been neglected or even challenged.

171. The Secretary-General felt that the Governments of the region, upon whom rested the main responsibility to make efforts to turn the tide, had so far failed to carry through a discipline sufficiently firm to forestall incidents which, step by step, must necessarily undermine the cease-fire. Acts of violence, supposed to have been staged by one party, had been immediately followed by acts of violence which must be supposed to have been staged by persons on the other side in "self-defence" as a part of a policy of retaliation. Even when the acts of violence might have seemed to be limited to a pattern of "short-term reciprocity", there was a permanent risk that the incidents might release a chain of events such as that which prevailed at the time of the cease-fire arrangements in the middle of April. That fact in itself fully justified, in the view of the Secretary-General, the stand of the Security Council on all acts of violence, including those which reflected a policy of retaliation.

(c) Developments on the Israel-Syrian Armistice Demarcation Line

172. In annex VII to the Secretary-General's report of 9 May 1956, the Chief of Staff had pointed out that the Israel-Syrian Mixed Armistice Commission had ceased holding either emergency or regular meetings since 1951. Syria had complained of violations by Israel of article V of the Armistice Agreement which established a Demilitarized Zone and gave to the Chairman of the Mixed Armistice Commission certain clearly defined responsibilities in connexion with it. Israel had maintained that violations of article V were a matter between the Israel delegation and the Chairman. The refusal of Israel to agree to submit to the Mixed Armistice Commission the interpretation of article V for a decision as to the Commission's competence in the Demilitarized Zone had made impossible the resumption of regular meetings of the Commission.

173. On 7 August Syria informed the Security Council (S/3634) that, despite numerous complaints submitted to the Syrian-Israel Mixed Armistice Commission, the Israel's had continued their aggressive activity in the Demilitarized Zone, disregarding the provisions of the General Armistice Agreement and ignoring the orders of the Truce Supervision Organization. Among

the more serious violations mentioned in the Syrian letter were deployment in the Zone of a regular Israel police force instead of local police, construction of military fortifications and settlements within the Demilitarized Zone and preventing, from time to time, the Observers of the Truce Supervision Organization from moving freely in the Zone.

174. In his report of 5 September 1956, the Chief of Staff reported that extensive fortifications, consisting of both fire and shelter trenches, concrete bunkers and barbed wire entanglements, had been erected by Israel near Hagovrim and Susita, inside the Demilitarized Zone. In his opinion, those went beyond what was needed for the protection of the civilian population. In spite of the Chief of Staff's request that the works should be dismantled, Israel had continued to extend the fortifications in the area. The Israel delegation had complained that certain Syrian fortifications encroached upon the Demilitarized Zone. The Syrian authorities, when requested by the Chief of Staff to demolish them, had replied that they would be ready to do so when the Israelis demolished the permanent fortifications referred to above.

175. At a meeting with the Chief of Staff of 3 September, the Prime Minister of Israel had stated that Israel could not comply with the request to destroy those fortifications, on the grounds that Syria was violating article I of the General Armistice Agreement.

(d) Developments on the Jordan-Israel Armistice Demarcation Line

176. In letters dated 16 and 26 July 1956 (S/3621, S/3628) Israel stated to the Security Council that the security situation along the Israel-Jordan border had seriously deteriorated since the unconditional cease-fire assurance given by Jordan to the Secretary-General on 26 April. Attention was drawn to the gravity of the situation which had resulted from the attacks described and it was declared that Israel could not be expected to submit to the calculated terrorism pursued by Jordan.

177. On 24 and 25 July, two incidents in the Sheikh Abd el Aziz area and on Mount Scopus near Jerusalem involving extensive exchange of fire across the Armistice Demarcation Line represented, as the Secretary-General stated in a report of 3 August 1956 (S/3632), "a greater threat to the policy of cease-fire than had so far arisen". Annexed to the report was a survey of incidents on the Israel-Jordan Demarcation Line up to 28 July which had been prepared by the Chief of Staff.

178. On 26 September the Secretary-General informed the Security Council (S/3658) that the most recent events along the Jordan-Israel Demarcation Line had brought to a culmination a development which had been progressing for a few months. If the Governments concerned did not bring the situation rapidly under control, the Council should take the matter up.

179. In a report (S/3660) of the same date the Chief of Staff reported on the increasingly serious incidents along the Jordan-Israel Demarcation Line, which had taken place during the period 29 July-25 September. The major incidents involved crossings by groups of armed persons from Israel into Jordan, crossings of groups of armed men from Jordan into Israel and an attack on a bus; exchanges of fire between patrols; shooting by machine-gun fire from a Jordanian position at a group of members of an archeological congress in-

specting a site at Ramat Rahel in the Jerusalem area; shooting across the Demarcation Line; and attacks by Israel armed forces on three police posts: at Rahwa on 11 September, Gharandal on 13 September, and Sharafi near Husan village on 25-26 September.

180. On 8 October, the representatives of Egypt, Jordan, Lebanon and Syria jointly informed the Council (S/3669) that the attack on the Sharafi police post in the Husan region had been a premeditated act of aggression by regular Israel armed forces and had been taken as reprisal against Jordan. That act, added to such particularly serious acts as the attacks on Qibya and Nahalin villages in October 1953 and March 1954 respectively, and the raids on the Jordan police posts of Rahwa and Gharandal on 11 and 13 September 1956 respectively, had convinced their Governments that the Israel authorities were trying by provocation to drag the Arab States into a general war.

181. In a report dated 11 October (S/3670) on subsequent developments, the Chief of Staff stated that on 1 October the Israel delegation had walked out of a meeting of the Mixed Armistice Commission because the Chairman had indicated his intention of voting, on the basis of the evidence, in favour of a Jordanian amendment modifying the Israel draft resolution which would have condemned Jordan for the incident at Ramat Rahel. Representatives of both parties had at different times, on previous occasions, walked out of meetings of the Mixed Armistice Commission. On that occasion, however, the Israel delegation, in reply to the Chief of Staff, who had drawn its attention to the desirability of requesting an investigation of a serious incident by United Nations military Observers, and the desirability of holding an emergency meeting, had stated that the Government of Israel could not agree to United Nations military Observers investigating this incident. It was already being investigated by the Israel authorities. Until further notice, the policy of the Israel Government would be not to have United Nations military Observers investigate Israel's complaints. Since then, the Chief of Staff reported, the Israel authorities had carried out their own investigations of incidents on their own side of the Demarcation Line.

182. In another report dated 17 October (S/3685), the Chief of Staff described the attack carried out by Israel forces on the night of 10-11 October on the village of Qalqiliya, in which a police post was demolished with explosives and heavy casualties inflicted. Annexed to the report was a compilation of available statistics on casualties of the parties under the General Armistice Agreements in Palestine for the year 1955 and the first nine months of 1956. In transmitting the report to the Security Council, the Secretary-General drew attention to the comment of the Chief of Staff in his report of 11 October that at present the situation was that one of the parties to the General Armistice Agreements had made its own investigations, which were not—and which could not be made—subject to check or confirmation by United Nations military Observers, had published the results of such investigations, had drawn its own conclusions from them and had undertaken actions by its military forces on that basis. The Secretary-General endorsed the view of the Chief of Staff that that was a dangerous negation of vital elements of the Armistice Agreements and represented a further step towards limiting the functions of the United Nations Truce Supervision Organization, already indicated in his report submitted on 27 September.

(ii) LETTER DATED 15 OCTOBER 1956 FROM THE REPRESENTATIVE OF JORDAN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 17 OCTOBER 1956 FROM THE REPRESENTATIVE OF ISRAEL, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, REQUESTING CONSIDERATION BY THE COUNCIL OF THE FOLLOWING COMPLAINT BY ISRAEL:

PERSISTENT VIOLATIONS BY JORDAN OF THE GENERAL ARMISTICE AGREEMENT AND OF THE CEASE-FIRE PLEDGE MADE TO THE SECRETARY-GENERAL ON 26 APRIL 1956

183. In a letter dated 15 October 1956 (S/3678), the representative of Jordan informed the President of the Security Council that, on 11 October, the Israel army had launched a major military attack against the villages of Qalqiliya, Sufin, Habla and Nabi Ilyas, using heavy arms and equipment including bombers. Twenty-five soldiers and national guards had been killed and thirteen wounded. A similar attack, launched on the night of 25-26 September against the area of Husan, had resulted in the loss of twenty-five Jordanian lives while six Jordanians had been wounded. He requested an early meeting of the Council to consider the situation.

184. In a letter dated 17 October 1956 (S/3682), the representative of Israel requested that the following complaint against Jordan be considered by the Security Council at its forthcoming meeting: "Persistent violations by Jordan of the General Armistice Agreement and of the cease-fire pledge made to the Secretary-General on 26 April 1956".

185. At its 744th meeting held on 19 October 1956, the Council included in its agenda the complaints submitted by the representatives of Jordan and Israel, and invited them to participate in the discussion.

186. The representative of Jordan, outlining the recent events on his country's borders, said that at midnight on 11 September 1956, an Israel force of 800 soldiers had launched a sudden attack on the village of Rahwa. The police post and the village school had been blown up. Ten policemen and soldiers and ten national guards had been killed and others wounded. On 13 September, 1,000 Israel soldiers, heavily equipped and assisted by observation aircraft had attacked the police outpost of Gharandal, which they had destroyed along with the village school. Nine policemen and two villagers had been wounded. Again, on 25 September, an Israel force composed of 2,000 soldiers had attacked the two villages of Wadi Fukin and Husan. They were met by the Jordan national guard and a small army detachment, and severe fighting had taken place. Upon receiving Jordan's complaint regarding the above Israel military actions, the Jordan-Israel Mixed Armistice Commission had carried out an investigation and had found evidence of Israel aggression. In its resolution of 4 October 1956 it had condemned the Israel authorities "for a most flagrant aggression by Israel Regular Army forces" and had called upon them to desist from their aggressions against Jordan. In spite of the condemnation by the Mixed Armistice Commission, Israel had launched on 10 October its heaviest attack so far, in the area of Qalqiliya, Habla, Sufin and Nabi Ilyas. The Jordanian army had put up a strong defence and, at a certain stage of the fighting, had been able to carry out counter-attacks. The loss of life had been heavy. According to the report made on the attack by the Chief

of Staff on 17 October, forty-eight Jordanians, including civilians, had been killed.

187. The representative of Jordan declared that the Israel attacks were acts of war and not just border incidents. Comparing the incidents which had taken place between the two countries, according to the official report of the Chief of Staff dated 26 September 1956, he said that Israel had lodged fifty-nine complaints against Jordan. None of the incidents about which complaints had been made, he said, had been planned by the Jordanian authorities or had resulted in any loss of life, while Jordan had made 210 complaints of border violations by Israel, in which seventy-two Jordanians had been killed and twenty-four wounded. Israel had refused to co-operate with United Nations Military Observers in the investigation of border incidents. At the same time, as the Chief of Staff had pointed out in his report of 11 October, Israel had made its own investigations, which were not subject to check or confirmation by any neutral observers, had drawn its own conclusions and had taken military action on the basis of those conclusions. Israel was thus destroying the very foundation of the General Armistice Agreement. The cease-fire assurance given by Israel to the Secretary-General, he continued, had become valueless since responsible officials and political party leaders of Israel had advocated a policy of expansion through military attacks against Jordan.

188. The representative of Jordan then observed that the timing of the latest Israel attacks appeared to be dictated primarily by the present conditions in the Middle East. Finding Egypt and other Arab States deeply occupied with the Suez Canal question, Israel wished, by its military actions, to take advantage of that situation, and also to weaken the efforts of the Arab Governments to solve that problem. In view of Israel's record of non-compliance with the Council's previous resolutions, Jordan would request that the Council in order to maintain peace in the area and to safeguard its own prestige, take effective measures against Israel, as provided in Article 41 of the Charter.

189. The representative of Israel said that since 26 April 1956, when the Secretary-General had received assurances that the cease-fire would be observed, Jordan had been responsible for a series of attacks against Israel. Those attacks had resulted in the loss of thirty-seven Israel lives. While he regretted the casualties suffered by both sides, the responsibility for losses lay on Jordan. He added that if Jordan were prepared to put an end to its attacks, there would be peace on the border.

190. The representative of the United Kingdom said that the Council had expected that, as a result of its repeated and unanimous expression of concern together with the energetic and persistent efforts of the Secretary-General, the situation along the Demarcation Lines should show improvement. Instead, as the Secretary-General had pointed out in his two reports of 26 September and 17 October, there had been further deterioration. In fact, the tension along the Jordan-Israel border was greater than at any time since the signing of the Armistice Agreement. The United Kingdom Government felt sympathy for Jordan and commended the restraint shown by its Government.

191. The representative of Iran declared that his delegation deplored the loss of life which had resulted from the attacks launched by Israel against Jordan and

offered its sympathy to the people and Government of Jordan. According to the report of the Chief of Staff dated 11 October 1956, large Israel regular army forces had launched an unprovoked and premeditated attack against the area of Husan in Jordan. The report also showed that Israel was not co-operating with the Mixed Armistice Commission. His delegation considered that a grave situation had been created by Israel's defiance of the provisions of the Armistice Agreement, the Security Council resolutions and the Charter of the United Nations. The Council pursuant to its resolution of 19 January 1956, must therefore consider measures required to maintain order in the area.

192. The representative of the Union of Soviet Socialist Republics said that the policy of retaliation followed by the Israel Government was contrary to the resolutions of the Security Council and was incompatible with the obligations of Member States under the Charter. He said that the facts presented to the Council provided incontrovertible evidence that Israel had deliberately violated the Armistice Agreement, the relevant Security Council resolutions and the undertakings it had given to the Secretary-General during the discussions he had held pursuant to the Security Council resolution of 4 April 1956. Under those circumstances, the Council must adopt effective measures to put an end to Israel's continuous defiance and to forestall any future acts which might lead to a breach of the peace.

193. At the 745th meeting held on 25 October 1956, the representative of Israel charged Jordan with persistent violations of the Armistice Agreement and of the cease-fire pledge given to the Secretary-General on 26 April 1956. He declared that, for the last six months, Jordan had followed a policy of aggression which Israel was resisting in the exercise of its right of self-defence. The events under consideration had not begun at midnight on 11 September 1956, as the representative of Jordan had claimed, but had in fact originated several months earlier. The representative of Israel, after submitting a list of the attacks launched by Jordan since 26 April 1956, said that those attacks had resulted in serious loss of life and property in Israel. The Mixed Armistice Commission, at fourteen emergency meetings, had condemned Jordan for those attacks and had called upon it to desist from any further attacks. In pursuit of its policy of seeking remedy through peaceful means, Israel had not only referred its complaints to the Mixed Armistice Commission, but had also brought them to the attention of the Security Council on 16 and 26 July. On 28 June and again on 23 July, the Israel Government had also formally requested the Chief of Staff to secure from Jordan a proper respect for its cease-fire undertakings. In that connexion, it must also be remembered that the Secretary-General, during the course of a short visit to the Middle East, had had to make a special journey to Amman to discuss the grave situation resulting from Jordan's non-compliance with its cease-fire undertakings.

194. The representative of Israel then listed a series of attacks launched by Jordan against Israel from 15 September to 12 October, resulting in the death of thirty-seven Israelis and an undetermined number of wounded. He also drew attention to the activities of the so-called *fedayeen* which, he said, were organized in Egypt for the purpose of attacking civilian life and communications in Israel. The Jordan defence force had

supplied them with arms and had given them shelter. They had used Jordanian Army and Police Headquarters as their bases. Such assistance was in complete violation of Jordan's pledge to observe the cease-fire.

195. Quoting statements of Arab leaders and radio broadcasts, the representative of Israel said that quiet on the Jordan-Israel frontier could not be expected when the mission of the Jordanian troops, as laid down by their leaders, was to reduce life in Israel to an anarchy of insecurity in preparation for a comprehensive assault with the object of destroying a Member State of the United Nations. So far, the United Nations had not been able to offer Israel that minimal security which was enjoyed by each and every one of its other Member States. As a sovereign State, Israel owed a duty to its citizens, and while it was prepared to implement fully the Armistice Agreement on the basis of reciprocity, and was ready to establish conditions which should lead to peace in the area, it could not continue to suffer in silence the consequences of a unilateral Arab belligerency. Israel considered that the present situation required new constructive thinking rather than a return to ineffective routines of verbal condemnation and investigation. For its part, Israel was prepared to work for a goal of peace and co-operation, in mutual respect of sovereignty and integrity, in order to advance the high causes of regional welfare and international peace.

196. The representative of Jordan, after expressing his delegation's gratitude to those members of the Council who had shown their sympathy to the people and Government of Jordan, said that the declaration of the Israel representative accusing Jordan of violations of the Armistice Agreement was yet another form of the application of Israel's policy of retaliation. Since the representative of Israel considered the resolutions of the Mixed Armistice Commission to be valid evidence, Israel had no grounds for expressing lack of confidence in the decisions of that Commission and for not co-operating with it.

197. The representative of Jordan denied categorically the Israel charge that the Jordanian Government had been responsible for any of the incidents. He added that the representative of Israel had played with facts in order to confuse the events and to shift the responsibility from his Government. The Israel representative's interpretation of the right of self-defence as meaning the right to use force, whenever it was convenient to Israel, was not only erroneous but would undermine the very basis of the Armistice Agreements and the Charter.

198. The representative of Jordan urged that the Council should not only take action with regard to what had already happened, but that it should also apply punitive measures under Article 41 of the Charter as a deterrent against future Israel attacks. Israel should comply with all the United Nations resolutions before professing to be desirous of peace.

199. The representative of Iran said that it would be useful to hear the views of the Secretary-General on the present question as the Secretary-General had been asked by the Council to negotiate and mediate between the parties. He therefore proposed the adjournment of the Council.

200. The representative of the Union of Soviet Socialist Republics pointed out that, since each party had submitted to the Council an extremely urgent question which required immediate action, it would be inadvis-

able to adjourn without a positive decision on the Council's next meeting and suggested that the Council should meet the following Tuesday, 30 October.

201. The President said that members of the Council obviously needed to consider carefully the statements of the representatives of Jordan and Israel. The incident about which Jordan had complained was serious, and looked at in a wider context, it was a symptom of a much more serious and dangerous crisis. It was the task of the Security Council not only to determine responsibilities, but to strive constructively to find a solution by which peace along the demarcation lines would be maintained. The objective of the proposal to adjourn the Council to Tuesday, 30 October, was to facilitate clear-cut and effective action by the Council.

[The Security Council did not consider further the items submitted by Jordan and Israel in the period covered by this report.]

(iii) STEPS FOR THE IMMEDIATE CESSATION OF THE MILITARY ACTION OF ISRAEL IN EGYPT

202. In a letter dated 29 October 1956 (S/3706) the representative of the United States of America informed the President of the Security Council that his Government had received information to the effect that, in violation of the Armistice Agreement between Israel and Egypt, the armed forces of Israel had penetrated deeply into Egyptian territory. That military action had commenced on 29 October and was continuing in the Sinai area. He requested the convening of the Council as soon as possible to consider the item entitled "The Palestine Question: steps for the immediate cessation of the military action of Israel in Egypt".

203. At the 748th meeting held on 30 October 1956, the item was included in the agenda and the representatives of Egypt and Israel were invited to take part in the discussion.

204. The representative of the United States of America said that he had asked for an urgent meeting of the Security Council to consider the critical developments which had occurred and which were unfortunately still continuing in the Sinai Peninsula as the result of Israel's invasion of that area. His Government felt that it was imperative that the Council act in the promptest manner to determine that a breach of the peace had occurred, to order that the military action undertaken by Israel cease immediately, and to make clear its view that the Israel armed forces should be immediately withdrawn behind the established armistice lines. Nothing less would suffice. He noted that the Chief of Staff of the United Nations Truce Supervision Organization had already issued a cease-fire order on his own authority which Israel had so far ignored. He also noted that military observers of the United Nations Truce Supervision Organization had been prevented by Israel authorities from performing their duties. The Council should call upon all Members of the United Nations to render prompt assistance in achieving a withdrawal of Israel forces, and to refrain from giving any assistance which might continue or prolong the hostilities. No one should take advantage of that situation for any selfish interest.

205. The Secretary-General reported that, according to the Chief of Staff of the United Nations Truce Supervision Organization, Israel troops had crossed the international frontier and had occupied positions in Sinai in violation of the General Armistice Agreement and the

Council's cease-fire order of 11 August 1949. The Chief of Staff had that morning requested the withdrawal of the troops, and also a cease-fire, in which the concurrence of Egypt had been asked. The Chief of Staff had also informed him that on 29 October a United Nations military observer and a radio officer had been expelled from El Auja and that the Chairman of the Egyptian-Israel Mixed Armistice Commission had been informed that the demilitarized zone under Israel control had been mined. Finally, the Secretary-General reminded the Council that it had not been possible for the Truce Supervision Organization to investigate any of the incidents which had preceded the events of the previous day.

206. The representative of Yugoslavia said that the Security Council had met to consider what was clearly a flagrant act of aggression within the meaning of Article 39 of the United Nations Charter. Israel troops had moved deep into Egyptian territory and fighting was in progress. For years, and more particularly in recent weeks, Israel had been engaging in a policy of large-scale armed reprisals against its neighbours, with which it had signed armistice agreements. Israel had frustrated and practically destroyed the armistice agreements. Israel had flouted Security Council resolutions and ignored its Charter obligations.

207. Referring to Israel complaints of certain acts on the part of its neighbours, the representative of Yugoslavia said that they could have been dealt with through the armistice machinery and that they could not in any way provide a pretext or an excuse for the course of naked aggression upon which Israel had embarked. The peace of the Middle East was at stake. He urged the Council to act swiftly and as a first step to order the immediate cessation of the military action of Israel in Egypt and the immediate withdrawal of the Israel forces to the armistice demarcation line. Any failure to comply with such an order would entail the application of stern measures under Chapter VII of the Charter. He shared the hope of the representative of the United States that other States would refrain from any action that might complicate the situation even further.

208. The representative of Iran said that a point had been reached where statements were no longer sufficient. If the warning which the representative of the United States intended to submit in the form of a draft resolution, and which, he hoped, would be unanimously adopted, failed to produce any concrete results, then the Council must not hesitate any longer to assume the responsibilities incumbent upon it under the Charter.

209. The representative of the Union of Soviet Socialist Republics said that the available facts indicated that Israel had committed aggression against Egypt. It had attacked with massed forces in the area of the Sinai Peninsula and penetrated Egyptian territory to a considerable depth. The Security Council was thus faced with an extremely dangerous situation in the Middle East. He said that it was plain that Israel could not have made that attack without encouragement and help from those aggressive circles which were not interested in the preservation of peace in the Middle East and were trying to find some pretext for moving their troops into that area. In that connexion, he quoted from a press report to the effect that the United Kingdom and France had declared that their forces would occupy key positions in the Suez Canal area unless Israel and Egypt stopped fighting within twelve hours. The representative of the USSR said that that report made it clear

that the intention was to intervene in the events in the Middle East without waiting for United Nations action. He said that the Council must take effective action to put an end to the aggression committed by Israel against Egypt and to secure the immediate withdrawal of its troops from Egyptian territory. At the same time, the Council must issue a warning that no State had the right to exploit the existing serious situation in its own selfish interests. That applied also to the United Kingdom and France.

210. The representative of Australia said that his Government fully shared the deep concern felt throughout the whole world over the military operations that were being carried out by Israel. It was evident that those operations had been clearly in contravention of the armistice agreements. There was apparently no contesting whatever of those basic facts, and it seemed to him that that clearly put the Israel Government in the wrong in that particular matter. His delegation had always taken the view that the problem of Israel must be seen in the broad context of the menaces and threats and actions taken against Israel. However, the violence of the reprisals on various occasions had not been justified by the particular events that had led up to them. In that particular case, the Council had not had reports of any recent actions on the side of Egypt that would afford justification or provocation for an action of that kind. It was the duty of the Council to take up the matter and to determine the steps that would contribute most speedily to the restoration of peace in the area. His delegation was greatly disturbed by the reports which the Secretary-General had read and endorsed the action taken by the Chief of Staff for a cease-fire.

211. The representative of China commended the initiative of the United States in requesting an urgent meeting of the Security Council and urged the Council to concentrate, for the time being at least, on the cessation of hostilities and the withdrawal of Israel forces from Egyptian territory.

212. The representative of Cuba said that his delegation had stated again and again that the Palestine question should be settled by peaceful negotiation. His delegation welcomed the initiative taken by the United States and trusted that it might lead to a cease-fire and the withdrawal of the Israel troops.

213. The representative of the United Kingdom informed the Council that the British Prime Minister, after consultation with the President of the Council of France, had made an important statement, the text of which he would shortly circulate to the Security Council (S/3711—see paragraph 217 below).

214. The representative of Peru stated that the Security Council had to act, and to act quickly, unanimously and effectively in the grave situation resulting from the events taking place on the border between Israel and Egypt. It was vital that military operations should cease and the troops be withdrawn.

215. The representative of Egypt said that Israel had committed the most serious act of armed aggression since the conclusion of the armistice agreements between the Arab countries and Israel. According to preliminary reports, Israel troops had penetrated into Egyptian territory at several points. He emphasized that the armed, unprovoked, and wholly unjustified attack on Egypt, after Israel had ordered general mobilization, constituted an act of war and demonstrated beyond any doubt the aggressive and expansionist aims of Israel's policy.

The attack committed by Israel forces on Egyptian territory was in violation of the General Armistice Agreement, the Security Council resolutions and the United Nations Charter. It constituted a breach of the peace and a serious act of aggression falling within the scope of Chapter VII of the Charter. He was confident that the Council would declare Israel to be an aggressor State and apply the appropriate provisions of Chapter VII of the Charter, and would recommend to the General Assembly, under Article 6 of the Charter, that Israel should be expelled from the United Nations. He was convinced that those Members of the United Nations which had been providing Israel with any economic, technical or military assistance would refrain from doing so and would immediately end such aid. He shared the hope that no State would exploit the situation to secure political advantages.

216. The representative of Israel said that on the preceding Sunday, three *fedayeen* units from Egypt had created the latest breach of the peace by invading the territory of Israel from Egypt. Two of the invading units had been captured; the third had been repelled. That had followed the Amman conference between the Chiefs of Staff of the armed forces of Egypt, Syria and Jordan, at which decisions had been reached for the immediate and drastic intensification of aggression against Israel. On the evening of 29 October, Israel had taken security measures to eliminate the Egyptian *fedayeen* bases in the Sinai Peninsula. He was still at that moment without complete information on the course of those operations. The matter was too grave for improvised utterance, and he therefore asked leave to address the Security Council within a few hours.

217. At its next (749th) meeting held in the afternoon of the same day (30 October), the representative of the United Kingdom drew attention to the text of a statement made that day in the House of Commons by the British Prime Minister after consultation with the Prime Minister and the Foreign Minister of France (S/3711). The United Kingdom Prime Minister had informed Parliament that very grave issues were at stake, and that unless hostilities could quickly be stopped, free passage through the Canal would be jeopardized. The United Kingdom and French Governments had addressed urgent communications to the Governments of Egypt and Israel, calling upon both sides to stop all warlike action by land, sea and air forthwith, and to withdraw their military forces to a distance of ten miles from the Canal. Further, in order to separate the belligerents and to guarantee freedom of transit through the Canal by the ships of all nations, they had asked the Egyptian Government to agree that Anglo-French forces should move temporarily into key positions at Port Said, Ismailia and Suez. Both Governments had been asked to answer the communication within twelve hours. It had been made clear to them that if, at the expiration of that time, one or both had not undertaken to comply with those requirements, British and French forces would intervene in whatever strength might be necessary to secure compliance. The first consideration in the mind of his Government, the United Kingdom representative added, was that the fighting between Israel and Egypt must stop. The second consideration was that, unless hostilities could quickly be stopped, free passage through the Suez Canal on which the economic life of so many nations depended, would be jeopardized. He stressed that the action which his Government had felt in duty bound to take was of a temporary character. Referring to the statement made

by the representative of the Soviet Union that certain Powers had prompted the Israel Government to take action against Egypt, he said that the contrary was, of course, the truth. His Government had done everything in its power to lower tension in the Middle East, and the present explosive situation had arisen because the advice of the United Kingdom and its friends had not been heeded. He trusted that the great majority of the members of the Council would agree that the action which the French Government and Her Majesty's Government had taken was in the general interest and in the interest of security and peace. It seemed to him that for the moment there was no action that the Security Council could constructively take which would contribute to the twin objectives of stopping the fighting and safeguarding free passage through the Suez Canal. He hoped that the United States representative would agree that in the circumstances nothing would be gained by pressing on with the consideration of his draft resolution that day.

218. The President, speaking as the representative of France, said that his delegation associated itself with what had been said by the United Kingdom. His delegation felt that nothing useful would be gained at the present time in considering the United States draft resolution.

219. The representative of the United States then introduced the following draft resolution (S/3710), which had already been circulated to the members of the Council:

"The Security Council,

"Noting that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel,

"Expressing its grave concern at this violation of the Armistice Agreement,

"1. Calls upon Israel immediately to withdraw its armed forces behind the established armistice lines;

"2. Calls upon all Members

"(a) to refrain from the use of force or threat of force in the area in any manner inconsistent with the Purposes of the United Nations;

"(b) to assist the United Nations in ensuring the integrity of the armistice agreements;

"(c) to refrain from giving any military, economic or financial assistance to Israel so long as it has not complied with this resolution;

"3. Requests the Secretary-General to keep the Security Council informed on compliance with this resolution and to make whatever recommendations he deems appropriate for the maintenance of international peace and security in the area by the implementation of this and prior resolutions."

220. The representative of the United States of America expressed the belief that if the draft resolution were adopted and complied with by Israel, then the basis for the ultimatum would disappear. He made it clear that he did not imply that in any circumstances the ultimatum would be justifiable or be found to be consistent with the Purposes and Principles of the United Nations Charter.

221. The representative of Yugoslavia said that the statement of the representative of the United Kingdom introduced a new element of the utmost gravity into an

already tense and serious situation. While the Security Council was engaged in considering the action to be taken in the face of Israel aggression against Egypt, two Member States of the United Nations had apparently decided to embark upon what could only be described as the unilateral application of force. They had done so without any kind of authorization from the United Nations. Egypt, the victim of aggression, was being enjoined to waive its inherent right of self-defence, and was also being summoned to acquiesce in the occupation of part of its territory by two foreign Powers. Such a course of action was clearly contrary to the Charter. He hoped that the United States draft resolution would be put to the vote and adopted with the least possible delay.

222. The representative of the Union of Soviet Socialist Republics said that, in the opinion of the Soviet delegation, the action taken by the United Kingdom and French Governments represented an attempt to exploit the situation and to seize the Suez Canal by armed force. That action could only be described as aggression against Egypt. The Council must act swiftly. Although the United States draft resolution lacked a vitally important clause, one whereby the Council would condemn Israel for its act of aggression, his delegation, in view of the shortage of time, would support it.

223. The representative of Israel said that the object of his country's military operations in the Sinai Peninsula was to eliminate the Egyptian *fedayeen* bases from which armed Egyptian units invaded Israel's territory for purposes of murder, sabotage and the creation of permanent insecurity to peaceful life. In the spring of 1956, the activities of the *fedayeen* groups had taken a new scope and intensity. During that agonizing spring and summer Israel had been called upon to display its greatest capacities of restraint, going far beyond the normal obligations of a sovereign State endowed with the inherent right of self-defence. The Chief of Staff of the United Nations Truce Supervision Organization had informed the Foreign Minister of Israel that he had dispatched a protest against the action of the *fedayeen* and considered that if Egypt had ordered the raids, it had put itself in the position of an aggressor.

224. Citing the losses suffered by his country as a result of those activities, the representative of Israel noted that in recent months it had become apparent that the Arab Governments, and especially Egypt, had come to regard the *fedayeen* weapon as an instrument not for mere harassment but for Israel's destruction. It was the spearhead of a unilateral Egyptian belligerency which was founded on a doctrine without parallel or precedent in international law. Invoking a "state of war" Egypt asserted a "right" to perform hostile acts of its choice against Israel, while claiming immunity from any hostile response emanating from Israel.

225. The Government of Israel, he continued, had had ample reason to fear that *fedayeen* activity was to be resumed on an unprecedented scale following the meeting of the Chiefs of Staff of Egypt, Syria and Jordan at Amman. The very day after it had given notice of its apprehension to many Governments concerned with the maintenance of peace and security in the Middle East, the *fedayeen* units had begun to arrive.

226. The representative of Israel concluded that his Government rejected with indignation the charges of aggression made against it. There was aggression and belligerency in the Middle East, but Israel was the victim of aggression and not the author of it.

227. The representative of Egypt noted that the representative of Israel had talked at length about the *fedayeen*. The item the Council was discussing, however, was "Steps for the immediate cessation of the military action of Israel in Egypt". Then he drew the Council's attention to his request (S/3712) for the inclusion in the agenda of a new item concerning the Anglo-French ultimatum which had exposed Egypt to the threat of aggression (see Chapter I, C below).

228. The representative of Peru noted that the seriousness of the situation called for an urgent resolution within the scope of Article 40. The United States draft resolution avoided extraneous aspects of the problem and was confined to those advance measures which the Security Council was ineluctably obliged to take.

229. He stated that the United Nations could not abdicate its position of having to bear exclusive and primary responsibility for the maintenance of peace, because in General Assembly resolution 377 (V), entitled "Uniting for Peace", the Assembly could take any measures that the Council had failed to take. He believed that the United States draft resolution was strictly in keeping with the provisions of the Charter.

230. The representative of the United States of America said that he would accept a change suggested by several Members, and would insert in the United States draft resolution a new paragraph 1, reading as follows:

"Calls upon Israel and Egypt immediately to cease fire".

231. He informed the Council that President Eisenhower had sent an urgent personal message to the Prime Ministers of the United Kingdom and France expressing his earnest hope that the United Nations would be given full opportunity to settle the items in the controversy by peaceful means instead of by forceful ones.

232. The representative of China said that while he did not accept the thesis of the representative of Israel, he had a certain measure of sympathy with that country's dilemma. It had chosen to meet its problems in its own way. The futility of the Security Council was partly responsible for the choice that Israel had made in regard to the means of action. However, he thought that Israel's action had made the situation worse, and that it was disproportionate to the wrongs that Israel said it had suffered. His delegation would therefore support the United States draft resolution as a whole.

233. The representative of the United Kingdom reiterated his Government's intention not to keep its forces in the area any longer than was necessary in order to protect its nationals, to help bring the fighting to an end and to deal with the real danger of the fighting spreading across the Canal. Under those circumstances, he was obliged to vote against the draft resolution.

234. The President, speaking as the representative of France, said that for nearly ten years the State of Israel had lived in a perpetual effort to maintain in its own territory an uncertain and ever-precarious peace, with war constantly present on its frontiers. For years the Egyptian High Command had been pursuing a policy whose aims were fundamentally incompatible with those of the United Nations. Egypt had openly proclaimed that the objectives of its policy were the annihilation of the State of Israel, the expansion of Egyptian imperialism from the Atlantic Ocean to the

Persian Gulf, open intervention in French internal affairs, direct material assistance to rebellious citizens, and the seizure, in defiance of all treaties and rules of international law, of a waterway which was essential to the life of the nations. In all those circumstances, it was not possible, in all fairness, to condemn Israel for striking back at and pursuing the *fedayeen* responsible for the three raids that had taken place the previous day. His delegation opposed the adoption of any resolution before the Israel and Egyptian Governments had replied to the requests submitted to them by France and the United Kingdom.

235. The representatives of Australia and Belgium said that they would abstain on the draft resolution, as they had not yet received instructions from their respective Governments.

Decision: *The draft resolution proposed by the United States of America, as amended, (S/3710) received 7 votes in favour, 2 against (France, United Kingdom), and 2 abstentions (Australia, Belgium). It was not adopted, the negative votes being those of permanent members of the Council.*

236. The representative of the Union of Soviet Socialist Republics then said that since the Council had been unable to adopt the United States draft resolution as a whole, his delegation would submit the following draft resolution (S/3713)

"The Security Council,

"Noting that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel,

"Expressing its grave concern at this violation of the Armistice Agreement,

"Calls upon Israel immediately to withdraw its armed forces behind the established armistice lines."

237. The representative of China submitted an amendment providing for the insertion of the following as a new operative paragraph 1 in the USSR draft resolution:

"Calls upon Israel and Egypt immediately to cease fire".

238. The representative of the Union of Soviet Socialist Republics stated that he was prepared to accept the amendment proposed and he also accepted an Iranian amendment to include in the USSR text the last paragraph of the United States draft resolution (S/3710).

239. At its next (750th) meeting convened in the evening of the same day (30 October) an hour after the adjournment of the previous meeting, the Council had before it a revised draft of the USSR draft resolution (S/3713/Rev.1), operative paragraph 1 of which read "Calls upon all the parties concerned immediately to cease fire". After some discussion operative paragraph 1 was orally amended by the USSR to read "Calls upon Israel and Egypt immediately to cease fire".

Decision: *The USSR draft resolution (S/3713/Rev.1), as amended, received 7 votes in favour, 2 against (France, United Kingdom), and 2 abstentions (Belgium, United States). It was not adopted, the negative votes being those of the permanent members of the Council.*

240. The representative of the United States of America, explaining his abstention, said that he had stated at the previous meeting that his delegation's draft was a unit and should be considered as a whole. The draft resolution which had just been voted on had used certain parts of the United States draft, leaving out the words "all the parties concerned" and also all the enforcement provisions. The United States delegation had to abstain on the last vote because the draft resolution as a whole lacked the integrity which his delegation thought it should have.

241. The representative of Yugoslavia noted that the draft resolution, the purpose of which was to stop the fighting in the Sinai Peninsula and to avoid a major conflagration, had been vetoed by two permanent members of the Security Council. That veto was a blow to the prospects of restoring peace in the Middle East and to the prestige of the United Nations.

242. The representative of the Union of Soviet Socialist Republics said that two great Powers had assumed a heavy responsibility in presenting Egypt with an ultimatum in violation of the Charter and in disregard of their responsibilities as permanent members of the Council. It was abundantly clear that Israel's invasion of Egypt had been planned to provide a pretext for joint action by the United Kingdom and France to seize the Suez Canal by force of arms.

243. The Security Council then proceeded to the next item on its agenda, the letter dated 30 October 1956 from the representative of Egypt (S/3712) (See Chapter I, C, below).

(iv) LETTER DATED 13 MAY 1957 FROM THE PERMANENT REPRESENTATIVE OF SYRIA TO THE UNITED NATIONS, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING THE CONSTRUCTION OF A BRIDGE IN THE DEMILITARIZED ZONE ESTABLISHED BY THE GENERAL ARMISTICE AGREEMENT BETWEEN ISRAEL AND SYRIA

244. In a report (S/3815) dated 20 April 1957, the Acting Chief of Staff of the United Nations Truce Supervision Organization in Palestine said that on 26 March 1957 Syria had complained to the Chairman of the Israel-Syrian Mixed Armistice Commission that Israel military forces had been building military fortifications and constructing a bridge at the outlet of Lake Huleh. Syria had asked the Chairman of the Mixed Armistice Commission to order an immediate investigation and to take the necessary action with the Israel authorities to stop such illegal work in the Demilitarized Zone. On 31 March Syria had further informed the Chairman that the bridge had been constructed and that, because of its military value for Israel, it should not be allowed in the Demilitarized Zone.

245. The Acting Chief of Staff had not been able to make an immediate investigation because Israel had refused to consider the Syrian complaint. Israel had taken the position that United Nations Military Observers should not enter the Demilitarized Zone from Syrian territory and had refused to allow an investigation from its own side. Subsequently, however, while maintaining its opposition to what it considered Syrian interference in the Demilitarized Zone, Israel had ceased to object to inspection of the site of the bridge. The Acting Chief of Staff found on 7 April that there were no fortifications but that an area on the western approaches to the bridge had been marked as mined. Since minefields and

mines in the Demilitarized Zone were prohibited, he was arranging to have any existing mines removed from the area. The Acting Chief of Staff also found that the bridge had not been built on Arab-owned lands and that its construction had not prejudiced the interests of any Arab civilians in the Demilitarized Zone. He added that although the bridge could be used for military purposes, he was nevertheless satisfied that it had been erected in connexion with the Huleh Reclamation project. Accordingly, he did not think that he would be justified in asking for its removal since such a request would have to be based on the assumption that a party would use the bridge for military purposes in violation of the General Armistice Agreement, an assumption which he was not entitled to consider. The Acting Chief of Staff also suggested that, in view of the difficulties which had occurred in the investigation, it would be advisable to reaffirm the special powers of the Chairman of the Mixed Armistice Commission and United Nations Military Observers in the Demilitarized Zone.

246. In a letter (S/3827) dated 13 May 1957 and addressed to the President of the Security Council, the representative of Syria said that the construction of the bridge in the Demilitarized Zone was likely to give Israel a military advantage in contravention of the provisions of the General Armistice Agreement and the retention of the bridge would constitute a threat to peace. He added that while the Syrian Government was able to subscribe to most of the statements in the report of the Acting Chief of Staff, particularly with regard to the powers of the Mixed Armistice Commission and the functions of United Nations Military observers, it could not concur in his conclusions which did not represent a strict application of the provisions of the General Armistice Agreement. The representative of Syria requested a meeting of the Security Council to consider the question.

247. At its 780th meeting held on 23 May 1957, the Council included the Syrian complaint in its agenda and invited the representatives of Syria and Israel to participate in the discussions.

248. The representative of Syria said that the construction of the bridge had been accompanied by Israel military activity in the Demilitarized Zone and that, if an investigation of the site had been promptly allowed by Israel, it would have been difficult to conceal such activity. Article V, paragraph 5(a) and 5(b), of the General Armistice Agreement had explicitly prohibited any military activity in the Demilitarized Zone. The Acting Chief of Staff had said that the bridge could be used for military purposes and taking into consideration the safe-load of the bridge, Syria believed that even at present the bridge could lend itself to the task of conveying complete equipment for an army to the eastern shore of Lake Huleh. The military advantage which would thus accrue to Israel would be in violation of the provisions of the General Armistice Agreement. The Acting Chief of Staff, in refusing to comply with the Syrian request, had seemed to distinguish between the military advantage which would accrue to Israel and the intentions of the Israel authorities to avail themselves of that advantage. Syria, on the other hand, believed that a weighing of intentions was not permissible in determining any breach of the Agreement. The Acting Chief of Staff had also placed economic considerations affecting Israel above all other considerations when he reported that he was satisfied that the bridge had been constructed in connexion with the Huleh Reclamation Project. Moreover, the procedure laid down

by the Security Council in its resolution of 18 May 1951 for the execution of that project had not been complied with by Israel. The representative of Syria concluded by urging the Council to condemn Israel for violation of the General Armistice Agreement, to order removal of the bridge, to reaffirm the special powers of the Chairman of the Mixed Armistice Commission and United Nations Military Observers and to reaffirm the right of the United Nations Observers to freedom of movement and access in all the sectors of the Demilitarized Zone.

249. The representative of Israel said that the General Armistice Agreement had expressly provided for the restoration of normal civilian life in the Demilitarized Zone. At the time of the signing of the Agreement the Acting Mediator had declared that the United Nations would ensure that the zones were not to become a vacuum or a wasteland. For the last six years, Syria had constantly attempted to obstruct improvements schemes in the Zone but all its arguments against reclamation work by Israel had been repeatedly rejected by the Chief of Staff and the Security Council. In 1951, the Chief of Staff had categorically stated that invocation of military advantage was contrary to the General Armistice Agreement and was therefore inadmissible. After the signing of that Agreement, the relationship between Israel and Syria was no longer based on purely military considerations. The bridge in question had been constructed by Israel for the sole purpose of serving as a carriage-way for the transport of earth-moving and dredging machinery for the completion of the canal system to the Jordan river. He added that all mines near the western approaches to the bridge had been removed and the Acting Chief of Staff had been informed accordingly. As regards the question of freedom of access of United Nations military observers, Israel would not interfere in their movement in the Demilitarized Zone when such movement was necessitated by their official functions. However, it would not agree to any investigations in the Demilitarized Zone based on Syrian complaints.

250. At the 781st meeting of the Council, held on 28 May 1957, the representative of Iraq said that the basic issue was that by constructing the bridge, Israel had gained a military advantage to which it was not entitled under the General Armistice Agreement. All other considerations that had been advanced by Israel to confuse the issue, as for example the so-called economic advantages of the Huleh project, were irrelevant. Moreover, the bridge would make contact between the two armed forces much more likely than before and the possibilities of friction and incidents would greatly increase. In reaching his conclusions concerning the bridge, the Acting Chief of Staff had gone beyond the duties entrusted to him. He was not expected to assess the intentions of the parties, but rather to determine whether the facts, as he saw them, were consistent with the provisions of the General Armistice Agreement. The Acting Chief of Staff had no assurance that the bridge would not be used for some military purposes in the future. Moreover, the construction of the bridge was not an isolated act. It was the latest in a series of carefully planned acts calculated to undermine the Armistice Agreement as a prelude to annexing the Demilitarized Zone to Israel.

251. Israel had also violated the General Armistice Agreement by having its police units in the Demilitarized Zone, by obstructing the work of the United Nations Truce Supervision Organization, by refusing

to attend meetings of the Mixed Armistice Commission and by obstructing the return of the Arab civilians to the Demilitarized Zone. Faced with those violations, the Council must act firmly to save the situation from further deterioration.

252. The representative of the United Kingdom said that under Article V of the General Armistice Agreement, the Chief of Staff or his deputy, acting as Chairman of the Mixed Armistice Commission, had been made responsible for the general supervision of the Demilitarized Zone. The Council had always upheld his authority and had reaffirmed it in its resolution of 18 May 1951. In the present case, the Acting Chief of Staff had evidently satisfied himself that the bridge did not have a military purpose and that its military significance was not sufficient to affect the purposes of the Demilitarized Zone. The admissibility of the bridge under the terms of the General Armistice Agreement was for the Acting Chief of Staff alone to determine.

253. At the same time, the United Kingdom Government noted with concern from the report of the Acting Chief of Staff that difficulties had been placed in the way of the investigation of the bridge and that mines had been laid in the Demilitarized Zone. In those circumstances, it agreed with the Acting Chief of Staff's suggestion that it would be advisable to reaffirm the special powers of the Chairman of the Mixed Armistice Commission and United Nations Military Observers, in particular, their unrestricted right of access to all sectors of the Demilitarized Zone. The United Kingdom delegation felt, moreover, that in view of the responsibility of the Chief of Staff for ensuring full implementation of the Armistice Agreement, the Council might ask him to present an additional report on conditions in the Demilitarized Zone, so far as they related to the provisions of the Armistice Agreement.

254. The representative of Cuba said that his delegation had no reason to doubt the impartiality and competence of the Chief of Staff in the fulfilment of his functions and would therefore support all the recommendations contained in paragraphs 13 and 14 of the report (S/3815) of the Acting Chief of Staff.

255. The representative of Australia said that the Council was not expected to evaluate the Huleh Reclamation Project from the economic welfare point of view. Its main concern was to determine whether Israel's activities in the Demilitarized Zone conflicted with the terms of the Armistice Agreement. In the present case, the Australian delegation was prepared to accept the Acting Chief of Staff's decision and considered that the Council should support his judgement. It also believed that at present no further action by the Council in relation to the bridge was necessary. He would, however, endorse the observations of the Acting Chief of Staff regarding the special powers of the Chairman of the Mixed Armistice Commission and of United Nations military observers in the Demilitarized Zone.

256. At the 782nd meeting held on 28 May, the representative of the Philippines said that although his Government was not satisfied with the circumstances attending the construction of the bridge in the Demilitarized Zone, it would not like the ruling of the Acting Chief of Staff in that respect to be disturbed. However, since the construction of the bridge had been justified on the ground that it would facilitate the completion of the Huleh Reclamation Project, it followed that the bridge would no longer have any reason for being, once that project was completed. It would certainly contri-

bute to the tranquility of the Demilitarized Zone if the bridge were removed as soon as it had fulfilled its specific purpose. He added that the Syrian complaints that Israel had not complied with the Council's resolution of 18 May 1951 on the restitution of normal civilian life in the Arab villages in the Demilitarized Zone and concerning the presence of Israel police forces in that area should be referred to the Mixed Armistice Commission which was competent to deal with such matters. As to the special powers of the Chairman of the Mixed Armistice Commission and the United Nations military observers in the Demilitarized Zone, the provisions of Security Council's resolution of 18 May 1951 should be scrupulously observed by the parties. Finally, he suggested that the Acting Chief of Staff should submit further reports on the general situation in the Demilitarized Zone.

257. The representative of Sweden said that his Government had full confidence in the Acting Chief of Staff and felt that his decision should be upheld. However, in view of the time that had elapsed since the report of the Acting Chief of Staff and because of the special responsibilities entrusted to him, it would be useful to receive a supplementary report on the conditions in the Zone. The Swedish Government also felt concerned that the Acting Chief of Staff and United Nations military observers had again experienced difficulties in performing their duties and believed that the parties concerned must give them their full co-operation and must not restrict their right of access to any parts of the Zone.

258. The representative of China felt that there were no sufficient reasons to challenge or revise the decisions of the Acting Chief of Staff. However, the Council and the Truce Supervision Organization could take into consideration the future of the bridge once its declared purpose had been accomplished. He also suggested that during the next few months the Truce Supervision Organization should pay added attention to the bridge area and that the Acting Chief of Staff should submit supplementary reports on the situation.

259. The representative of France said that his delegation would support the report (S/3815) submitted by the Acting Chief of Staff.

260. The representative of the Union of Soviet Socialist Republics said that the Israel authorities had undertaken a number of unilateral measures in the Demilitarized Zone. In particular, they had erected a bridge which, the Acting Chief of Staff reported, could be used for military purposes. Moreover, by mining the approaches of the bridge and by taking other measures they had converted the Demilitarized Zone into a military area. There had so far been no report from the Acting Chief of Staff that the mines had been removed. The USSR delegation could not subscribe to the view that the determining factor in the present case was the intention of the authorities of Israel to use the bridge for other than peaceful purposes. The Council was not concerned with the "intentions" of either party but wished to know whether the construction of the bridge had or had not constituted a violation of the General Armistice Agreement. In that respect, a supplementary report by the Acting Chief of Staff would be useful in helping the Council to appraise the present conditions in the Demilitarized Zone.

261. It was well known that Israel representatives had not been participating in the work of the Mixed Armistice Commission and had repeatedly refused per-

mission to United Nations Military Observers to make investigations on the spot. It was clear from Israel's attitude that it was striving to paralyse observation of the manner in which it was implementing the General Armistice Agreement. The Council had repeatedly warned Israel for its violation of the Armistice Agreement and must ask it again to stop its unilateral actions in the Demilitarized Zone, to dismantle the bridge without delay, to withdraw its police and to take steps to restore the civilian Arabs evacuated from the area. The USSR delegation believed that the Syrian request to the Council was just and in accordance with the principles of the Charter.

262. The Secretary-General informed the Council that the Acting Chief of Staff had confirmed the statement of the representative of Israel that the mines at the approaches of the bridge had been removed.

263. The representative of Colombia said that, in view of the report of the Acting Chief of Staff (S/3815), his delegation felt that the Council should not ask for the removal of the bridge, that it was necessary to reaffirm and strengthen the authority of the Acting Chief of Staff and of the Chairman of the Mixed Armistice Commission and that the parties should co-operate fully with the Mixed Armistice Commission. It also considered desirable a supplementary report from the Acting Chief of Staff.

264. The President, speaking as the representative of the United States of America, said that having considered all the available facts in the present case, his delegation believed that the report of the Acting Chief of Staff (S/3815) was fully responsive to the Syrian request. However, the United States did not share the view of the Israel representative that no party to the Armistice Agreement could invoke purely military considerations in the Demilitarized Zone. On a previous occasion, in 1953, military considerations had been clearly asserted by the Chief of Staff as being included in the matters for which he was responsible under the Armistice Agreement and in that view he had been supported by the majority of the Council members.

265. The report of the Acting Chief of Staff had raised a number of other questions which were of interest to the Council. Inasmuch as those questions were still outstanding, it would be of value to the Council to have from the Acting Chief of Staff an up-to-date report on current conditions throughout the Demilitarized Zone, including the policing of the Zone, the freedom of access of the Acting Chief of Staff and any practical arrangements he might consider necessary to carry out his responsibilities. The suggestion from the Acting Chief of Staff that his authority should be reaffirmed was clearly in order and the United States delegation felt that the parties should co-operate fully in making it possible for United Nations representatives to fulfil their tasks.

266. The representative of Syria said that most of the members of the Council had assumed that the construction of the bridge by the Israel authorities constituted Syria's sole complaint. In fact, the basic implications of that complaint concerned the whole status of the Demilitarized Zone and the Armistice Agreement. He believed that an examination of the present case would no doubt lead to the following conclusions: first, that the Council's resolution of 18 May 1951 put a stop to all operations in the Demilitarized Zone, pending the conclusion of an agreement between the parties; secondly, that Israel had pursued drainage operations in

the Demilitarized Zone without the authorization of the Chief of Staff, the consent of the Arab land owners, or the agreement of Syria; and thirdly, that the construction of a bridge with military value and controlled by Israel was in violation of the Armistice Agreement. Syria hoped that in view of the repeated violations by Israel, the Council would take decisive action on the present complaint. Syria could not agree with the view that the Chief of Staff had exclusive responsibility for the supervision of the Demilitarized Zone because in that case the Mixed Armistice Commission, which was the most important instrument of the armistice machinery would become useless.

267. The representative of Israel said that the report of the Acting Chief of Staff had not been in agreement with the Syrian contentions that the construction of the bridge was a military activity, that it provided a military advantage to Israel in violation of the Armistice Agreement, or that it prejudiced the interests of Arab civilians in the Demilitarized Zone. The Israel delegation noted with appreciation that the majority of the members of the Council had upheld the findings of the Acting Chief of Staff and had, thereby endorsed the view that development projects in the Zone should be encouraged.

268. Summing up the debate, the President said that all members of the Council appeared to agree that the authority of the Chief of Staff of the Truce Supervision Organization should be respected and that the parties should co-operate with him. The Council noted that in the present case delay had been caused in his inspection of the bridge and the discharge of his duties. Some members of the Council had made it clear that they did not agree with the views of the Acting Chief of Staff on the right of Israel to build the bridge. However, the majority had pointed out that the Chief of Staff was the proper authority for ensuring full implementation of the provisions of Article V of the General Armistice Agreement and had supported his decisions in that respect. Noting the reference to other problems in the Demilitarized Zone, the majority of the members of the Council had also suggested that the Acting Chief of Staff might submit a supplementary report at the proper time concerning conditions in the Zone.

269. Following suggestions by the representatives of Iraq and the Union of Soviet Socialist Republics for a time-limit in respect of the supplementary report, the President took note of a statement by the Secretary-General that in the light of the Council's discussion, he would request the Acting Chief of Staff to present an additional report within a month.

Report of the Acting Chief of Staff

270. In response to the request of members of the Security Council, the Acting Chief of Staff submitted on 27 June 1957 his additional report (S/3844) regarding certain aspects of the work of United Nations organs in the Demilitarized Zone established under Article V of the Israel-Syrian General Armistice Agreement. On the question of restrictions on movement of observers in the Demilitarized Zone, he stated that generally until June 1956, United Nations military observers had circulated freely in the Zone either on routine visits or for investigation purposes. From the beginning of June, however, difficulties had been experienced in connexion with the investigation of complaints regarding erection of fortifications in the Israeli settlements in the Demilitarized Zone and since 30 October 1956, for the most part, requests to enter the central Demilitarized Zone

had been refused and attempts to proceed with routine visits or investigations had been stopped by Israeli police. In the southern sector also, observers had not been able to proceed with an investigation in Ein Gev on 28 May 1957.

271. The Acting Chief of Staff then stated that the Syrian authorities had not refused to let United Nations observers enter the Demilitarized Zone for investigations or routine visits after their identity had been checked on the Syrian side of the boundary. Occasionally, an investigation or a routine visit might have been delayed. However, on 12 June 1957, Syrian military authorities had assured the Acting Chief of Staff that action would be taken to eliminate delays in securing Syrian liaison officers to accompany United Nations observers in the area along the international boundary.

272. On the question of fortifications in the Demilitarized Zone, the Acting Chief of Staff, after recalling Major General Burns' report (S/3659) dealing with fortifications erected in the Israel settlement of Hagovrin in the central sector of the Demilitarized Zone, and at Susita in the southern sector, stated that since United Nations observers had been prevented from carrying out investigations in those two areas, the present extent of the fortifications there was not known to him. Furthermore, the Dardara area, where also access had been denied to observers, might have been also fortified in line with the declared policy of Israel regarding the protection of its civilian population in the Demilitarized Zone.

273. The Acting Chief of Staff also reported that, in accordance with a suggestion made by the Syrian Chief of Staff on 12 June 1957, arrangements were being made to make a topographical survey to confirm whether, and if so, where, the Syrian fortifications had encroached upon the Demilitarized Zone. Syria had also expressed its willingness to dismantle those fortifications which the survey might reveal as encroaching.

274. On the question of minefields and mines in the Demilitarized Zone, the Acting Chief of Staff said that, according to the information received from Israel authorities, mines had been removed from the western approaches of the newly erected Huleh bridge and of the Banat Yacoub bridge and he believed that with their removal there should remain no Israel minefields or mines in the Demilitarized Zone. The Acting Chief of Staff had also been informed by the Israel Foreign Office that any mines which might have been placed in the Demilitarized Zone at the beginning of the military action against Egypt had been removed.

275. In his conclusions, the Acting Chief of Staff said that, in view of the fact that the Chairman of the Mixed Armistice Commission and United Nations Observers had been prevented on various occasions from entering certain areas in the Demilitarized Zone and since Article V of the General Armistice Agreement gave to the Chairman the responsibility for the general supervision, in military as well as in civilian matters, of the Demilitarized Zone as was reaffirmed by the Security Council in its resolution of 18 May 1951, it might be desirable for the purposes of surveillance and more rapid investigation to have some observers remain on a 24-hour basis in portions of the Demilitarized Zone selected by him. The Acting Chief of Staff stated further that freedom of movement within the Zone should meet with no difficulties from the Parties to the General Armistice Agreement, or the local authorities in the various sectors. There should be neither refusal to pre-

vent access to any area, nor any conditions, such as the presence of military or police officers during a visit. Once the principle of unconditional freedom of movement was accepted, there should be no difficulty in settling practical problems in a co-operative spirit. After recalling the statement of the representative of Israel at the Council's 782nd meeting on 23 May 1957, the Acting Chief of Staff said that he had also been given to understand from the Israel Ministry of Foreign Affairs that Israel's objection to investigations of Syrian complaints had been of a purely formal nature and that Israel did not object to any investigations carried out by or on behalf of the Chairman, on the basis of his authority under Article V. The possibility of carrying out an investigation at any time and full freedom of movement for United Nations Observers in the Demilitarized Zone was indispensable to ensure the observance of Article V, paragraph 5 (b). While it was a matter of satisfaction that Israel had agreed to clear the mines in the Demilitarized Zone, the Acting Chief of Staff noted that requests for the demolition of fortification works which exceeded those permissible for the protection of the civilian population had been rejected.

C. Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council

276. By a letter dated 30 October 1956 (S/3712) the representative of Egypt transmitted to the President of the Security Council a letter from the Minister for Foreign Affairs of Egypt, in which it was stated that the Egyptian Ambassador in London had been given by the United Kingdom Government a letter containing an ultimatum to the Government of Egypt to (a) stop all warlike action by land, sea and air; (b) withdraw all Egyptian military forces ten miles from the Suez Canal; and (c) accept occupation by British and French forces of key positions at Port Said, Ismailia, and Suez. Failing an answer by 6.30 a.m. Cairo time, on 31 October, the Governments of the United Kingdom and France, it had been stated, would intervene in whatever strength they might deem necessary to secure compliance. The Governments of the United Kingdom and France, the letter of the Egyptian Foreign Minister continued, were taking as a pretext for their actions the attack by Israel forces, but neither that nor any other pretext could possibly justify those actions. That threat and the imminent danger of occupation of Egyptian territory by British and French armed forces, in flagrant violation of the rights of Egypt and of the Charter, impelled the Egyptian Government to request that the Council be convened immediately to consider the British-French act of aggression. Until the Council had taken the necessary measures, Egypt had no choice but to defend itself and safeguard its rights against such aggression.

277. At its 750th meeting held on 30 October, the Security Council decided by 7 votes to none, with 4 abstentions (Australia, Belgium, France, United Kingdom) to include the Egyptian letter as the second item in the agenda of that meeting.

278. After the Council had completed consideration of the first item (see Chapter 1, B (iii) above), the representative of Egypt said that the fact that the French and British Governments were trying unilaterally to settle a question which had already been brought before the Security Council was an entirely unjustifiable infringement of the Charter. Force could not be used

except in accordance with the principles and provisions of the Charter. Egypt, already the victim of aggression, was being presented with an ultimatum by two other Member States. He said that there was no ground for anxiety concerning the Suez Canal and that 51 ships had passed through it that day. The Israel forces which had entered Egypt were a long way from the Canal, not far beyond the frontier. Most British subjects and French citizens had left Egypt and, as far as he knew, none of them had been molested. Until such time as the Security Council assumed its responsibilities, Egypt had no choice but to defend itself.

279. The representative of the Union of Soviet Socialist Republics said that the ultimatum of the United Kingdom and France represented a clear attempt to bypass the Security Council and to take advantage of the situation created by Israel's aggression in Egypt in order to seize the Suez Canal by armed force. Noting that the Council bore the primary responsibility for the maintenance of peace and security, and that it had not authorized the United Kingdom or France to take any action, he said that the movement of forces of those countries into the Suez Canal area could be regarded only as a totally unjustified act of armed aggression, which might lead to even graver consequences and do irreparable damage to international peace. His delegation hoped that the United Kingdom and France would understand that any persistence in the present dangerous course might lead to extremely grave consequences for all mankind. It also hoped that the Council would take resolute action to prevent the further development of armed conflict in the Middle East.

280. The representative of the United Kingdom stated that Israel forces, in violation of the terms of the General Armistice Agreement, had entered Egyptian territory. A threat to the security of the Suez Canal—a waterway vital to the whole world—was rapidly developing. There were certain objectives which were held in common by nearly every member of the Council. Those were: to stop fighting, which could, unless arrested, easily develop into a full-scale war; to secure the withdrawal of the Israel forces, and to restore the security of the area of the Canal. Ten years of experience showed that Council decisions in regard to Israel and its Arab neighbours were slow to take effect. But unless action was taken at once—in a very few hours—his Government believed that the Canal might be put out of operation and that the fighting might spread outside the Sinai peninsula. Those were the reasons that had impelled the United Kingdom and French Governments to take preventive action, which was to be of a purely temporary nature. There was no wish to infringe the sovereignty of Egypt. When the emergency passed, the Anglo-French forces would be withdrawn.

281. He said that the USSR Government, which had sought consistently in the last few months to add to the difficulties and dangers of the situation, posed as the protector of the rights of States in the area and the spokesman of peace. Events in Hungary showed what such Soviet protection really meant and what was the real Soviet attitude to the rights of nations and to peace.

282. The President, speaking as the representative of France, said that his Government considered that the measures it had decided upon in conjunction with the United Kingdom were such as to avert the danger of hostilities and put an end to the fighting. In those circumstances, it would serve no purpose to enter upon

a discussion at that time of the letter submitted by the representative of Egypt.

283. The representative of Yugoslavia reiterated the hope that the Governments of France and the United Kingdom would respond to the appeal of the President of the United States and to the sentiments expressed by the majority of the members of the Council and that they would not pass over the threshold of an adventure which pretended to extinguish one conflict but in fact was creating a far more dangerous one.

284. He suggested to the Council the possibility of calling an emergency session of the General Assembly under the terms of the General Assembly resolution 377 (V), "Uniting for Peace".

285. The representative of Iran said that his delegation's attitude was governed by the principle it had expressed on the Hungarian question: it opposed the presence of foreign troops on the territory of another State. He hoped that the United Kingdom and French Governments would realize the responsibilities which they were assuming in committing acts without precedent in the United Nations.

286. The representative of Peru expressed support for President Eisenhower's message, which reflected public opinion in many parts of the world, and trusted that it would be given due consideration by the Governments of France and the United Kingdom.

287. The representative of Australia said that his delegation did not accept any of the allegations made regarding the motives or objectives of the action envisaged by the United Kingdom and French Governments. It hoped that the objectives set out by the United Kingdom in connexion with that matter would be achieved and that the action taken and contemplated would make a definite contribution towards the re-establishment of peace in the area and, in particular, reinforce the call which many members of the Council would have been willing to make to Israel and Egypt to institute an immediate cease-fire.

288. At the 751st meeting of the Council held on 31 October, the Secretary-General stated that on the morning of the previous day—on the basis of the information then available—he would have used his right to call a meeting of the Council, had not the initiative already been taken. As a servant of the Organization, the Secretary-General had the duty to maintain his usefulness by avoiding public stands on conflicts between Member nations unless and until such an action was likely to help resolve the conflict. However, the discretion and impartiality thus imposed on the Secretary-General should not degenerate into a policy of expediency. He had also to be a servant of the principles of the Charter, and its aims must ultimately determine what for him was right and wrong. A Secretary-General could not serve on any other assumption than that—within the necessary limits of human frailty and honest differences of opinion—all Member nations honoured their pledge to observe all Articles of the Charter. He should also be able to assume that those organs which were charged with the task of upholding the Charter would be in a position to fulfil their task. He concluded by stating that were the Members to consider that another view of the duties of the Secretary-General than the one stated by him would better serve the interests of the Organization, it would be their obvious right to act accordingly.

289. In the course of the ensuing debate, the representatives of Australia, France, Iran, Peru, the USSR,

the United Kingdom, the United States and Yugoslavia expressed their full confidence in the Secretary-General.

290. The representative of the Union of Soviet Socialist Republics conveyed his delegation's sympathy to the Government and people of Egypt in their hour of trial. He said that the Anglo-French aggression against Egypt which had become an actuality was a gross violation of the obligation which the United Kingdom and France had assumed under the Charter. The Council must censure the United Kingdom and France for bombing Egyptian settlements and for disembarking their armed forces in Egyptian territory, and must ask them to withdraw their armed forces immediately. If necessary, the USSR delegation would be prepared to submit a draft resolution to that effect.

291. The representative of Egypt stated that French and British aircraft had begun bombing Egypt, the intention being to land armed forces. He added that France and the United Kingdom were persisting in their aggressive policy based on conceptions of an outdated colonialism. After referring to the appeals made by President Eisenhower to the Prime Ministers of the United Kingdom and France, he pointed out that those appeals had not yet had any response from those two States. The unprovoked armed attack by the two permanent members of the Security Council, in violation of the United Nations Charter, was an attack against the United Nations and world peace. History would not easily forget it.

292. The representative of Yugoslavia stated that France and the United Kingdom had finally carried out their threat. They wished to impose on Egypt a solution of the Suez question by force. They had carried out their threat at a time when earnest efforts were being made to reach a peaceful and mutually acceptable settlement in accordance with the principles of the Charter. The representative of Yugoslavia then suggested that, should action by the Council be once again stultified by the veto of the aggressors or by other means, the matter should be referred to the General Assembly.

293. The representative of the United Kingdom stated that, because of the Egyptian rejection of the Anglo-French communication of 30 October, the two Governments had intervened in accordance with the terms of that communication. He had been authorized to state that the Anglo-French action would be strictly limited to military targets, primarily airfields. Its overriding purpose was to safeguard the Suez Canal and to restore peaceful conditions in the Middle East. He added that the United Kingdom Government did not wish to condone any Israel action aimed at occupation of positions in Egyptian territory. Israel must withdraw its forces as soon as that could be satisfactorily arranged.

294. The President, speaking as the representative of France, declared that his Government considered the attack launched by the Israel forces as another episode in the permanent state of hostilities existing between Egypt and Israel. However, those forces were now heading towards the Canal, and France considered it necessary to save the Canal. Its action was of a temporary character and the presence of its troops in the Canal Zone was not intended to infringe Egyptian sovereignty.

295. The representative of Iran stated that the excuse pleaded by those who had sent troops to Egypt appeared absolutely unconvincing. Instead of punishing the aggressor, they had turned on the victim. Both at

the two London Conferences and at the Council meetings, Iran had already emphasized the need of finding a solution to the Suez Canal question by peaceful means; it was, indeed, regrettable that the principles of the Charter had not been followed in the present case.

296. The representative of Yugoslavia submitted the following draft resolution (S/3719):

"The Security Council,

"Considering that a grave situation has been created by action undertaken against Egypt,

"Taking into account that the lack of unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377A (V) of 3 November 1950, in order to make appropriate recommendations."

297. The representative of the United Kingdom stated that the procedure proposed in the Yugoslav draft was out of order and was not in accordance with the terms of the "Uniting for Peace" resolution. The "Uniting for Peace" resolution could be invoked only when certain conditions had been met first, i.e., if the Security Council, because of lack of unanimity of the permanent members, failed to exercise its primary responsibility for the maintenance of international peace and security in any case where there appeared to be a threat to the peace, breach of peace or act of aggression. The Council had not voted upon any draft resolution on the substance of the item under discussion. Furthermore, the two draft resolutions voted upon under the previously discussed item were not within the compass of the "Uniting for Peace" resolution and consequently could not be invoked to support the Yugoslav proposal.

298. The representative of Yugoslavia said that both aspects of the problem in respect of which it was proposed that an emergency special session should be convened were covered by the United States draft resolution (S/3710). The question of intervention in Egypt of forces other than Israel forces was covered by paragraph 2 (a) of the draft. Therefore, his draft resolution was in full accordance with the provisions of the "Uniting for Peace" resolution.

299. The representative of the United Kingdom in reply stated that the "Uniting for Peace" resolution could only be invoked following action under Chapter VII of the Charter, which was dependent upon a determination by the Council of the existence of a threat to the peace, a breach of peace, or an act of aggression. The United States and the Soviet draft resolutions contained no such finding.

300. The President, speaking as the representative of France, said that he could not agree with the representative of Yugoslavia's interpretation of the juridical background of his draft resolution. He added that the Yugoslav draft did not specify the question which would be brought before the General Assembly. If the representative of Yugoslavia was referring to the voting under the United States item, he would point out that the latter was not on the agenda of the meeting. Moreover, neither the text of the United States complaint nor the two draft resolutions voted upon under it came within the terms of Chapter VII of the Charter.

301. The representative of the United States said that his country had always been a strong supporter of the "Uniting for Peace" resolution. The Yugoslav draft resolution was relevant and clearly applicable under the present circumstances.

302. The representative of Australia said that in view of the Council having concluded its consideration of the item submitted by the United States, it did not seem logical to affirm that the votes taken on draft resolutions in connexion with that item should have a bearing on the procedure connected with the item under discussion.

303. The President, speaking as the representative of France, pointed out that neither in the United States representative's letter submitting the item nor in his draft resolution was there any reference to a breach of peace. Furthermore, the Council was dealing with an item entirely different from the one in connexion with which two draft resolutions had failed of adoption.

304. The representative of Yugoslavia after recalling that the United States representative, in introducing his draft resolution at the 748th meeting of the Council, had stated that the Council must act in the promptest manner to determine that a breach of peace had occurred, noted that the United States draft resolution had called for the immediate withdrawal of armed forces, had expressed grave concern at the violation of the Armistice Agreement and had requested a cease-fire. All of that was covered by Chapter VII, Articles 40 and 41.

305. The representative of China felt that the considerations raised by the representative of the United Kingdom seemed to be well founded but of a technical nature. If pushed too far, they would be tantamount to an invitation to put before the Council a draft whose failure would have to be brought about in order to fulfil technical requirements. His delegation would support the Yugoslav draft resolution.

306. The representative of Peru said that although items 2 and 3 were listed separately, the problems were essentially the same. In his view there had been a breach

of peace, and the matter was one that should be constructively considered by the Assembly.

307. The representative of Cuba said that nobody could deny that a breach of peace had occurred. The United Nations should exhaust all possible courses of action in order to restore peace and in the circumstances the proper course would be to convene the General Assembly in emergency special session.

308. The representative of the United Kingdom requested that a vote be taken on his delegation's motion that the Yugoslav draft resolution was not in order.

Decision: *The Council rejected the United Kingdom motion by 6 votes to 4 (Australia, Belgium, France and the United Kingdom), with 1 abstention (China).*

309. The representative of Australia stated that the development of the United Nations machinery had been hampered in the past by the use of the veto by the Soviet Union and by that member's opposition to various measures which the Council had deemed fit to deal with the grave problems coming before it from time to time. The Council had no doubt done its best to maintain peace in the Middle East, but it had been repeatedly defied in those efforts by Israel and its Arab neighbours. France and the United Kingdom had declared that the objective of their action was the restoration of peace in that area, and that it was not directed against the sovereignty or territorial integrity of Egypt. That sort of action would never have had to be considered if the United Nations had been able to develop along the lines, and acquired the strength, originally envisaged in the Charter. If there was going to be an emergency session, it must be concerned not only with the Anglo-French action in the Middle East but with the continuing conflict between Israel and the Arab States.

Decision: *The Yugoslav draft resolution (S/3719) was adopted by 7 votes in favour, 2 against (France, United Kingdom), with 2 abstentions (Australia, Belgium).*

310. After the vote was taken, the representatives of the United Kingdom and France reserved the position of their respective Governments regarding the legality of the above decision of the Council.

Chapter 2

THE SITUATION IN HUNGARY

A. LETTER DATED 27 OCTOBER 1956 FROM THE REPRESENTATIVES OF FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA

311. On 27 October 1956 the representatives of France, the United Kingdom and the United States addressed a letter (S/3690) to the President of the Security Council stating that a situation had been created by the action of foreign military forces in Hungary in violently repressing the rights of the Hungarian people which were secured by the Treaty of Peace to which the Governments of Hungary and the Allied and Associated Powers were parties. Pursuant to the provisions of Article 34 of the Charter, they requested that an item entitled "The situation in Hungary" should be included in the agenda of the Security Council.

312. In a letter dated 28 October 1956 (S/3691) addressed to the Secretary-General, the representative of the Hungarian People's Republic transmitted the text of a declaration by his Government protesting against the calling of a meeting of the Council to consider questions regarding the events in Hungary. The events which had taken place on 22 October 1956 and thereafter, and the measures taken in the course of those events, were exclusively within the domestic jurisdiction of the Hungarian People's Republic and consequently did not fall within the jurisdiction of the United Nations.

313. In a letter dated 28 October 1956 (S/3697) addressed to the Secretary-General the representative of Austria transmitted the text of an appeal sent by his Government to the Government of the USSR, ask-

ing the latter to co-operate so that the military actions in Hungary would be discontinued, bloodshed stopped and normal life restored.

314. By letters addressed to the President of the Security Council or the Secretary-General, the representatives of Italy (S/3692), Argentina (S/3693), Spain (S/3695), Turkey (S/3696), Thailand (S/3698), Ireland (S/3699), Canada (S/3701), New Zealand (S/3702), Norway (S/3703), Denmark (S/3704), Netherlands (S/3705), Ecuador (S/3708), Brazil (S/3709), Dominican Republic (S/3714), Portugal (S/3715), Guatemala (S/3716), Pakistan (S/3717), Venezuela (S/3722), Haiti (S/3724), Bolivia (S/3725), Nicaragua (S/3727), Honduras (S/3732), Colombia (S/3734), Chile (S/3735) and Paraguay (S/3737) associated themselves with the letter sent by the representatives of France, the United Kingdom and the United States.

315. The letter of the three Member States concerning the situation in Hungary (S/3690) was included in the provisional agenda of the 746th meeting of the Council held on 28 October 1956.

B. ADOPTION OF THE AGENDA

316. The representative of the Union of Soviet Socialist Republics opposed the inclusion of the item in the agenda, stating that the very wording of the title showed that its sponsors had in mind an attempt at gross interference in the domestic affairs of the Hungarian People's Republic, in contravention of Article 2, paragraph 7, of the Charter. The true purpose of the action of the three Governments appeared to be to give further encouragement to the armed rebellion conducted by the reactionary underground movement against the legal Government of Hungary. Such an attempt was not surprising, he declared, because support for the reactionary underground movement against the legal Governments of the Eastern European countries had long been a guiding principle of the United States policy, exemplified by the multi-million dollar appropriations by the United States Congress to encourage subversive activities against those Governments. The Government of Hungary had taken measures to put a stop to the activities of counter-revolutionary elements. Its action was entirely in accordance with article 4 of the Peace Treaty, whereby Hungary had undertaken not to permit the existence and activities of organizations of a fascist type, and was clearly an internal affair of the Hungarian State.

317. The three Powers had invoked Article 34 of the Charter but it was quite clear that Article 34, both in itself and in association with Article 2, paragraph 7, and Chapter I of the Charter, could be invoked only in cases of disputes affecting relations between two or more States. Any situations arising inside a country and not affecting its relations with other States, as in the present case, did not fall under Article 34.

318. The representative of the United Kingdom categorically denied the motives imputed to his Government and to the Governments of France and the United States by the USSR representative. The Soviet representative had argued that Article 2, paragraph 7, debarred the Council from intervention. But the fact that foreign troops were fighting in Hungary obviously made the matter one of international concern. It was clear beyond any doubt that the Council was competent, and, in view of the gravity of the situation,

that it was the Council's duty to consider the situation in Hungary.

319. The representative of Yugoslavia, stressing the natural concern with which his Government viewed events in Hungary, expressed confidence that the Hungarian Government and people would solve their difficulties and they should be given the time and possibility of doing so. Raising the issue in the Council was tantamount to using the situation in Hungary for political purposes which might aggravate the situation both in Hungary and the world at large. However, he would abstain because, as a matter of principle, his Government was opposed to the participation of foreign troops.

Decision: *The agenda was adopted by 9 votes to 1 (USSR), with 1 abstention (Yugoslavia).*

320. At his request (S/3694), the representative of Hungary was invited by the President of the Council to take a seat at the Council table.

321. The representative of the Union of Soviet Socialist Republics, speaking on a point of order, proposed, under rule 33, postponement of the discussion of the item for a few days.

Decision: *The USSR proposal for postponement of the discussion was rejected by 9 votes to 1 (USSR), with 1 abstention (Yugoslavia).*

C. DISCUSSION BY THE COUNCIL

322. The representative of the United States of America emphasized that the United States had no ulterior purpose in desiring the independence of the satellite countries, and sought only that they should have Governments of their own free choosing. The situation in Hungary, resulting from violent suppression of the Hungarian people, had created deep anxiety and concern throughout the world. Giving an account of events in Hungary, he said that on 23 October peaceful demonstrations had taken place in Budapest, and demands had been made for the withdrawal of Soviet troops from Hungary. Hungarian political police and then Soviet tanks had fired on Hungarian citizens, Soviet military reinforcements had entered Hungary and large scale fighting had ensued. The Council must consider what it could properly do to see that repressive acts against the Hungarian people were brought to an end, and that conditions were established under which they might be enabled to enjoy their fundamental rights.

323. The representative of the United Kingdom, reviewing the tragic events in Hungary, stated that what was really happening was a popular nation-wide movement for the recovery of liberty and independence and said that nothing could hide the fact that foreign troops had intervened on a massive scale. Such an action was subversive of the whole foundation on which the United Nations was built. He recalled that the Peace Treaty concluded with Hungary by the Allied and Associated Powers, including the USSR, had required that Hungary take all measures to secure the enjoyment of human rights and of fundamental freedoms by all persons under Hungarian jurisdiction. All knew that in fact the Hungarian people had so far not been allowed to express themselves in the ways of true democratic freedom; it had been hoped that admission of Hungary to the United Nations would help them move towards the democratic exercise of the rights of a sovereign people. The events of the previous week

had shown that the people of Hungary had felt that the time had come when at long last they could assert their legitimate rights. The use of the armed forces of one country to restrain the peoples of another country in their domestic struggle for political freedom created a situation fraught with danger to the community of nations and was therefore a situation of which the Security Council must take cognizance, under Article 34 of the Charter. It might be alleged that under the Warsaw Treaty, the Soviet Union had a right to station military forces in Hungary. But, by article 8 of that Treaty, the contracting parties had affirmed their adherence to the principles of respect for each other's independence and sovereignty and of non-intervention in each other's domestic affairs. Nothing could justify use of the armed forces of the Soviet Union against the people of Hungary.

324. The President, speaking as the representative of France, said that for several days Soviet forces had been engaged in violent combat with the Hungarian people and with units of the Hungarian army. No doubt it would be said that the Hungarian Government had appealed for assistance. That appeal had not been made, however, until after the night of 23-24 October 1956, by when Soviet troops had already intervened. Under Article 4 of the Warsaw Treaty, its members were allied against foreign aggression only and the treaty could not therefore be invoked against the Hungarian people themselves. The sovereignty of the Hungarian people must be restored as soon as possible. Bloodshed must be stopped immediately by the withdrawal of Soviet troops from the struggle. Immediate measures must be taken to prevent unnecessary suffering for the unfortunate Hungarian people, to see that they obtained food supplies and that the casualties of the recent events received the necessary care.

325. The representative of Cuba said that, in flagrant violation of all the laws of decency, morality, and justice, as well as the provisions of Article 2, paragraph 4, the armed forces of a foreign Power were attacking the Hungarian people in an endeavour to suppress and to extinguish their liberties. Paying tribute to the struggle conducted by the heroic Hungarian people, he expressed confidence that the Council would condemn those responsible for that violent armed intervention.

326. The representative of Peru said that the Warsaw Pact, which contained no provisions expressly referring to the maintenance of troops on Hungarian territory, was to become operative only in the event of aggression. Even supposing that their presence was legitimate, USSR forces could not be used to "maintain law and order" in Hungary according to article 8 of that treaty. The fact that those troops had been used was not only a violation of the general principle of non-intervention, the very foundation of modern international law, but also a violation of the principles of the Charter, particularly Article 2, paragraph 4, and of article 8 of the Warsaw Pact. Under the Treaty of Peace with Hungary, the Allied and Associated Powers, including the USSR, were under an obligation to respect all human rights of the Hungarian people. The USSR action had infringed those rights in a brutal manner.

327. The representative of China said that the intervention of the Soviet military forces in Hungary constituted a flagrant violation of the Charter, which clearly forbade the use of force against the territorial

integrity or political independence of any State. The Government of China, which had been a victim of Soviet aggression, stood ready to give support to any action that the United Nations might see fit to take in condemning the Soviet action.

328. The representative of Australia said that his country had always taken a firm stand on the observance of Article 2, paragraph 7, of the Charter. However, that provision did not prevent the Council from investigating the situation in Hungary. A broadcast made that afternoon by Mr. Imre Nagy, President of the Council of Ministers of the Hungarian People's Republic, contained the statement that the recent upheavals in Hungary represented a big national democratic movement to assure national independence and sovereignty. Mr. Nagy had also said that the Hungarian Government was opening negotiations concerning the relationship between the Hungarian People's Republic and the Soviet Union, including the question of withdrawal of Soviet troops. The representative of Australia hoped that in response to the desire of the Hungarian people, the Soviet Union would arrest the Soviet military operations in Hungary and would leave the Hungarian people to deal with their own problems in complete independence and freedom from foreign military pressure.

329. The representative of the Union of Soviet Socialist Republics said that one of the prerequisites of genuine co-operation between States was strict observance of the principle of non-interference in the domestic affairs of other States. However, certain circles in the United States had adopted as one of the guiding principles of their policy gross intervention in the domestic affairs of a number of States, among them Hungary. The so-called Mutual Security Act passed by the United States Congress in 1951 provided for an annual appropriation of US\$100 million for the conduct of subversive activities in the people's democracies. As recently as 16 April 1956, the United States House of Representatives had adopted a resolution embodying an open appeal for the so-called "liberation" of the people's democracies, an appeal which could only be interpreted as a call for the violent overthrow of the legal governments of those countries. Events in Hungary had made it clear that, with the assistance of the United States, a reactionary counter-revolutionary underground movement, well armed and elaborately trained, had been organized in Hungary. Those elements had exploited the difficulties and shortcomings in the work of state and party organs in that country, in order to mislead certain sections of the Hungarian workers, peasants and intellectuals, although events showed that the workers, peasants and intellectuals continued to stand for the people's democratic order. Measures for the liquidation of that counter-revolutionary uprising had been carried out by the people's militia and the Hungarian people's army. The Hungarian Government had also appealed to the Government of the USSR for assistance. In response to that appeal, Soviet military units located in Hungary in conformity with the Warsaw Pact had come to the help of the Hungarian forces and the Hungarian workers. The measures taken by the leaders of the Hungarian Workers' Party and the Hungarian Government had resulted in the collapse of the anti-popular adventure. The broadcast by Prime Minister Nagy gave evidence of that and made a clear distinction between the democratic movement and the counter-revolutionary elements that had endeavoured to attach themselves to it. Under article 4 of the Treaty

of Peace, the Hungarian Government was duty-bound not to permit the existence and activities in Hungary of organizations which had as their aim denial to the people of their democratic rights. The representatives of the three countries which had submitted the question were fully aware that broad democratic freedoms existed in Hungary and that those freedoms had been incorporated in the Constitution of the country. All statements concerning the so-called violations of those freedoms were meant to justify the interference of the Western Powers in the domestic affairs of Hungary. The representative of the USSR cited a report in the *New York Times* of 28 October 1956 to the effect that the Western Powers wanted to make use of the Hungarian situation for purposes of propaganda and that the election campaign in the United States was also a factor.

330. The representative of Iran said that his country, having suffered from the intervention of foreign Powers, could not remain indifferent to the fate of countries which became victims of such intervention. Iran could never agree to the use of foreign troops to stifle popular movements, even if the Government whose territory was occupied had consented to their use or had asked for it.

331. The representative of Belgium said that the events in Hungary had roused strong feelings throughout the world. The United Nations could not disappoint those who expected relief in such tragic circumstances. It was obvious that the cardinal rules upon which international co-operation was based were being seriously violated. As to the argument based on Article 2, paragraph 7 of the Charter it did not apply to the present situation owing to the intervention and action of foreign forces in Hungary. The Soviet Union had been in the past a constant supporter of the principle of self-determination. Was it to be concluded that the Soviet Union's devotion to that principle was purely relative and was limited to cases in which its own interests were not involved? The explanation of recent events given by the USSR representative, he added, was in contradiction with the broadcast made that afternoon by the Hungarian Prime Minister. A foreign State could not be allowed, by force of arms and profuse bloodshed, to deprive a people of the right to govern itself freely in accordance with its own wishes.

332. The representative of the United States of America declared that the Soviet charges against his country had repeatedly been rejected in the past by the United Nations. The real interference in the internal affairs of Hungary was by the USSR, whose troops were killing Hungarians in large numbers.

333. On 2 November 1956 the representatives of France, the United Kingdom and the United States requested (S/3723) the President of the Security Council to call an urgent meeting of the Council to consider the item "The situation in Hungary", of which the Council had already been seized. At its 752nd meeting held on 2 November in response to that request, the Council adopted the agenda by 10 votes to 1 (USSR).

334. The representative of the United States of America said that the use of armed might by the Soviet Union to repress the legitimate demands of the brave people of Hungary for respect for their rights under the Treaty of Peace was shocking the whole world. He contrasted the encouraging terms of the USSR statement of 30 October with the cablegram (A/3251) received from the President of the Council of Minis-

ters of Hungary, according to which the Hungarian Premier had protested strongly against the entry of additional Soviet troops into Hungary, had demanded the immediate withdrawal of all Soviet forces and had informed the Soviet Ambassador of Hungary's repudiation of the Warsaw Pact and of the declaration of Hungary's neutrality. The communication also requested that the General Assembly, at its forthcoming session, take up the question of Hungary's neutrality and the defence of that neutrality by the four great Powers. The Council could not ignore such a plea.

335. The representative of Cuba, citing the communication from Mr. Nagy (A/3251), said that the facts were that Hungary, a Member of the United Nations whose territory was being invaded by foreign troops which were endeavouring to prevent the Hungarian people from discarding the chains of brutal tyranny, was appealing to the United Nations for help. His delegation would support any draft resolution designed to put an end to a state of affairs that could not be accepted by the free peoples of the world. Such a proposal should contain an urgent appeal to the USSR Government to withdraw its troops from Hungary, should reiterate the unquestionable right of the Hungarian people to determine, through free elections, the system of Government under which they wished to live, and should provide also for the establishment of a Security Council commission to supervise the measures taken and to report on compliance.

336. The representative of the United Kingdom, reviewing recent developments, said that the latest information was that in the past few days large numbers of tanks had moved into Hungary. It appeared that Budapest was being ringed by concentrations of Soviet armour. His Government welcomed the statement made by the Prime Minister of Hungary on behalf of the Hungarian Government (A/3251) and hoped that even at that late stage the Soviet Government would recognize that it was for the people of Hungary to order their own destiny and that the Soviet policy of armed interference in Hungary's internal affairs was a bankrupt one.

337. The representative of Peru said that he would support any motion or resolution which would guarantee to Hungary the right of self-determination and the freedom to establish its own structure as an independent nation. The United Nations could not remain indifferent to the appeal made to it in the communication from the Government of Hungary. The problem involved no less than the life, independence and freedom of one of the members of the international community. The Council must demand that the USSR immediately withdraw its forces and desist from impeding the Hungarian people in their free determination of their own destiny.

338. The representative of Peru urged that the Council adopt a resolution so drafted that the USSR could object to it only if it were prepared to violate the Charter. If such an objection should be made, the question would have to be brought before an emergency special session of the General Assembly.

339. The representative of France said that, now that the message from the President of the Hungarian Council of Ministers was before the Council, the issue was no longer whether the latter could consider the Hungarian question; the United Nations must act without delay to fulfil the hopes of a people struggling for its independence. It was obvious that foreign in-

tervention in Hungary had taken place and was continuing against the express will of the great majority of the Hungarian people and of the Hungarian Government. As for the argument that that Government had asked for the intervention, while it might be true that Mr. Gerö had requested assistance to maintain himself in power, the intervention had taken place after Mr. Nagy had succeeded Mr. Gerö. The Nagy Government had thus from the outset been subjected to foreign intervention provoked by its predecessors whose fall had perhaps been brought about by that request. That there was no room for doubt was demonstrated by the official request of that Government for the withdrawal of Soviet troops.

340. The representative of France commented that no one would believe that a mere handful of fascists had succeeded in causing difficulties to the Soviet forces of intervention or had exerted sufficient influence on the Nagy Government to persuade it to request the evacuation of foreign troops. That had been achieved by the immense majority, virtually the whole of the Hungarian people, clamouring, after ten years of a regime imposed by the police and by foreign forces, for the return of its inherent rights, which were defined in the 1947 Peace Treaty and which were respected in democratic countries. The USSR could not maintain that the Warsaw Pact justified the dispatch of its troops to Hungary, because the basis of that argument as well was that a request had been made by Hungary. The USSR was violating the independence and sovereignty of the Hungarian State and the right of self-determination of the Hungarian people. It was high time to adopt an appropriate resolution. If that could not be done because of a veto, the Council must consider the immediate convening of an emergency special session of the Assembly.

341. The representative of China stressed the gravity of the situation in Hungary. The Soviet Union was trying to re-enslave the people of Hungary by sending more troops into that country. The Soviet version was that the movement in Hungary was an undertaking of criminals, reactionaries and fascists. That version had been answered on 29 October by the official Hungarian Communist Party newspaper, in which it had been stated that the assertion in *Pravda* that the movement had been launched by Anglo-American imperialists was an insult to the one and a half million people of Budapest, a large proportion of whom supported the fundamental patriotic and democratic principles of the movement from freedom and national independence. The representative of China said that the events in Hungary had aroused the indignation of the whole world, and it was time that the Council took a stand. He urged that the resolution to be adopted by the Council contain an expression of the Council's sympathy for the Hungarian people in their struggle for freedom. The Council must also make it unmistakably clear that it opposed the military intervention of the USSR. A United Nations commission should be sent to observe the events on the spot and to report to the United Nations. Finally, the Council should appeal to all the free peoples of the world to give to the people of Hungary such help as they might need.

342. The representative of the United States of America informed the Council that his Government had authorized an initial allocation of US\$20 million for emergency assistance to alleviate the sufferings of the Hungarian people.

343. The representative of the Union of Soviet Socialist Republics said that the representatives of the Western Powers obviously sought to divert attention from the tragic events in the Middle East resulting from the unprecedented aggression carried out by the United Kingdom and France against Egypt. The situation in Hungary did not warrant the emergency meeting of the Council now being held. The counter-revolutionary uprising against the people's regime in Hungary had been suppressed by the action of the Hungarian authorities. In accordance with the Soviet Government statement of 30 October, the Soviet troops brought in at the request of the Government of Hungary to assist in combating the uprising had been withdrawn from Budapest at the request of that Government. In its statement, the Soviet Government had also declared itself prepared to enter into suitable negotiations with the Hungarian Government, proceeding from the general principle that the troops of any State party to the Warsaw Pact were stationed on the territory of another State party to the pact by agreement between all the parties thereto, and only with the consent of the State on whose territory such troops were stationed at its request.

344. Now that the situation had begun to improve, the USSR representative continued, certain counter-revolutionary elements were trying to disturb at all costs the order being restored. He drew attention to press reports concerning external assistance to such elements, stating that it might have extremely grave consequences. Rumours that the Soviet Government was moving additional armed forces into Hungarian territory were utterly unfounded, as was the statement made by Mr. Nagy. In conclusion, he said that the manoeuvre to distract attention from the invasion of Egypt by having the Council consider the Hungarian question was too transparent to succeed.

345. At the same meeting the text of a note (S/3726) dated 2 November 1956 from the Permanent Mission of the Hungarian People's Republic addressed to the Secretary-General, transmitting a letter of the same date from the President of the Council of Ministers and acting Foreign Minister of the Hungarian People's Republic was circulated. It stated that large Soviet military units had crossed the Hungarian border, marching towards Budapest, occupying railway lines and stations. There were reports of Soviet military movements in the East-West direction in Western Hungary. All diplomatic missions in Budapest had been informed about those steps directed against the People's Republic, was circulated. It stated that large Government had forwarded concrete proposals on the withdrawal of Soviet troops stationed in Hungary and on the place for negotiations to end the Warsaw Pact. It had also made a proposal to the Soviet Embassy in Budapest to form a Mixed Committee to prepare the withdrawal of the Soviet troops. It requested the Secretary-General to call upon the Great Powers to recognize the declared neutrality of Hungary and to ask the Security Council to instruct the Soviet and Hungarian Governments to start the negotiations immediately.

346. The representative of China, noting the USSR representative's denial of the previous cablegram (A/3251) from the Hungarian Prime Minister, quoted from the new communication (S/3726) in connexion with movements of Soviet military units into and in Hungary.

347. The representative of France, referring to the USSR representative's view that the urgent meeting of the Council now being held was not warranted, also cited the latest communication from the Hungarian Government, as well as press reports regarding Soviet military movements. There had certainly been a substantial deployment of Soviet military forces entering Hungary or moving within Hungary that day.

348. The representative of the Union of Soviet Socialist Republics observed that press reports could not always be taken upon trust and sometimes had to be verified.

349. On 3 November, the Chairman and Minister for Foreign Affairs of the Council of Ministers of the Hungarian People's Republic, in a cablegram (S/3731) addressed to the Secretary-General, referred to the statement made before the Security Council the previous day (2 November) by the USSR representative and said that his Government confirmed that the communications sent to the Secretary-General expressed the official standpoint of the whole Hungarian Government.

350. At the 753rd meeting of the Council held on 3 November, the representative of the United States of America declared that though events in Hungary in the past few days had been confused, one fact was crystal clear viz., the Hungarian people wanted the Soviet Union to get out of their country. After giving a brief account of the happenings in Hungary since 28 October, the representative of the United States asked the representative of Hungary whether he could give the Council further details concerning the events reported in the communication (S/3726) received from the Hungarian Government on 2 November. In case the representative of Hungary was unable to give any additional information, he would request the Secretary-General to get in direct touch with the Hungarian Government. Secondly, in view of the USSR representative's categorical statement that no new Soviet troops had entered Hungary, despite reports to the contrary, he would request that representative to comment on those aspects of the situation. He would also welcome an up-to-date report from the USSR and Hungarian representatives on the success that the Mixed Hungarian-Soviet Commission was having concerning the withdrawal of Soviet forces.

351. The representative of the United States then submitted the following draft resolution (S/3730):

"The Security Council,

"Considering that the United Nations is based on the principle of the sovereign equality of all its members;

"Recalling that the enjoyment of human rights and of fundamental freedoms in Hungary was specifically guaranteed by the peace treaty between Hungary and the Allied and Associated Powers signed at Paris on 10 February 1947 and that the general principle of these rights and freedoms is affirmed for all peoples in the Charter of the United Nations;

"Convinced that present events in Hungary manifest clearly the desire of the Hungarian people to exercise and to enjoy fully their fundamental rights, freedoms and independence;

"Deploing the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights;

"Noting moreover the Declaration by the Soviet Government of 30 October 1956, of its avowed policy

of non-intervention in the internal affairs of other States;

"Noting the communication of 1 November 1956 of the Government of Hungary to the Secretary-General regarding demands made by that Government to the Government of the USSR for 'instant and immediate withdrawal of Soviet forces';

"Noting further the communication of 2 November 1956 of the Government of Hungary to the Secretary-General asking the Security Council 'to instruct the Soviet and Hungarian Governments to start the negotiations immediately' on withdrawal of Soviet forces;

"Anxious to see the independence and sovereignty of Hungary respected;

"1. Calls upon the Government of the USSR to desist forthwith from any form of intervention, particularly armed intervention, in the internal affairs of Hungary;

"2. Expresses the earnest hope that the USSR, under appropriate arrangements with the Government of Hungary, will withdraw all Soviet forces from Hungary without delay;

"3. Affirms the right of the Hungarian people to a government responsive to its national aspirations and dedicated to its independence and well-being;

"4. Requests the Secretary-General in consultation with the heads of appropriate specialized agencies to explore on an urgent basis the need of the Hungarian people for food, medicine and other similar supplies and to report to the Security Council as soon as possible;

"5. Requests all Members of the United Nations and invites national and international humanitarian organizations to co-operate in making available such supplies as may be required by the Hungarian people."

352. The representative of Yugoslavia asked whether the representative of Hungary had any new information concerning the situation in his country and whether he could confirm the report that negotiations had started in Budapest between the Hungarian and the Soviet representatives. If those negotiations had started, the Council should not take any action that might impede their progress and should adjourn.

353. The representative of the United Kingdom, reviewing the latest information on developments in Hungary, said that all roads out of Hungary to the west had been sealed by Soviet troops, who were holding anyone attempting to leave the country. In a *note verbale* to all diplomatic missions in Budapest, the Hungarian Government had stated that, despite its expressed anxiety to negotiate the withdrawal of Soviet forces from Hungary, it had most reliable information that new and large formations of Soviet troops had continued to cross the Hungarian frontier, and that they were moving towards Budapest and were occupying all railway installations. The Hungarian Government had reiterated its protest to the Soviet Ambassador and was bringing those developments to the attention of the Security Council. In view of those serious developments, the United Kingdom representative said, the Council should give most urgent consideration to steps designed to halt what appeared to be continuing Soviet interference in the internal affairs of Hungary. He noted that the Hungarian Prime Minister had on 1 November (A/3251) terminated the Warsaw Pact

and had requested that the Soviet troops should be withdrawn. It was clear that the USSR Government was acting in direct opposition to the declared wishes of the Hungarian Government in seeking to continue to exercise force against the natural expression of the wishes of the Hungarian people. It was the earnest wish of the United Kingdom Government that the Council should bend its efforts to secure in every way possible the full independence of Hungary.

354. The representative of Belgium observed that the USSR contention that the events in Budapest were outside the competence of the United Nations had been contradicted by the Hungarian Government. The Soviet version of those events had likewise been contradicted by the communications from the President of the Hungarian Council of Ministers. Action could not be delayed any longer. The Council must not allow the independence that Hungary was regaining to be stifled before it could be fully restored. The Soviet Union must show how sincere was its affirmed devotion to the principles of the United Nations, and should be invited by the Council to end at once any interference in the domestic affairs of Hungary.

355. At the same meeting, the representative of Hungary said, in reply to the question of the representative of the United States, that he had no further official information other than that contained in documents A/3251 and S/3726. As regards the second question of the representative of the United States, which had also been asked by the representative of Yugoslavia, he had received information from Budapest that day to the effect that the leaders of the Hungarian and Soviet armies had met and had expressed their views on the technical questions involved in withdrawing the Soviet troops. They had agreed to study each other's proposals and to meet again that night. According to the Soviet proposal, no more troops would cross the border until an agreement was reached.

356. The representative of Yugoslavia, speaking on a point of order, moved that the meeting be adjourned to a later date.

357. The representative of Australia, noting that the USSR representative had repeatedly obstructed the Council's desire to deal with the situation, and that the Council had received further information regarding the ominous Soviet troop movements inside Hungary, repeated his Government's conviction that the Council had no alternative but to ventilate and investigate the situation. There was considerable danger that, in the circumstances prevailing in Hungary, negotiations between the Hungarian Government and the Soviet authorities might not be conducted on a basis of equality and respect for Hungarian rights. He would be very happy if the USSR representative could say something to encourage the Council further in its hopes that the negotiations would have a rapid and successful result, paving the way for the true independence of the Hungarian people.

358. The representative of France said that it now seemed that the USSR was making the withdrawal of foreign troops contingent upon the restoration of order. In that connexion, he referred to statements made that day by Moscow radio and the Soviet news agency which appeared designed to justify the reported new Soviet military measures. Such measures were not needed for negotiations to take place, and suggested a parallel with the Prague *coup* of eight years before. The indisputable events of the past five or six days in

Hungary led his delegation to ask that the Council should adopt immediately a resolution responding to Mr. Nagy's request. He urged that a statement be made by the USSR representative.

359. The representative of the United Kingdom observed that while what the Council had heard during its meeting could encourage it to hope that freedom for the Hungarian people might be attainable, it could not give certainty that such would be the case. He believed that it would greatly facilitate the course of events if the United States draft resolution (S/3730) could be adopted that day by the Council. Many questions had been put to the USSR representative, and the Council should hear a statement from him.

360. The representative of Peru said that the principle that, in the matter of negotiations, the United Nations must always prefer what the parties decided to what the Organization decided was applicable on one condition only: that the settlement was freely entered into and that it would not endorse the use of pressure. He could not say that an atmosphere of freedom and independence obtained at present in Hungary. He suggested that operative paragraph 2 of the United States draft resolution (S/3730) should begin with the words "Understands that the USSR . . ." and that operative paragraph 3 should be amended to include reference to the right of the Hungarian people "to secure through free elections" a Government responsive to its national aspirations.

361. The representative of the United States of America said that his Government was still disturbed by the wide differences between Soviet Union words and actions about troop withdrawals. Adjournment for a day or two would give a real opportunity to the Hungarian Government to carry out its announced desire to arrange for an orderly and immediate evacuation of all Soviet troops. But the Council must keep the matter under urgent consideration.

362. The representative of the Union of Soviet Socialist Republics noted that he had been asked to comment on the report that negotiations were being conducted between Hungarian and Soviet representatives concerning the Soviet troops in Hungary. He could confirm that such negotiations were going on.

Decisions: *After further discussion the Security Council voted on an Australian proposal that it should meet the next day. The proposal received 6 votes in favour, 2 against, with 3 abstentions, and was not adopted, having failed to obtain the affirmative votes of seven members.*

The President's proposal that the Council should meet on 5 November was adopted by 10 votes to none, with 1 abstention, with the understanding that a meeting could be called earlier if circumstances should necessitate one.

363. The consideration of the situation in Hungary was resumed at an urgently summoned meeting (754th) of the Council on Sunday, 4 November 1956, at 3 a.m.

364. The representative of the United States of America said that if ever there had been a time when the action of the United Nations could literally be a matter of life and death for a whole nation, now was that time. Only a few minutes before the Prime Minister of Hungary had appealed for help from the whole world while his capital was burning. Budapest, according to its own radio broadcasts, was surrounded by a

thousand Soviet tanks which were firing phosphorous shells into the city in order to burn it out. In the light of those events, the statement made to the Council a few hours earlier by the USSR representative, to the effect that negotiations were going on concerning the withdrawal of Soviet troops, could scarcely be equalled for its total lack of candour and its indifference to human suffering. He introduced a revised text of the United States draft resolution (S/3730/Rev.1). The text of the operative part, in which the revisions were made, follows:

"1. *Calls upon* the Government of the USSR to desist forthwith from any form of intervention, particularly armed intervention, in the internal affairs of Hungary;

"2. *Calls upon* the USSR to cease the introduction of additional armed forces into Hungary and to withdraw all of its forces without delay from Hungarian territory;

"3. *Affirms* the right of the Hungarian people to a government responsive to its national aspirations and dedicated to its independence and well-being;

"4. *Requests* the Secretary-General in consultation with the heads of appropriate specialized agencies to explore on an urgent basis the need of the Hungarian people for food, medicine and other similar supplies and to report to the Security Council as soon as possible;

"5. *Requests* all Members of the United Nations and invites national and international humanitarian organizations to co-operate in making available such supplies as may be required by the Hungarian people."

365. The representative of Cuba said that at the time when the representative of the Soviet Union had been telling the Council that negotiations were taking place between the Hungarian Government and Soviet representatives, a cruel and treacherous blow was being aimed at the Government of Hungary. That was a disgrace to the Soviet Government and a ground for protest by all free men throughout the world. The Council must vote immediately on the United States draft resolution. If the USSR representative vetoed it, the General Assembly must be convened to deal with the matter in emergency special session.

366. The representative of the United Kingdom said that matters had gone much further than suppression of the rights of the Hungarian people. A brutal and naked assault on Hungary was taking place with the object of crushing the Hungarian people. Not only were attempts being made to overthrow the Government and to dominate a sovereign nation, but in the process, thousands of civilian men, women and children were losing their lives. Was it too late for that inhuman assault to be arrested and for the Hungarian people to be allowed to lead their own lives in peace and independence?

367. The representative of Australia said that the gallant efforts of the Hungarian people to take control of their own affairs and to develop them in peaceful co-existence with the Soviet Union seemed to have come very close to a brutal end. Two Hungarian military delegates who had gone to negotiate with the Soviet representatives had apparently been taken prisoner by the persons with whom they were supposed to be negotiating. The Council could do nothing less than to adopt the United States draft resolution and to hope that it might still be possible to bring about a more

reasonable attitude on the part of the Soviet Union towards Hungary.

368. The representative of Peru declared that the faint hope of some result ensuing from the negotiations between the Hungarian Government and the Soviet Union had disappeared. The USSR Government was committing not only a great crime but a great mistake in trying to restore the hegemony established over Hungary in the time of Stalin, for there could be no hope of waging a successful battle against the invincible force of justice and moral law. The United Nations, through a decision of the Security Council and, if there should be no unanimity in the Council, then by an overwhelming majority in the General Assembly, would mobilize the moral forces of the whole world to condemn the action of those who were threatening the freedom and existence of the Hungarian people and to give support and encouragement to that people in its continued struggle.

369. The representative of China deplored the fact that the Council had not yet taken a collective stand on the tragic events in Hungary. The United States draft resolution now seemed too weak to meet the situation. A number of changes should be made in it, but, however, in view of the urgency of the situation he submitted only the following amendment to operative paragraph 1:

"*Calls upon* the Government of the USSR to desist forthwith from making war on the Government and people of Hungary, and from any form of intervention in the internal affairs of Hungary;"

370. The representative of Belgium said that the Council was faced with a case of flagrant aggression at the very time when it had been assured that negotiations were being carried on. The Council must call upon the Soviet Union to withdraw its armed forces and put an end to its aggressive action and to all interference in the internal affairs of Hungary. The Belgian delegation would vote for the United States draft resolution and for the Chinese amendment.

371. The representative of France said that, unfortunately, the fears he had expressed had been justified. It was quite clear that it was no longer the fate of a regime which was at stake but the independence of a people. It was the duty of the Council to adopt the United States draft resolution immediately. He supported the Chinese amendment.

372. The President, speaking as the representative of Iran, deplored the tragic news that had reached the Council. His country was whole-heartedly in sympathy with the gallant Hungarian people in their struggle. His delegation would vote for the United States draft resolution in the hope that it would be a step towards the elimination of the existing tyranny.

373. The representative of the Union of Soviet Socialist Republics said that his delegation had no official information on the reports that had been circulated about the new developments in Hungary. In those circumstances, the more correct course would have been to postpone consideration of that question until reliable information was available. Unfortunately, the majority of the members of the Council had chosen a different course. On the basis of fragmentary and unconfirmed press and radio reports, certain members of the Council had decided to force a discussion of the situation in Hungary on the Council.

374. The representative of the USSR said that events had shown quite clearly that a counter-revolu-

tionary underground movement had been organized with help from abroad and that it had attempted to exploit the legitimate and progressive movement of the workers. As a result of the counter-revolutionary *coup d'état* a so-called Government of Hungary headed by Imre Nagy had come to power temporarily in part of the country. The Nagy Government had openly adopted a reactionary and fascist policy aimed at the complete liquidation of the people's democratic regime in Hungary, the restoration of the old landowner capitalist system and the establishment of a fascist dictatorship. A state of terror had been created, in which the counter-revolutionary gangs had murdered many innocent people. Those circumstances fully explained the legitimate concern for the fate of the Hungarian workers felt by the peoples of friendly countries adjacent to Hungary. But the Hungarian working class would not allow their achievements to be jeopardized by reactionaries. The Soviet troops present in Hungary in accordance with the terms of the Warsaw Pact were helping to put an end to the counter-revolutionary intervention and riots.

375. He concluded that it was, therefore, quite plain that the question in no way concerned the United Nations, or, in particular, the Security Council. Any intervention by the United Nations and the Western Powers in the further course of events in Hungary could only lead to complications and would in any event be illegal and incompatible with the Charter. It was obvious that that question had been included in the agenda of the Council in order to divert the attention of world public opinion from the aggression committed by the United Kingdom, France and Israel against Egypt.

376. The representative of China, in response to an appeal from the representative of the United States, did not press for a vote upon his amendment.

377. The representative of the United Kingdom said that there was no comparison between the situation in Hungary and that in the Middle East. The motive of the Soviet Union's action was the domination of Hungary. That action was a denial of Hungary's right to political independence and of the rights and freedoms guaranteed to its people under the Peace Treaty. The action of the United Kingdom and France in Egypt was none of those things, and was intended only to stop the spread of war in the Middle East.

Decision: *The revised United States draft resolution (S/3730/Rev.1) received 9 votes in favour and 1 against (USSR) and was not adopted, the negative vote being that of a permanent member of the Council. The representative of Yugoslavia did not participate in the voting, but at the 755th meeting, on 5 November 1956, requested that his vote be recorded as an abstention.*

378. The representative of the United States of America said that the Council could not afford to tem-

porize over the cynical and brutal breach of the peace by the Soviet Union. He submitted the following draft resolution (S/3733):

"Considering that a grave situation has been created by the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights;

"Taking into account that because of a lack of unanimity among its permanent members the Security Council has been unable to exercise its primary responsibility for the maintenance of international peace and security;

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 (V) in order to make appropriate recommendations concerning 'The Situation in Hungary'."

379. The representative of the Union of Soviet Socialist Republics reiterated that any examination of the "situation in Hungary" by the Council was totally unjustified and constituted an act of intervention in the domestic affairs of Hungary. The same criticism applied to the proposal to refer the question to the General Assembly. Moreover, as the Council was aware, a special session of the Assembly was examining the question of a cease-fire and of the cessation of hostilities undertaken against Egypt. The authors of that aggression were feeling uncomfortable because of the discussion in the Assembly. They needed a smoke-screen, and that was the purpose of the proposal.

Decision: *The United States draft resolution (S/3733) was adopted by 10 votes to 1 (USSR).*

380. The Secretary-General then stated that he wished to put on record that his declaration at the 751st meeting of the Council concerning the duties of the Secretary-General and his understanding of the stands he had to take obviously applied also to the present situation (see paragraph 288).

381. A cablegram (S/3739) dated 4 November, addressed to the Secretary-General and signed by Mr. Janos Kadar, Prime Minister of the Revolutionary Workers and Peasants Government, and Mr. Imre Horvath, Minister for Foreign Affairs, was circulated as a document on 7 November. It stated that the Revolutionary Workers and Peasants Government of Hungary declared that Imre Nagy's requests to have the Hungarian question discussed in the United Nations had no legal force and could not be considered as requests emanating from Hungary as a State. The Revolutionary Workers and Peasants Government, it continued, objected categorically to any discussion of that question either by the Security Council or by the General Assembly, because it was within the exclusive jurisdiction of the Hungarian People's Republic.

Chapter 3

THE INDIA-PAKISTAN QUESTION

INTRODUCTORY NOTE: The eighth annual report (A/2437) of the Security Council¹ contains a summary of the fourth and fifth reports of the United Nations Rep-

¹ See Official Records of the General Assembly, Eighth Session, Supplement No. 2, pp. 1-11.

representative for India and Pakistan, Mr. Frank P. Graham, who was appointed by the Security Council to consult with the Governments of India and Pakistan and then to effect the demilitarization of the State of Jammu and Kashmir on the basis of the resolutions

adopted on 13 August 1948 and 5 January 1949 by the United Nations Commission for India and Pakistan.² Failing to secure agreement on demilitarization the United Nations Representative reported to the Security Council those points of difference between the parties in regard to the Commission's resolutions which, in his view, had to be resolved to enable demilitarization to be carried out. The Security Council, at its 611th meeting on 23 December 1952, adopted a resolution (S/2883) which, *inter alia*, requested the United Nations Representative to continue to make his services available to the Governments of India and Pakistan and to keep the Security Council informed of any progress. In his fifth report submitted on 27 March 1953 (S/2967), Mr. Graham reported that it was not possible at that time to bring about a truce agreement between India and Pakistan.

The India-Pakistan Question was last considered by the Security Council at its 611th meeting on 23 December 1952.

1. RESUMPTION OF SECURITY COUNCIL CONSIDERATION OF THE INDIA-PAKISTAN QUESTION

382. On 16 November 1956 Pakistan called the attention of the Security Council (S/3744) to press reports concerning the constitution of Jammu and Kashmir, framed by the so-called assembly sitting at Srinagar and due to come into force on 26 January 1957. Sections of that constitution, turning the state an integral part of India, were due to come into force on 17 November 1956. That move sought to nullify the Council resolution of 30 March 1951 and ran counter to the declared objective of the Security Council that the question of the accession of the state to India or Pakistan should be decided by means of a free and impartial plebiscite held under United Nations auspices. Pakistan requested that India should be called upon to desist from any action which might be prejudicial to the fulfilment by the parties to the Kashmir dispute of their respective obligations under United Nations resolutions. Pakistan reserved its right to seek later further action by the Security Council in regard to that matter.

383. On 26 November 1956 Pakistan requested the President of the Security Council (S/3750) to seek a clarification from India regarding the reported coming into force on 17 November 1956 of those sections of the constitution of Jammu and Kashmir in which that State was declared to be an integral part of India.

384. In a letter communicated to the Security Council on 2 January 1957 (S/3767), Pakistan said that India had refused on one pretext or another to honour its international commitments accepted under the two UNCIP resolutions of 13 August 1948 and 5 January 1949 and Pakistan had been forced to conclude that further direct negotiations between the two Governments would be fruitless. Being of the view that the situation called for firm and timely action by the Security Council, Pakistan requested that the Security Council should be convened at an early date to consider the Kashmir question. Accordingly, the 761st meeting of the Security Council was held on 16 January 1957

to consider the India-Pakistan Question. Pakistan was represented by Mr. Firoz Khan Noon, Foreign Minister; Mr. V. K. Krishna Menon represented India.

2. STATEMENT BY PAKISTAN

385. The representative of Pakistan said that the direct negotiations initiated by his Government with India in 1953 for resolving the deadlock over the implementation of the international agreement for a plebiscite in Jammu and Kashmir had failed in their objective as a result of the intransigent attitude adopted by the Government of India and its unwillingness to honour its international obligations freely assumed in 1948. He charged that India was taking steps to integrate the State into the Indian Union, reportedly on 26 January 1957, and then presented the salient features he considered basic to an understanding of the case.

386. When the partition of the Indian sub-continent into the two sovereign States of India and Pakistan had been agreed upon, and upon partition, the paramountcy of the British Crown over the Indian Princely States had lapsed, the States thereupon had become free to accede either to India or to Pakistan. The principle underlying partition could be found in the statement of the then Prime Minister of the United Kingdom who, on 3 June 1947, had said that Pakistan would be constituted by the contiguous Muslim-majority areas in the Northwest and the Northeast of the sub-continent, while India would comprise contiguous non-Muslim-majority areas. As far as the Princely States were concerned, Lord Mountbatten, Viceroy and Governor-General, advised them on 25 July 1947, that due regard must be paid to the communal composition, popular wishes and geographical location of the States. It had thus been assumed that, following the basis adopted for partition, Princely States with a Muslim majority in population contiguous to Pakistan would accede to Pakistan. On that assumption the position of Jammu and Kashmir had been crystal clear: although the ruler was Hindu, 77 per cent of the population was Muslim, and the State territory was contiguous to Pakistan. Political, economic, strategic, cultural, geographical and other considerations all had made accession to Pakistan the natural course.

387. The representative of Pakistan pointed out, with regard to Junagadh and Hyderabad, that the two States with predominantly Hindu populations had each been governed by a Muslim ruler. India had protested against the accession of the ruler of Junagadh to Pakistan and had forcibly occupied the State. While the ruler of Hyderabad had acceded neither to India nor to Pakistan, that State had also been forcibly taken over by India. The Indian contention had been that a State with a majority of Hindu population had had no choice but to accede to India, even if its Muslim ruler had not wished to do so. It followed from the Indian thesis that a State with a Muslim majority had no choice other than to accede to Pakistan, even though its Hindu ruler might decide otherwise.

388. In the case of Jammu and Kashmir, a State in which Muslims constituted 77 per cent of the population, its Hindu ruler had offered to accede to India, despite the fact that, at the time, he had been driven out of his seat of government by his people. While India had accepted the offer of accession, it had done so conditionally and had expressed the wish that, as soon as law and order had been restored in Kashmir and its soil cleared of the invader, the question of the

² See Official Records of the Security Council, Third Year, Supplement for November 1948, document S/1100, para. 75 and *ibid.*, Fourth Year, Supplement for January 1949, document S/1196, para. 15. The United Nations Commission for India and Pakistan will hereinafter be referred to as either "UNCIP" or "The Commission".

State's accession should be settled by a reference to the people. On 31 October 1947, the Prime Minister of India had reaffirmed that view in a telegram to the Prime Minister of Pakistan, and had further given the assurance that Indian troops would be withdrawn from Kashmir as soon as peace and order had been restored and that the decision regarding the future of Kashmir would be left to the people of the State. In the eight years that had elapsed since then, that "reference to the people" had remained a mirage in spite of the fact that law and order had been established in the State for several years.

389. After analysing the UNCIP resolutions of 13 August 1948 and 5 January 1949, the representative of Pakistan said that the whole object of those international agreements for a plebiscite was to create conditions in which the people of Jammu and Kashmir would decide freely whether the State was to accede to India or to Pakistan. While the provisions of the agreement concerning a cease-fire and a demarcation line had been carried out, a deadlock had ensued on the provisions relating to a truce agreement owing to India's refusal to conclude that agreement in accordance with the terms which the Government of India itself had accepted.

390. The representative of Pakistan enumerated eleven proposals that had been made between March 1949 and December 1952 for settling outstanding differences between the two Governments; he said that every one of those proposals had been accepted by Pakistan and rejected by India. He then referred to the persistent but unsuccessful efforts of the United Nations Representative to secure the agreement of the Government of India to a reasonable plan of demilitarization of the State preparatory to the plebiscite, and the direct negotiations subsequently held between the two Governments, first at the Prime Ministers' level and later through committees of experts. India, however, had put forward one pretext after another in an effort to justify its intransigent attitude. India's pseudo-arguments concerning Pakistan's receipt of United States aid and its entry into regional defence pacts with the United States had no relevance whatsoever to the international commitments to carry out a plebiscite in Kashmir. If India's objection to these pacts was genuine and if it feared that Pakistan might attack India, he said he would make two offers to induce India to hold a plebiscite: first, Pakistan would enter into a no-war pact with India as soon as the plebiscite was held; secondly, Pakistan was willing to enter into a pact saying that an attack on India constituted an attack on Pakistan.

391. As far as present-day Kashmir was concerned, it was virtually an armed camp of Indian soldiers. Sheikh Abdullah, a former Prime Minister and a hero of Kashmir, was under detention and the regime of his successor, Bakhshi Ghulam Muhammad, had been imposed on the people of Kashmir by India. Nevertheless, despite the ruthless repression of civil liberties, the popular demand for a free and impartial plebiscite had intensified.

392. In view of the fact that the processes for a peaceful settlement provided for in Article 33 of the Charter had been exhausted without yielding results and the Government of India had been unwilling to submit the points in dispute to arbitration, the representative of Pakistan requested the Security Council:

1. to call upon India to refrain from accepting the change envisaged by the new constitution adopted by

the so-called Constituent Assembly of Srinagar; 2. under Article 37 (2) of the United Nations Charter, to spell out the obligations of the parties, under the terms of the international agreement for a plebiscite as embodied in the United Nations resolutions.

393. Considering that the main obstacles to the agreed plebiscite were the withdrawal of forces from the State and the induction into office of a Plebiscite Administrator, the representative of Pakistan said that the Security Council should: 1. call upon the parties to withdraw all their troops from the State and also ensure that the local forces placed under the Security Council and left behind were suitably reduced, if not disbanded altogether; 2. entrust to the United Nations force the functions of protecting the State and ensuring internal security; 3. disband all other forces (Indian, Pakistani and local) and remove all non-Kashmir nationals—even in the police forces—from Kashmir; 4. fix an early and firm date for the induction into office of the Plebiscite Administrator. Summarizing Pakistan's position regarding the dispute, he said that: 1. Pakistan stood firmly by the international agreement for a plebiscite and was most willing and indeed anxious to implement all its obligations under the terms of that agreement; 2. the affiliation of the geographical entity known as the State of Jammu and Kashmir had not so far been determined. The question of drawing any line within the State dividing Pakistan from India did not, therefore, arise; 3. the international agreement for a plebiscite was one indivisible whole, and no party to the dispute had the right to accept it in part; if India made an attempt to freeze the situation, as it existed, Pakistan would consider it a repudiation of the international agreement; 4. Pakistan recognized no international obligations with regard to the State of Jammu and Kashmir except those it had voluntarily accepted together with the Government of India in the resolutions of UNCIP dated 13 August 1948 and 5 January 1949.

3. STATEMENT BY INDIA

394. At its 762nd, 763rd and 764th meetings, held on 23 and 24 January, the Council heard a statement by the representative of India. He recalled that it was India which had come to the Security Council in the first instance, on 1 January 1948, complaining of a situation under Article 35 of the Charter. The situation—not a dispute—was an act of aggression against India, which had not yet been resolved, and that remained the crux of the question. Indian territory had been invaded, and that invasion had to be resisted, yet the Indian Government desired that nothing should be done to rekindle those embers which were still burning at that time following the partition of the country.

395. The representative of India, tracing the background of the question, said that under the Independence of India Act of 17 June 1947 enacted by the United Kingdom Parliament, India had been created as a self-governing dominion and as a successor State to British India, and in that process Parliament had constituted certain territories—which had been agreed on politically—into another dominion. The Princely States, however, presented a different problem. They had been ruled by the British Crown indirectly, the Crown's relations with the Rulers having been based on treaties, which however, had not been ratified by any parliament or legislatures. They had had no real independence, and their independence had not been the kind of sovereign independence which would have enabled them to become Members of the United Nations.

396. At the time of the partition neither the British Parliament nor Lord Mountbatten had ever referred to communal composition as a factor which should influence the accession of the Princely States. The document of 3 June 1947 referred to by the representative of Pakistan consisted of a statement by the then Prime Minister, Mr. Attlee, in the British Parliament on the question of the transfer of power and was concerned exclusively with British India.

397. Dealing next with the standstill agreements made to carry on business in the period between British rule and *de jure* partition, the representative of India noted that the standstill agreement concluded between Kashmir and Pakistan had related to communications, supplies, and post office and telegraphic arrangements only and had become operative on 15 August 1947. At the time of the conclusion of that agreement, the Government of Jammu and Kashmir had also been in the process of negotiating a standstill agreement with India which would, moreover, have included external affairs, control of State forces and of other matters arising out of the sovereignty of a country. At that point, however, Pakistani forces had invaded Kashmir.

398. The Indian representative said that, from 12 August 1947, long before the presence of Indian forces in Kashmir, border raids from Pakistan into Kashmir had begun and had continued in the following months, notwithstanding the conclusion of a standstill agreement between Pakistan and Kashmir and in violation of that agreement. Pakistan had nevertheless informed India and later the Security Council that it had not been involved in the armed attacks upon Kashmir. Irrespective of whatever claims, relations or titles the Indian Government might have had on Kashmir, Pakistan had no right to invade Kashmir. Kashmir had not acceded to Pakistan and was foreign territory; hence Pakistan had been guilty of an act of aggression. On 10 October 1947, the invasion proper had begun, and on 24 October 1947 the Maharaja, the head of the State and the only person competent to sign an accession, had appealed to India for military assistance. On 26 October 1947, the Maharaja had asked India for protection and had offered accession to India. Meanwhile, various acts of brigandage, rapine and plunder had occurred in Kashmir—certainly a strange way for the people of Pakistan to show friendship to the alleged kinsmen and co-religionists!

399. On 22 December 1947, the Prime Minister of India had written to the Prime Minister of Pakistan asking his Government to deny to raiders all access and use of Pakistan territory for operations against Kashmir, and all military and other kinds of aid that might have tended to prolong the struggle. Nothing happened and on 1 January 1948, India had come to the Security Council. India's complaint was still pending before the Security Council. India had unquestioned sovereignty over Kashmir; the question, concerning invasion and violation of territory, was still pending before the Council. Having no desire to aggravate the situation, India had asked only that aggression should be halted, and had not called for more drastic action, such as condemnation of Pakistan as an aggressor.

400. Fifteen days after India had lodged its complaint with the Security Council, the Pakistan Government, on 15 January 1948, had emphatically denied that it had been giving aid and assistance to the so-

called invaders or that it had committed any act of aggression against India. The representative of India wished to know how border raiders could have marched across 500 miles of Pakistan territory without receiving fuel and material.

401. At its 229th meeting held on 17 January 1948, the Security Council, having heard both sides of the case, had adopted a resolution (S/651) which *inter alia*, had requested the Governments of India and Pakistan "to inform the Council immediately of any material change in the situation . . ." India had accepted that resolution. However, Pakistan had since that date been in violation of the basic ideas and principles of that resolution and of the resolution adopted on 20 January 1948 (S/654) establishing UNCIP, which India had also accepted, despite its undisputed and irrevocable claim to sovereignty over Kashmir. Without going into the details of UNCIP's findings, the representative of India said that the Commission had reported that there had been aggression and material changes in the situation of which the Security Council had been kept in the dark. Such changes had continued, making it impossible to pursue the root of the matter along the lines thought of some five years earlier.

402. On 21 April 1948 the Council had adopted another resolution (S/726) by which it gave new instructions to UNCIP providing for the withdrawal of troops and the holding of a plebiscite. India had rejected certain parts of that resolution. Subsequently, in a statement before the Security Council, its representative had said that the accession of Jammu and Kashmir to India which had taken place on 26 October 1947 had been both legal and lawful and would subsist even after the fighting had ceased and peace and order had been restored. India had never moved from that position.

403. The Security Council had at no time challenged either the sovereignty of Jammu and Kashmir or the validity of the accession. India had refused to subscribe to those sections of the resolution of 21 April in which India and Pakistan were dealt with as two parties to a complaint. Pakistan, on the other hand, had rejected that resolution.

404. Continuing his presentation at the 763rd meeting held on 23 January, the representative of India said that, despite India's objection to certain parts of the Council's resolution of 21 April (S/726), it had conferred with the Commission and UNCIP had been able to function. The Commission's immediate objective had been to bring about a cease-fire and, when the Commission reached Karachi on 7 July 1948, it was informed by Sir Mohammad Zafrullah Khan, the Foreign Minister of Pakistan, that the Pakistan army had at the time three brigades of regular troops in Kashmir, and that troops had been sent into the State during the first half of May. Sir Mohammad Zafrullah Khan had said that the action had been taken as a result of the spring offensive by the Indian army. That material change had been communicated to the Security Council in a confidential cable sent by UNCIP on 20 July 1948. The presence of those Pakistan troops, earlier denied, but finally admitted to UNCIP, had created a new state of affairs, and, furthermore, the reasons advanced by Pakistan for the invasion had had nothing to do with the people of Kashmir.

405. The representative of India then outlined the principles which his Government had submitted as

necessary for agreeing to a cease-fire, and said that they had been based upon the idea of the sovereignty and indivisibility of the State of Jammu and Kashmir. First, regular Pakistan forces should be withdrawn from the State; secondly, Indian forces should remain along fixed lines and occupy certain advanced strategic positions; thirdly, the evacuated territories situated outside of the fixed line should be provisionally administered by existing local authorities. As a result of the discussions held by UNCIP with both Governments, and despite the Pakistan objections as set out in its report, the Commission, at its meeting of 13 August 1948, had finally formulated its resolution of the same date which had brought about a cease-fire. The representative of India proceeded to analyse the provisions of the resolution—Part I dealing with a cease-fire, Part II relating to the truce agreement, and Part III concerning a plebiscite—and concluded that since the provisions of Parts I and II had not been fully carried out by Pakistan, Part III remained unimplemented. Pakistan forces were still in the State and the campaign of hatred and of a holy war against India was continuing with added violence. He further observed that under Part II, Section B of the resolution, Indian forces were to have begun to withdraw only when all others had withdrawn, thereby terminating the situation which had caused the presence of Indian forces in the State. Part III of the UNCIP resolution of 13 August 1948, crucial though it was, amounted merely to an expression of a wish on the part of the two Governments, which could no longer be considered in its original terms in view of the fact that conditions had substantially changed. Only when the truce agreement provided for in Part II was arrived at could a plebiscite be considered.

406. India had accepted the resolution after certain assurances and clarifications requested by the Indian Prime Minister in his letter of 20 August 1948 to UNCIP had been given. They concerned the sovereignty of Jammu and Kashmir, Indian responsibility for effective insurance of the security of the State against external aggression, and the fact that Pakistan should have no part in the organization and conduct of a plebiscite if one were to be held. Those clarifications and assurances were contained in the UNCIP letter of 25 August 1948 to the Government of India. Pakistan had accepted neither the resolution nor the clarifications. Further assurances regarding the northern territories had been sought and given, following which the Commission had continued its work and had produced a series of proposals on 11 December 1948 which had been accepted by India on 23 December and, the Indian representative believed, by Pakistan on 25 December. Out of this had emerged the 5 January 1949 resolution of the Commission, submitted to and accepted by the two Governments.

407. The UNCIP resolutions of 13 August 1948 and 5 January 1949 were resolutions agreed to by India and the resolutions stood by their texts and their intentions. They had to be read together and their sequence taken into account. They also had to be read along with the assurances given to India regarding their meaning. The 13 August 1948 resolution had a consecutive character, the fulfilment of one part depending on the prior fulfilment of another. The 5 January 1949 resolution was supplementary to the 13 August 1948 resolution.

408. The representative of India then dealt with the question of Pakistan's claim to Kashmir and with the

question of accession. Whether one looked at it from the point of view of contiguity, religion, culture and communal affinity, strategic interests or security, Pakistan's claim was untenable. As regards accession, he noted that since the British Parliament Act of 1935, the procedure was for the head of the State to submit an instrument of accession. An offer and an acceptance constituted complete accession. Such accession had occurred between Kashmir and India when, on 26 October 1947, the Maharaja of Kashmir, as Head of the State, had submitted to the Governor-General of India an instrument of accession which had been accepted by him on 27 October 1947 with the words, "I do hereby accept this Instrument of Accession." There was nothing provisional about that acceptance or temporary about the accession. There was no provision in the Indian Constitution for secession of a State that had acceded to India. Out of considerations of security, international law, and the law of India as given it by the British Parliament, India could never accept the idea that accession was anything but an indissoluble bond.

409. With reference to the charge by Pakistan that Lord Mountbatten, the Governor-General, had accepted accession provisionally by virtue of his letter to the Maharaja on consulting the wishes of the Kashmiri people, the representative of India said that the Governor-General's letter was a separate document having nothing to do with the offer and acceptance of accession. It made no guarantees, and it merely expressed the Indian Government's wish in the sense of political policy as distinct from constitutional or international law. As such, it was a matter between the Government of India and the people of Kashmir, and was consequently no concern of the Government of Pakistan. Furthermore, the pledge of the Prime Minister of India quoted previously by the representative of Pakistan would have to be read in full context in which it was set out and of the events taking place at the time. India's appeals to Pakistan had gone unheeded. For over a year following India's offer concerning a plebiscite, Pakistan had continued the aggression, and only when it had found itself in an unfavourable military situation had Pakistan agreed to UNCIP's resolutions of 5 January 1949 and 13 August 1948. If an offer was made, and was not accepted at the time it was made, it could not be held for generations over the heads of those who had made it. India had told Pakistan that it was ready to seek a plebiscite under United Nations auspices, but Pakistan had not agreed and the offer had therefore lapsed. It could not be revived nine years later.

410. In answer to the charge that India had obtained the accession of Jammu and Kashmir by force and fraud, the representative of India said that the only force India had used was that necessary to repel the invaders. With regard to the charge of fraud, he pointed out that before the Maharaja had made up his mind on accession the Government of India had asked the Governor-General to tell him to accede to Pakistan if he so wished. Regarding the right of the sovereign of the Princely State to decide upon accession, the representative of India recalled that the right of the Head of any Indian State to accede to either Dominion or to remain independent had been asserted on many occasions by Mr. Jinnah, President of the Muslim League and a founder of Pakistan.

411. Once a State had acceded to India, it had the right, if it so wished, to call its own Constituent Assembly. A majority of the Indian States—and in fact,

after some time, all of them—had chosen instead to elect members to the Indian Constituent Assembly. In Kashmir, however, as early as 1944, a powerful national movement had asked for a Constituent Assembly to cope with its own particular problems. The Constituent Assembly finally set up in 1951 had been established for the express purpose of framing a constitution for the State; it could not make a constitution for defence, external affairs or communications because the State had by that time acceded to India, and no new relationship could be created in that regard under the terms of constitutional law. A number of provisions of the Constitution adopted by the Constituent Assembly had come into force on 17 November 1956, while others would enter into force on 26 January 1957, at which time, its work done, the group would dissolve itself. That was all that could happen. There was nothing to justify the atmosphere of crisis stirred up in the Security Council over the date of 26 January 1957. If there was any question to be contested, that question should be in regard to accession. Some restraining action having the character of an injunction had been asked for, but there was no action from which restraint could be exercised. The only thing that could be restrained was an attempt to undo the act of accession. Actually, in the view of the Government of India, the Security Council should ask for the observance of the Charter and for the vacating of the aggression by Pakistan. That remained the problem before the Council.

412. In the matter of a plebiscite in Jammu and Kashmir, it was true that at one time the question had been considered under certain conditions. However, there were several aspects to India's commitment concerning a plebiscite. First, the initial commitment, if it could be called that, was to the people of Kashmir; secondly, it was in consonance with the policy of the Government of India, which it was for the Government alone to decide; thirdly, it should be effective only when the soil was cleared of the invader; fourthly, it should be held only when peaceful conditions were restored. In view of the fact that conditions for a plebiscite had not existed and did not exist, the Government of India could not wait indefinitely and, to the extent possible, it had consulted the wishes of the people of Jammu and Kashmir. Further discharge of India's obligations so far as the form went, if that was considered necessary, had been impeded by acts beyond India's control, namely, invasion, unsettlement, occupation and the division of Kashmir by force of arms. The representative of India said that the nature of his country's external commitments with respect to a plebiscite were tied up in the UNCIP resolutions of 13 August 1948 and 5 January 1949. He had already explained why they could not be implemented. The resolution of 5 January 1949 was an implementing resolution. It provided the mechanism, once the decision was made. India's commitments were conditioned by the withdrawal of Pakistan forces and nationals, the large-scale disbandment and disarmament of the Azad Kashmir Army, the restoration of the unity of the country, the return of refugees, the restoration of law and order and conditions of security. What had been conceived, therefore, was a plan conditional upon a contingency which had proved itself incapable of performance. However, the Government of India took serious exception to the suggestion that it had dishonoured its commitments; India could not be held responsible for the fact that Part II of the UNCIP resolution of 13 August 1948 could not be carried out. In fact, India's first

commitment was its responsibility to the State which had acceded to it. By accepting Kashmir's offer of accession, India had assumed legal, political and moral obligations. The cease-fire was India's second commitment, which it would honour. There were no other commitments.

413. At the beginning of its 764th meeting held on 24 January, the Council had before it a joint draft resolution sponsored by Australia, Colombia, Cuba, the United Kingdom and the United States of America (S/3778), which read:

"The Security Council,

"Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

"Reminding the Governments and Authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

"Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle,

"Decides to continue its consideration of the dispute."

414. The representative of India, who was continuing with his statement, drew attention to the fact that the five-Power draft resolution had been submitted to the Council before he had concluded the presentation of his case. He then categorically denied that the Kashmir question had been discussed at meetings of the Commonwealth Prime Ministers, if such had been the implication of a reference in that connexion made by the representative of Pakistan. He said that he was obliged to refer to confidential accounts relating to private conversations between the Commonwealth Prime Ministers, inasmuch as reference had been made to them. He rejected the eleven charges by the representative of Pakistan concerning non-performance by India in respect to the provisions of the two UNCIP resolutions and related matters.

415. The representative of India then said that the primary question which remained was that Pakistan had come before the Council as an invader, having trespassed into territory which was not its own; it had tried to change a situation by force of arms, and had failed to keep the Security Council informed of its action—a fact repeatedly referred to in the UNCIP report. Pakistan's failure to create an atmosphere conducive to settlement—a condition laid down by UNCIP—had also seriously affected the non-implementation of UNCIP resolutions. He cited instances of the virulent propaganda campaign being carried on in Pakistan, and also incidents that had occurred in violation of the

cease-fire line. He concluded that India could not be held responsible for non-performance in regard to the conditions of Part II of the resolution of 13 August 1948. Pakistan had committed a further violation by integrating Chitral into its territory, *de facto* and *de jure*, in spite of the fact that the Commission had repeatedly stated that there could be no change in the sovereignty of the State. Moreover, Pakistan's insistence on maintaining a military balance was not a concept to which the Commission had agreed.

416. When the plan of settlement contained in the two UNCIP resolutions had been formulated and accepted by India and Pakistan, the securing of a cease-fire had been an urgent consideration; however, it had not been expected that the plan would not be carried out for eight or nine years. The passage of time and the change of circumstances must and did affect the nature of agreements reached. Considerable progress had been made in Jammu and Kashmir in the economic, social and communications fields. In the Pakistan-occupied part of Kashmir, consolidation of the territory had made Western Kashmir practically a province of Pakistan with a locally-raised armed force numbering thirty-five battalions under the command of Pakistan and Pakistan-trained officers. Commandos organized for guerrilla warfare had been thrown into the population. There was the further fact that the military balance between India and Pakistan at the time of their acceptance of the Commission's plan had in later years changed considerably in favour of Pakistan. Any attempt to unsettle the conditions obtaining in the State would lead to mass migrations and slaughter on a scale which no Government could contemplate with equanimity. The representative of India described the changed economic and social conditions obtaining on the Indian side of Kashmir and contrasted them with conditions on the other side.

417. The representative of India noted that the representative of Pakistan, in presenting his case, had delivered what amounted to threats and had alleged that Indian troops were massed on the India-Pakistan border. On behalf of his Government, the representative of India denied that allegation and stated that in actual fact India had recently reduced its military strength in Kashmir, and furthermore there had been no increase in the strength of Indian troops on the India-Pakistan border. On the other hand, it was indeed a fact that the might of the Pakistan Army was concentrated close to India's borders, and that its strength and striking capacity had increased as a result of Pakistan's military alliances and the armaments it had received.

418. With regard to the specific proposals made by the representative of Pakistan at the 761st meeting of the Council, the representative of India said that the relation of Kashmir to India was decided by the accession and it was complete. Hence, any reflection on the Constituent Assembly of the State was pointless. In the matter of the plebiscite, he said that there was only an international agreement on a plan for which there were certain pre-conditions. Requesting the Council to carry out the provisions of the Charter, the representative of India said that his Government would not use force to change the *status quo* in regard to any of its difficulties on its frontiers. At the same time, in view of the threats that had been made, if Indian territory were violated, India would use the provisions of the Charter to defend its rights under the law and in terms of its possession.

419. The fundamental question before the Security Council was whether it was prepared to say to itself that from an aggression, whatever might be the rights of the other side, other consequences beneficial to the aggressor could follow. The only problem before the Council was the problem of aggression, and once it was resolved and all the elements of aggression withdrawn, the Government of India would not be wanting in finding an arrangement with its neighbours which would be to their common good. Any other procedures would not only delay but also aggravate relations.

4. CONSIDERATION OF THE FIVE-POWER DRAFT RESOLUTION (S/3778) AND ITS ADOPTION

420. At the 765th meeting of the Council held on 24 January, the representative of the United Kingdom, stressing the ties of association and common interest between his country, on the one hand, and India and Pakistan, on the other, said that it was the duty of the Security Council to proceed in the matter with the greatest prudence and foresight. Confining his remarks to the draft resolution (S/3778) which his delegation had joined in sponsoring, he said that the Security Council had not sought in any way to interfere with the processes of democratic development in Kashmir; what it had affirmed in 1951 was the proposition that the convening of a Constituent Assembly and any action that it might take would not constitute a disposition of the State in accordance with the principle—which had formed the basis of the Council's consideration of the matter since 1948—that the final disposition of the State of Jammu and Kashmir should be made on the basis of a free and impartial plebiscite conducted under the auspices of the United Nations.

421. Noting that the present Indian position concerning the power of the Constituent Assembly did not seem to differ from what it had been in 1951, the representative of the United Kingdom believed that, in view of the representative of Pakistan's expressed anxiety on that question, it was reasonable for the Council to reaffirm the position it had taken in 1951. With regard to the representative of India's complaint that the joint draft resolution had been circulated before he had completed his statement, the United Kingdom representative said that he had taken the statement made the previous afternoon to be a clear exposition of the Indian position on the particular aspect of the Kashmir problem with which the draft resolution dealt. There was a special reason for expedition, since the other party to the dispute—the Government of Pakistan—had expressed concern lest some step might be taken on 26 January.

422. The representative of Australia also noted that he had considered the Indian representative's remarks of the previous day to constitute a full statement on the particular point with which the draft resolution was concerned. He observed further that the Council had, in its past resolutions, laid down certain basic steps, firmly founded upon the principles of the Charter, that should be taken towards a solution. His Government's only interest in the matter was to do whatever it could, in the circumstances prevailing, to assist the parties to find a just and mutually acceptable solution. Whatever varying interpretations might have been placed by India or Pakistan at various times on the conditions to be fulfilled before a plebiscite should be undertaken, and whatever the course of action of the parties concerned at various stages of the dispute, the

Security Council had committed itself to the principle that the wishes of the Kashmir people regarding their future should be established through a plebiscite under the auspices of the United Nations. It was his impression that the Council had in the past considered India and Pakistan as having accepted that principle. Before proceeding any further with its consideration of that difficult problem, it seemed desirable to his delegation that the Council should draw the attention of all concerned to its earlier decisions.

423. The representative of Cuba considered the draft resolution a provisional measure which, moreover, merely reaffirmed previous agreements or decisions of the Council and set out what had been accepted previously by India and Pakistan. That was why Cuba had co-sponsored the draft resolution.

424. The representative of the United States of America observed that one of the first concerns of the Council had always been that nothing should be done which might aggravate the situation; that was clear and explicit in the Council's first resolution on the question adopted on 17 January 1948. The draft resolution before the Council was basically a reaffirmation of the Council's statement of 30 March 1951, which continued to remain valid. The United States representative noted that the constitution approved by the Constituent Assembly of Kashmir dealt, among other things, with the affiliation of the State. That represented an important new element in the situation, and one which the Council was bound, in view of its previous stand, to note. In the absence of a direct, mutually acceptable, agreement between the parties, the Council was also obliged to continue its efforts to seek and to support any fruitful suggestion in the case.

425. The representative of Colombia said that the draft resolution, which his delegation had co-sponsored, merely reaffirmed previous decisions of the Council and did not deal with the substance of the problem. He shared the hope expressed on all sides that a peaceful solution to the problem would be found.

426. The representative of China commented upon the time, care and objective interest devoted by the Council to the consideration of the Kashmir question between 1948 and 1951. Recalling that both India and Pakistan had made charges of aggression against each other, he said that neither charge had been seriously considered, no proposal dealing specifically with aggression had been made and members of the Council had come to the conclusion that the charge of aggression should be by-passed. The disposition of the territory of Jammu and Kashmir was in dispute between the parties, and they had agreed, even before coming to the Council, that the plebiscite should be the answer. The Council had tried to find a solution on that basis. The problem of a plebiscite, however, had bogged down under the conditions for a plebiscite. Self-determination, expressed through a plebiscite, was consonant with the Charter, and, if the Council honestly and seriously believed that the future of Kashmir should be decided by a plebiscite, both parties should not be too meticulous about conditions and the setting of conditions should not be allowed to obstruct the main goal. His delegation supported the draft resolution before the Council since it reaffirmed the stand which the Council had taken in regard to the dispute.

427. The representative of Sweden said that his Government, being called upon for the first time to take a position on the question, did not consider itself committed to any particular course of action. A primary

requirement was that both parties should refrain from unilateral measures which would alter the *status quo*. Thus, for the time being, the present demarcation line must be respected, and the use of force aimed at changing the *status quo* excluded. That also implied that the parties should desist from taking internal legislative measures by which the State of Jammu and Kashmir would be considered definitely incorporated in the territory of one of the two parties, and which would prejudice the Security Council's continued deliberations on the matter. While the delegation of Sweden would vote in favour of the draft resolution, its affirmative vote should not be construed to mean that Sweden had taken a definite stand on the resolutions enumerated therein. In the view of the Swedish Government, the legal issues involved in the matter required further and thorough study, particularly in the light of the statements made by the representatives of India and Pakistan.

428. The representative of the Union of Soviet Socialist Republics recalled that, since the question had first been submitted nine years earlier, stress was no longer laid on the original reason for its submission, which had been to afford protection to the population of Kashmir against tribal raiders from Pakistan and later against regular Pakistan troops. Instead of promoting a direct settlement of the problem between the parties, the Council had devoted its attention to the preparation of a plebiscite with interference from outside. The Soviet Union's attitude in the Kashmir question was objective, impartial and consistent with the principles of democracy and the strengthening of friendly relations between the peoples of the region. The Kashmir question had not arisen among the people of Kashmir, but had been created by certain Powers which were ever eager to inflate differences between countries struggling for national independence and freedom. Those Powers had sought mainly to further their own interests, which were to penetrate the area, and not the interests of the people of Kashmir. The representative of the USSR observed that, in a natural attempt to put an end to their indefinite status and to establish political stability, the people of Kashmir had elected a Constituent Assembly in 1951, which had confirmed the integration of the State of Jammu and Kashmir with India. The Kashmir question had thus been settled by the people of Kashmir themselves, who considered their country to be an integral part of the Republic of India. The Security Council could not overlook those facts. The draft resolution before the Council did not take into account the actual situation in Kashmir and, by restating the provisions of the Security Council resolution of 30 March 1951, completely ignored the basic changes that had occurred in Kashmir since that time. The USSR delegation did not think that a useful purpose would be served by adopting a draft resolution to which one of the parties to the controversy objected. In its view, the differences which still existed between India and Pakistan on the Kashmir question should be settled peacefully by negotiation between those countries without any outside interference. The Security Council, for its part, should promote the achievement of that objective.

429. The representative of Iraq said that the five-Power draft resolution met the immediate requirements of the situation, and as the last paragraph kept the question under the Council's consideration, he felt sure it would assist the Council in finding a peaceful and lasting solution to the dispute.

430. The representative of France noted that the draft resolution had a *raison d'être* as a stop-gap measure since it enabled the Council to give the question the attention it deserved. In that sense the French delegation supported the draft resolution.

431. The President, speaking as the representative of the Philippines, shared with the United Nations Representatives for India and Pakistan the belief that direct negotiations might pave the way towards the definite solution of the nine-year old dispute between the two countries. He noted that efforts at mediation had considerably narrowed down the area of disagreement between the parties on the question of demilitarization and that the last resolution adopted by the Security Council on 23 December 1952 urged the parties to enter into immediate negotiations in order to agree on the remaining question, namely the specific number of forces to remain on each side of the cease-fire line.

432. The Philippines Government was not deciding the issue in favour of one nation against another. He expressed the hope that the good will and the spirit of conciliation which had brought about the agreement of 20 August 1953 between the Prime Ministers of India and Pakistan could again be invoked. He noted that the two countries had not withdrawn their acceptance of the basic UNCIP resolution of 13 August 1948 and 5 January 1949. Under the circumstances, his Government hoped that continued bilateral negotiations would be successful.

433. Recalling India's earlier assurance that the Constituent Assembly was not intended to prejudice the issue before the Security Council, the representative of the Philippines concluded by saying that it would be well to reiterate the considered view of the Security Council on the matter so that there would not be any misunderstanding as to its position. For that reason, the Philippines delegation supported the five-Power draft resolution.

434. The representative of India pointed out again that the first draft of the five-Power proposal had been circulated even before he had stated his case concerning the Constituent Assembly. He said that the first paragraph of the draft resolution did not represent the facts since it began with the words "Having heard statements . . ." from the representative of India. The draft, when adopted, would be a Council resolution, but would not be binding upon India. The decision to reaffirm previous resolutions amounted to a new decision by the Council on merits. There was also the point that the Council would be reaffirming certain decisions which India had specifically declined to accept previously. People in India would ask if the Security Council had no concern about the other principles it had affirmed, namely that there should be no aggression, no changing by force of the conditions that existed in the country, of annexations, of affiliations, of threats of war. The Security Council did not appear to recognize what its Commission had recognized, namely, that the situation in the State had changed while the resolutions remained unchanged. It was not the constitution of Kashmir and the Constituent Assembly of Kashmir that had made Kashmir a part of India, but the act of accession under the act of a legislature which had received the Royal assent in 1947. What the Council had to challenge was the accession and that the Security Council was not competent to do. The draft resolution amounted to an interference with the provisions of the Indian Constitution and, far from making a contribu-

tion to any settlement, would serve to reagitate the question.

Decision: The joint draft resolution (S/3778) was adopted at the 765th meeting, on 24 January 1957, by 10 votes to none, with 1 abstention (USSR).

5. FURTHER CONSIDERATION OF THE INDIA-PAKISTAN QUESTION: STATEMENT BY PAKISTAN

435. At the 766th meeting held on 30 January, the representative of Pakistan said that what the Council had to consider was how to move forward towards the holding of a plebiscite, since any delay was fraught with danger. The Council had before it an agreement freely accepted by two Member States and it was the Council's duty to ensure that the obligations arising therefrom were implemented. After recalling the history of the situation that had led to the dispute between Pakistan and India, the representative of Pakistan said that what was relevant was not who had first brought the question to the Security Council, but what the Council had done about it. He recalled that even at a fairly early stage in the debate in 1948, the Council had come to the conclusion, first, that a situation likely to endanger international peace and security had existed in view of the dispute between the Maharaja and his people, and subsequently between India and Pakistan, over the question of the accession of the State of Jammu and Kashmir to India or Pakistan; secondly, that there had been general agreement between the parties that the situation could be resolved only if the dispute was settled by means of a free and impartial plebiscite.

436. India and Pakistan were bound by an agreement which laid down quite clearly the stages in which all foreign troops should evacuate the State. India had not implemented its obligations under the terms of that agreement. Pakistan was only too anxious to withdraw its forces. Pakistan had accepted eleven different proposals for the demilitarization of the State, while India had rejected all eleven. The representative of Pakistan quoted extracts from the reports of the UNCIP and Sir Owen Dixon to support his case.

437. The representative of Pakistan took exception to implications by the representative of India that, since the Kashmir dispute had not been considered by the Council between December 1952 and January 1957, the question had been settled. Indeed, strenuous efforts to settle matters in dispute had been made in the intervening period by the United Nations Representative for India and Pakistan as well as by the Prime Minister of Pakistan. The representative of Pakistan maintained that Lord Mountbatten had advised the Princes to take into account the communal composition of their States in arriving at a decision regarding accession. Concerning the principles of partition and accession, the representative of Pakistan contrasted India's acceptance of the spurious offer of accession by the ruler of Jammu and Kashmir with India's view that Pakistan's acceptance of Junagadh's accession was an encroachment of Indian sovereignty and territory on the grounds that, since Junagadh was predominantly a Hindu State, a decision on accession could not be taken by its Moslem ruler without regard to the wishes of the people. If everything had been above board, why had the Government of India not accepted the offer of a standstill agreement? It had been claimed that the Government of India had a particular form for a standstill agreement which included such subjects as defence. That

was not so; the form was common to the two successor authorities, and the telegrams from the State Government to the Governments of India and Pakistan offering standstill agreements had been couched in identical language. That offer had been accepted by Pakistan but not by India.

438. The representative of Pakistan went on to say that the purported accession by the ruler of Kashmir of 27 October 1947 did not, as the Indian representative argued, end the matter. By accepting the UNCIP resolution of 5 January 1949, India had agreed that the status of Kashmir remained to be decided. As to India's argument that, under its Constitution, no part of its territory could secede, it could not be contended that a constituent State, which Kashmir was not, could not change its status with the consent of the Union. India had agreed to give any consent necessary when it had agreed to the plebiscite. The record, furthermore, was against the argument of the representative of India that India had never undertaken to abide by the results of a plebiscite. First, in his letter dated 27 October 1947 to the Maharaja of Jammu and Kashmir, the Governor-General of India had promised a reference on the question of accession to the will of the people; secondly, in various telegrams—and especially one dated 31 October 1947—which the Prime Minister of India had sent to the Prime Minister of Pakistan, the former had categorically promised that the question of accession would be decided by a plebiscite; thirdly, paragraph 1 of the UNCIP resolution of 5 January 1949, which had been freely accepted by the Government of India and was, therefore, binding upon it, laid down that the question of accession of the State to India or Pakistan would be decided by a free and impartial plebiscite to be conducted by the United Nations; fourthly, it had been understood all along in the Security Council that there was agreement between the parties that the question of accession of the State should be decided by means of a free and impartial plebiscite; fifthly, the joint communiqué which the Prime Ministers had issued on 20 August 1953, as a result of the direct parleys which had taken place between them in Delhi, stated categorically that the question of accession would be decided by a plebiscite. The representative of Pakistan added that surely, as late as 20 August 1953, it had been the official view that the Indian Constitution permitted India to fulfil its international commitments in regard to Kashmir.

439. The representative of Pakistan said that it had not been explained how the resolution of 5 January 1949 was subsidiary to the resolution of 13 August 1948 as had been contended by the representative of India. Pakistan was in complete agreement with India that the plebiscite was not to take place until demilitarization had been carried out, but, up to date, the ingenuity of the Indian side had been entirely concentrated on avoiding that demilitarization. Direct talks between his country and India had been called off, not because the Prime Minister of India considered a plebiscite impossible, but because India felt that Pakistan's receipt of military aid from the United States of America had changed the situation.

440. India had added a new excuse in stating that it considered itself released from the obligation to co-operate in holding a plebiscite in Kashmir because an unreasonable period of time had elapsed since the conclusion of the agreements. If the representative of India held that the doctrine *rebus sic stantibus* applied in the present case, the circumstances that had changed should

have been directly related to the obligation undertaken and present in the minds of those who had incurred that obligation, which was not the case. The representative of India had not shown the necessary factual relation between the preservation of the conditions which, he had claimed, had changed and the obligation he had sought to avoid. For example, he had not shown that the agreement to hold a plebiscite had been made on the condition that a particular balance of forces within the borders of India and Pakistan prior to and at the time of the plebiscite had to be maintained. Pakistan maintained that the changes in conditions since 1949 were not such as to relieve either party of the performance of their freely accepted international obligations in respect of Kashmir. The Security Council, by its adoption of the resolution of 24 January 1957 (S/3779) reaffirming certain previous resolutions on the question, had reaffirmed the principle of a plebiscite in Kashmir. In view of what he had said, the representative of Pakistan added that the Council should next work out a programme of demilitarization preparatory to a plebiscite.

441. The representative of Pakistan said that he wished to answer certain assertions made by the representative of India in order to set the record straight. Pakistan had not entered the State before May 1948. The Indian argument that India had rejected the proposal of arbitration because the Arbitrator had been asked to determine the questions he was going to arbitrate was fallacious, since the questions to be submitted to arbitration had been specific and clear, i.e. whether (a) the resolution of 13 August 1948 provided for the disbanding and disarming of the Azad-Kashmir forces; (b) Pakistan had any say in the matter of withdrawal of the bulk of the Indian Army from the State; (c) the State Government or the Government of India could lay any claim to the northern area of the State. The disputes regarding the implication of UNCIP's assurances in respect of its resolution were best settled by arbitration. In permitting the State Constituent Assembly to function and in implementing its decisions, India could not deny it was violating the Council resolutions of 30 March 1951 and 24 January 1957. Despite the Indian representative's statement that there were only some forty-nine political prisoners in the State, Jammu and Kashmir was under military occupation and civil liberties were absent. The proximity of Pakistan Army cantonments to Jammu and Kashmir was not of recent origin. They had been there for a hundred years. With regard to allegations concerning the strength of the Azad Kashmir forces, the representative of Pakistan denied that their strength had been augmented or that jet airstrips had been built in Gilgit and Skardu. As for Chitral State, it had acceded to Pakistan and its status had never been in dispute. Over the last nine years, no mention had been made of it in the Council. The representative of India's present reference to that State was but another attempt to confuse the issue. By linking the destiny of Kashmir with the safety of the Muslims in India, the representative of India was conveying a threat of genocide to which the Government of Pakistan wished to draw the attention of the Security Council.

442. Before concluding his statement, the representative of Pakistan again charged India with having rejected the proposals for arbitration made by General McNaughton and Sir Owen Dixon. Pakistan had brought two matters to the notice of the Security Council: first, the steps taken by India to integrate the

State into the Indian Union in defiance of various Council resolutions and in violation of India's freely accepted international commitments, in regard to which the Council had adopted its resolution of 24 January 1957: secondly, direct negotiations between India and Pakistan to achieve the demilitarization of the State had failed—in regard to which the Security Council should resolve the deadlock. The Council could do so by: (a) introducing a United Nations force in Jammu and Kashmir; (b) calling upon all forces to withdraw from the State; (c) demobilizing the local militia on both sides of the cease-fire line; and (d) by enabling the people of Kashmir to decide on the accession of the State in a free and impartial United Nations plebiscite.

6. FURTHER CONSIDERATION OF THE INDIA-PAKISTAN QUESTION: STATEMENT BY INDIA

443. At the 767th meeting held on 8 February, the representative of India said that he would answer some of the statements made by the representative of Pakistan. With regard to India's position in relation to Kashmir, he emphasized once again that Kashmir was an integral part of the Union of India by accession and by law, and refuted the charge that such a status had been achieved either by force or by fraud. While India had used force in Kashmir to protect its integrity and to repel invasion, it had been force—the violence of the tribesmen—which in the first instance had brought about or hastened accession. India had entered Kashmir to protect a neighbouring area which had been invaded, and even so, Indian forces had gone in only after the accession of 27 October 1947. While India had used force against the invaders, Pakistan had used force against the people of Kashmir.

444. On the question of arbitration, the representative of India said that India had been willing to go to arbitration but had not been willing to let the arbitrator decide the questions to be arbitrated. India could not subscribe to any position or proposal that was *ultra vires* of the resolutions of the Council.

445. The representative of India categorically denied that there had been any massing of troops or importation of new troops into Kashmir, and asserted that Pakistan, in the area illegally occupied by it and incorporated into its territory, had built airfields capable of taking military jet planes.

446. Regarding the work of the Constituent Assembly of Jammu and Kashmir the representative of Pakistan had misled the Council. All that had happened on 26 January was that the Constituent Assembly had been dissolved. No annexation had taken place on that day. Similarly, the Council had also been misled with regard to Pakistan's intervention, which had led to the Kashmir question being submitted to the Council.

447. The representative of India next commented on the question before the Council. It had arisen as a result of a complaint which in substance had been one of aggression and invasion. On that question he believed that two thoughts had been in the minds of the members of the Council. One appeared to have been a decision to by-pass the question of aggression, and the second that one charge had been cancelled by another counter-charge. By-passing a fact, however, did not mean that it did not exist. Because UNCIP had taken account of facts, it had not questioned the sovereignty of the Jammu and Kashmir Government and had not given Pakistan a place either in the plebiscite

organization or in the Government of the occupied area, which was supposed to have been given to the local authorities. The reason why India had been unable to accept the procedures suggested by General McNaughton and Sir Owen Dixon was that they were *ultra vires* of the UNCIP resolutions. India had never abandoned the position that the problem before the Council and its Commission was one of invasion and aggression against Kashmir and India. India had come to the Council to secure vacation of that aggression.

448. On the subject of a plebiscite, the representative of India noted that the question had first arisen out of a voluntary statement by India that it would make a reference to the people of Kashmir; it had not been based on any admission or belief in the idea that there was such a thing as temporary accession. If a plebiscite was ever held and the people decided against staying with India, accession could be terminated and the territory separated. It was fallacious to agree that because a plebiscite had been suggested, the status of a territory was in doubt.

449. With regard to the concept that the Indian charge of aggression had been cancelled by the Pakistan counter-charge, the representative of India observed that the so-called counter-claim had consisted of a very large number of matters having nothing to do with Kashmir; in fact, the Council itself had put it on the shelf and had not considered it since the counter-claim had first been raised. India had alleged invasion and Sir Zafrullah Khan of Pakistan had denied it. Had that denial been substantiated, it would have had value; but the facts were otherwise, as established by India and the Security Council Commission, and later admitted in reports. Therefore, the counter-claim did not wash out the matter of India's claim. Furthermore, Pakistan, by violating its standstill agreement with Kashmir, had invalidated that agreement and accession to India, at any rate, was a superior document which invalidated the lower one. What remained, therefore, was the naked act of Pakistan aggression, which Sir Owen Dixon had termed an offence against international law.

450. The representative of India stressed once again his Government's desire to consider various propositions in an effort to find a settlement, once the aggression had been liquidated. India would at no time violate an international obligation, but the Security Council had an equal responsibility to see that they were international obligations and to examine their content. The real issue was not that of a plebiscite. Even that was a conditional offer, and since it had not been accepted on that basis, it was no longer alive and had lapsed on 22 December 1947. Therefore, apart from the general obligations under international law, the only international engagements to which India was bound were those to which it was a party since that period, namely the UNCIP resolutions of 13 August 1948 and 5 January 1949, the latter being of a supplementary and subsidiary character. In analysing the 13 August 1948 resolution, the representative of India invited attention to the use of the word "situation", the motivation inspiring the resolution, and to its several parts. He stated that Part I, Section B of the resolution, enjoining India and Pakistan not to augment the military potential of their forces in the State, as well as the cease-fire agreement, had been violated by Pakistan. Moreover, there was in Part I, Section E, the injunction to the two Governments "to assist in creating and maintaining an atmosphere favourable to the promotion

of further negotiations". That, too, stood violated by Pakistan.

451. The representative of India said that, under Section A of Part II of UNCIP's resolution of 13 August 1948, Pakistan was obliged to vacate its aggression by unconditionally withdrawing its troops from the State. No part of that agreement could be considered until that had been done. The representative of India further noted that the withdrawal of tribesmen and Pakistan nationals not normally resident in Jammu and Kashmir, another requirement of the resolution, had not been carried out. India had agreed to begin to withdraw the bulk of its forces in stages to be agreed upon with the Commission, only when the tribesmen and Pakistani nationals had withdrawn and, further, Pakistan forces were being withdrawn and that fact was conveyed to India by UNCIP. That stage remained frustrated. The representative of India then drew attention to the point that, under paragraph 2 of Section B of the resolution, India had both the right and the duty to preserve law and order in the occupied area. He concluded that Part I of the UNCIP resolution of 13 August 1948 had been violated in two main sections, and that Part II had not been implemented. As for Part III, the fair and equitable conditions mentioned therein could not be assured in the context of the events that had followed.

452. With regard to the resolution of 5 January 1949, it was inoperable until and unless Parts I and II of the 13 August 1948 resolution had been implemented and until there had been consultation and agreement on equitable conditions to be established under Part II of the same resolution.

453. The representative of India went on to say that the Council should read the two UNCIP resolutions in the light of the following assurances given by the Commission to India and before India's acceptance of them, assurances which were known to Pakistan before it had accepted the resolutions: (i) "Responsibility for the security of the State rests with India"; (ii) "The sovereignty of Jammu and Kashmir Government over the entire territory of the State shall not be brought into question"; (iii) "Plebiscite proposals shall not be binding upon India if Pakistan does not implement Parts I and II of the resolution of 13 August 1948"; (iv) "There shall be no recognition of the so-called Azad Kashmir Government"; (v) "The territory occupied by Pakistan shall not be consolidated"; (vi) "Reversion of the administration of the evacuated area in the North to the Government of Jammu and Kashmir and its defence to the Government of India, and to maintain garrisons for preventing the incursion of tribesmen and to guard the trade routes"; (vii) "Azad Kashmir forces shall be disbanded and disarmed"; (viii) "Exclusion of Pakistan from all affairs of Jammu and Kashmir". Of the two resolutions and the assurances that went with them, the only thing which remained was the cease-fire. The cease-fire line had been respected and maintained, and the representative of India assured the Council that India, irrespective of its legal right and its desire to have the aggression vacated, would do nothing to violate the cease-fire agreement. At the same time, India considered it its duty to protect its territory against any attack.

454. The representative of India then dwelt on the doctrine *rebus sic stantibus* and said he could not recall the Security Council ever having turned it down. Without relying on the doctrine, he pointed out that

changes in context and conditions and lapses of time reacted on the validity of political agreements. He quoted the Commission itself as saying that the situation in the State had changed while the resolutions remained unchanged.¹ UNCIP had further said that:

"Over a prolonged period in a changing and dynamic situation and restricted by long standing related clarifications which proved to be a real impediment to reaching agreement, the framework of the resolution of 13 August 1948 had become inadequate in the light of factual conditions in the State. The Commission has been unable, therefore, to mediate much beyond what is today another outmoded pattern."²

455. The representative of India stressed that Pakistan had not only committed a breach in withholding information from the Security Council to the effect that it had been a party to the invasion, but it had also failed to implement the UNCIP resolution of 13 August 1948 by not withdrawing its forces from the State, violations of the cease-fire agreement, training of Azad Kashmir irregulars, importation of arms and the building of airfields capable of launching jet fighter planes. The integration of Chitral into Pakistan and the act of bringing the territories of Gilgit, Baltistan, Hunza and the whole of Western Kashmir under Pakistan administration represented further violations. Moreover, India could not ignore the continual incitement to holy war against India being carried on in Pakistan. The representative of India added that India wanted merely to be left in peace; India recognized Pakistan as a sovereign State and had no desire whatsoever to undo the partition.

456. The representative of India said that the only "claim" that could be put forward on behalf of Pakistan in respect of Kashmir was that the majority of its population was Moslem. India totally repudiated what was called the two-nation theory and would not accept the religion of a people as the basis for its State.

457. The representative of India concluded his presentation by saying that while India sought to solve every problem peacefully, its peacefulness was limited by the fact that it would not brook aggression upon its territory. The Kashmir problem was one about which any imprudent action taken could plunge the whole of the continent into bloodshed and civil war. The Indian Government solemnly pledged its faith that it would never be found wanting in the methods of exploring a solution, but could not find ways and means on the basis of an original wrong.

458. The representative of China called the attention of the Council to the fact that the representative of India had inaccurately interpreted his earlier remark concerning rival charges of aggression. The representative of China read from the record of the 765th meeting of the Council³ and said that when he had used the word "by-passed" he had meant that the Council had decided to refrain from consideration of the charges made by the two parties. He then continued with the statement that the Council, in 1952, had come to the conviction that it was better to concentrate on the present and the future rather than to devote time and energy to assigning blame or apportioning responsibility for past events. Now, in 1957, after another round of long debate, the representative of China felt that if India and Pakistan could agree upon a solution

¹ S/1430, Supplement No. 7, para. 249.

² *Ibid.*, para. 283.

³ S/PV.765, pages 26 and 27.

of the problem other than that of a plebiscite, surely no one would stand in the way. Failing such an agreement, however, the representative of China could see no alternative other than that of deciding the question of accession through a fair and free plebiscite.

7. JOINT DRAFT RESOLUTION (S/3787) SUBMITTED BY AUSTRALIA, CUBA, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

459. At the 768th meeting of the Council held on 15 February 1957, the representative of the United Kingdom, emphasizing the concern of his Government in achieving a peaceful and just solution acceptable to both sides, noted that a considerable area of agreement was apparent from the statements of the parties. Both sides had recognized the urgency of a solution, the fundamental role of the two UNCIP resolutions, and the demilitarization of the State of Jammu and Kashmir as the next step towards a solution.

460. After referring to certain previous efforts to achieve demilitarization, which gave grounds for hope that a solution might be reached in accordance with the resolutions of UNCIP and of the Security Council, the representative of the United Kingdom regretted that direct negotiations between the Prime Ministers of India and Pakistan had come to an end because of differences of views between them on the effect upon the situation of certain extraneous events. In the circumstances, the Security Council should attempt to find a way to a settlement. With full awareness of the dangers of a false step and with a sense of its deep responsibility, the United Kingdom delegation, in association with the delegations of Australia, Cuba and the United States, had submitted the following draft resolution (S/3787):

"The Security Council,

"Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question;

"Having taken into consideration the statements of the representatives of the Governments of India and Pakistan;

"Concerned at the lack of progress in settling the dispute;

"Considering the importance which it has attached to the demilitarization of the State of Jammu and Kashmir as a step towards the settlement of the dispute;

"Noting that demilitarization preparatory to the holding of a free and impartial plebiscite under United Nations auspices had not been achieved in accordance with the resolutions of the United Nations Commission for India and Pakistan;

"Noting the proposal of the representative of Pakistan for the use of a temporary United Nations force in connexion with demilitarization;

"Believing that, insofar as it might contribute towards the achievement of demilitarization as envisaged in the resolutions of the United Nations Commission for India and Pakistan and towards the pacific settlement of the dispute, the use of such a force would deserve consideration;

"1. Requests the President of the Security Council, the representative of Sweden, to examine with the

Governments of India and Pakistan proposals which, in his opinion, are likely to contribute to the achievement of demilitarization or to the establishment of other conditions for progress towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan, and bearing in mind the statements of the representatives of the Governments of India and Pakistan and the proposal for the use of a temporary United Nations force;

"2. Authorises him to visit the sub-continent for this purpose;

"3. Requests him to report to the Security Council as soon as possible but not later than 15 April 1957;

"4. Invites the Governments of India and Pakistan to co-operate with him in the performance of these functions;

"5. Requests the Secretary-General and the United Nations representative for India and Pakistan to render such assistance to him as he may request."

461. The representative of the United Kingdom noted that both sides had agreed that the demilitarization contemplated in the two UNCIP resolutions should be effected as a single continuous process. What had held up progress towards demilitarization, however, had been fear on both sides of the danger which might arise from the forces of the other party. That was why the United Kingdom delegation believed that the idea of a small temporary United Nations force was worth further examination with the two Governments. The intention of that suggestion was to enable the demilitarization procedures set out in the UNCIP resolutions to be put into effect. The draft resolution before the Council would detract nothing from the Council's previous resolutions and those of UNCIP. In addition to the co-operation required of the parties if the step suggested were to be accepted, there was also an imperative need for a decrease of tension in the sub-continent. There were also other matters, such as the question of clarification of the position of the plebiscite administrator, which would need to be examined with the two Governments. In entrusting to the President of the Council (the representative of Sweden) the mission of examining with the Governments of India and Pakistan proposals for the demilitarization of Jammu and Kashmir, the Council would be taking a step forward. In view of the pressing need to make progress, a time-limit was proposed within which a report was to be made to the Council.

462. The representative of the United States of America said that the Council's overriding endeavour in connexion with the Kashmir question had always been to secure an amicable settlement acceptable to both parties. Fortunately, a common basis for agreement still existed. One such basis was the continued recognition by the parties of their international obligations under the UNCIP resolutions of 13 August 1948 and 5 January 1949. The two parties had also realized that the failure to achieve demilitarization was one of the chief obstacles to the full implementation of the resolutions. The draft resolution before the Council, based upon those points of agreement, consequently stressed in its preambular paragraphs the importance of achieving demilitarization. It was in that respect that the draft resolution took note of a proposal of the representative of Pakistan for the use of a temporary United Nations force. There was no attempt to

express a final judgement on that proposal. It was merely stated that the use of such a force would deserve consideration insofar as it might contribute to the achievement of demilitarization and the pacific settlement of the dispute. The draft proposal would give the President sufficient flexibility to produce positive results in bringing the parties together.

463. The representative of Australia stated his belief that the joint draft resolution presented the right decision for the Council to take at the present stage of its consideration of the Kashmir question. The Council might well continue to put its faith in the democratic method of popular consultation by a free plebiscite. The Council had all along attached great importance to the demilitarization of the State and that was the immediate problem to which it should devote its efforts. In that connexion, the proposal for the use of a temporary United Nations force deserved consideration. The Council would no doubt also wish for more information regarding actual present-day conditions on both sides of the cease-fire line and about prospects for working out some agreed measures.

464. The representative of Colombia, while welcoming the idea of a request to the President of the Council to make an effort towards solving the Kashmir question, pointed out that it would be a mistake to send the President, under the terms of a resolution rejected by one of the parties, as had been done in the case of UNCIP. Such success as had attended the efforts of UNCIP had been achieved through direct negotiations not provided for in the resolution and because of a compromise by which the cease-fire would be followed by a truce and a plebiscite. Furthermore, the Commission had accepted as a fact the sovereignty of the State of Jammu and Kashmir—recognizing that there was a *de facto* sovereignty on the part of India as well—and had refused to accept the legality of the presence of Pakistan troops in Kashmir. India had been assured by the Chairman of the Commission—then the representative of Colombia—that India would not be committed to a plebiscite if Parts I and II of the August resolution of UNCIP were not implemented. It had then been clearly stated to and agreed by both the Governments that Parts I and II of the August resolution had to be implemented before a plebiscite could be held. Since then, there had been no change in that respect, and the resolution of 24 January 1957 did not change the position. What the Council was aiming at was to ask India to agree, in accordance with the agreement of 1948, to the holding of a plebiscite in Kashmir.

465. The representative of Colombia went on to say that, unfortunately, a series of incidents had clouded the atmosphere of confidence which had been created at the time the Commission had reached agreement with the parties. The first had to do with the appointment of a plebiscite administrator. In the Commission, the representative of Colombia had insisted that the Plebiscite Administrator should be a neutral, as that would be the only way to keep India's agreement. His delegation had pressed for the appointment of the President of the International Red Cross as Plebiscite Administrator. But the majority of the Commission had insisted on the nomination of a United States citizen. Had the Colombian suggestion been accepted, the plebiscite would already have been held. Secondly, the Commission had suggested a procedure for early demilitarization. Instead, because of various clarifications which had been sought, the question of demilitarization had become more and more complicated with the passage

of time. Under the draft resolution before the Council, the President of the Council was being asked to make a new effort at mediation. It should, however, be pointed out that the essence of Dr. Graham's last efforts had been to achieve agreement on a one-stage demilitarization. It would not be wise to tie the hands of the President of the Council as was being done under the preamble of the draft resolution, because he would then have to meet the same obstacles that the Commission had had to try to overcome in 1948 and which also had led to the failure of General McNaughton and Dr. Graham to achieve their objective. Furthermore, the Council should not set a time-limit for the submission of the report.

466. The representative of Colombia then said that the idea of a United Nations force seemed to be an excellent one, but only if India were to accept it first. The Council could not impose on any country the presence of such troops. As to the plebiscite, he pointed out that the United Nations had not consistently advocated plebiscites to solve questions of a more or less similar nature. The Colombian delegation would therefore prefer that the preamble of the draft resolution should restrict itself to merely recalling the previous resolutions; otherwise, at the end of the President's mission, the Council would be faced with the same situation as currently prevailed.

467. The representative of Cuba was of the view that the sovereignty of Jammu and Kashmir rested solely with the people of that State, and that it was for them to decide whether the State should accede to Pakistan or to continue to accede to India. India seemed to have accepted that principle because, in the cases of Junagadh and Hyderabad, it had questioned the actions of their rulers and had declared their respective acts to be violations of the principles of self-determination. It was encouraging to note that the representative of India had declared that his country had no intention of leaving an international commitment unfulfilled and that the plebiscite could be held once the first two stages of the UNCIP resolutions had been fulfilled. However, the representative of India had also said that conditions had changed from the time when the plebiscite had first been agreed upon, and that his Government felt to a large extent or in certain ways that because of those changes it did not consider itself bound to have a plebiscite. So long as the resolutions of the Council and of UNCIP were valid, the principle of self-determination, which was compatible with the United Nations Charter, must be applied to solve the Kashmir problem. If India were to state categorically that it would not accept the holding of a plebiscite and if it were to withdraw its previous declaration on that subject, then the Council would be faced with a different situation. However, that was not the position at the moment. Therefore, the Cuban delegation felt that all that was required was the establishment of the necessary conditions for the holding of a plebiscite.

468. The representative of the Philippines wished to correct an impression that the Council's most recent resolution had been adopted in a casual manner; the draft of that resolution had been submitted only after the representative of India had completed the presentation of his Government's case on the subject of the Constituent Assembly to which the draft resolution referred. It was on the following day that the Council, after a thorough debate, had adopted the draft. He also denied that considerations stemming from military or

other alliances had had any influence on the decision taken by the members of the Council.

469. The representative of the Philippines then said that the Council was not at present called upon to make any findings on the question of aggression raised by India. Charges and counter-charges of aggression had ceased to be relevant the moment both sides had agreed to the UNCIP resolutions. What each side had a right to insist upon was that the situation in Jammu and Kashmir should be remedied according to the terms of the UNCIP resolutions. That was precisely the crux of the matter because both parties had failed to agree on what constituted a proper implementation of those resolutions. One vital principle, which formed the basis of all the Council and UNCIP resolutions, was that the wish of the people of Jammu and Kashmir must be ascertained. Whatever changes might have occurred in the situation since the UNCIP resolutions had been adopted, it was certain that the principles underlying those resolutions could not be changed because they were unchangeable. Even if some changes in those resolutions had become necessary because of passage of time, it must be remembered that the alterations could only be in the procedure to be followed and not in the principles or the objectives. That was what UNCIP had meant when it had stated that the situation had changed, but the resolutions remained unchanged.

470. The Government of the Philippines hoped that the parties concerned, not only in their own interests but in the interest of the people of Jammu and Kashmir, would soon agree upon a procedure of demilitarization in order that the basic principle of self-determination should be put into effect as early as possible. It was undeniable that the longer the present situation was allowed to continue, the greater would be the danger of its further deterioration, rendering a change from the *status quo* more difficult. The Philippine delegation would support the joint draft resolution because it met all the requirements of the situation and was likely to open the way to the permanent settlement of the question.

471. The representative of China said that the aim of the draft resolution before the Council was to further the implementation of the resolutions which the Council or the Commission had already adopted. The proposal to request the President of the Council to undertake a mission to India and Pakistan was constructive inasmuch as it showed the people of those two countries that the Council attributed great importance to the solution of the problem. The suggestion for the temporary use of a United Nations force might, however, cause complications, though obviously consideration should be given to it by the two parties in the interests of achieving demilitarization, and ensuring peace and security before and during the plebiscite. Such a force could not be suspected by anybody of intimidating or coercing the voters to vote in favour of either party.

472. At the 769th meeting held on 15 February 1957, the representative of Iraq, after expressing the feelings of friendship and good-will entertained by his country for both India and Pakistan, hoped that his Government's views on the Kashmir question would not be misconstrued by either party to the dispute. Recalling the events that had led to the independence of India and Pakistan and the procedure of accession of the Princely States to either of the two Dominions, he said that Kashmir was one of the three States which

had not decided upon accession by 15 August 1947. The ruler of Kashmir had, however, concluded standstill agreements with India and Pakistan. That had meant the acceptance by the authorities concerned of the postponement of the decision regarding the accession of the State. However, as a result of the pressure of circumstances and the turmoil and the tragic events which had followed partition, the ruler of Kashmir had decided to accede to India. He nevertheless had made it clear that the question of accession would be settled by a reference to the people, once law and order had been established. Thus his act of accession was a conditional one which was meant to be confirmed later by a referendum or plebiscite.

473. When the matter had come before the United Nations, the whole question had centered on one major question, namely the establishment of conditions under which a free and impartial plebiscite could be held in Jammu and Kashmir. Despite the passage of time, the general issue had remained basically the same. Any changes which had taken place on either side of the cease-fire line had no doubt had some effect on the situation, and for that reason, a cooling-down period might be necessary after the withdrawal of the armed forces of both the parties.

474. It was generally accepted, the representative of Iraq continued, that the past resolutions of the Council and of UNCIP should constitute the basis of a settlement and that the immediate problem was to assure demilitarization. Negotiation of differences in the presence of a third party was an appropriate measure by which to reach an equitable solution and, for that reason, the draft resolution had properly requested the President of the Council to examine the situation with the parties. The use of a United Nations force within the framework of the whole question and in accordance with the principles of the Charter was worth consideration. The main concern of the Government of Iraq was to see that steps were taken to decrease tension between India and Pakistan and to establish peaceful relations between them. He believed that the joint draft resolution had all the elements necessary at the moment for taking certain positive steps in the solution of the Kashmir dispute.

475. The representative of France said that the main concern of the Council on the question of Kashmir was to prevent repercussions which might lead to conflict and to ensure that a solution based on the principles of the Charter would prevail. The French delegation would support the joint draft resolution as it embodied a reasonable request to the President of the Council to examine all elements of a solution which, while based on previous resolutions, would also take into account the arguments invoked by both parties during the present debate.

476. The President's mission would presumably be to collect information and the Council would take its final stand after having had the benefit of the President's report. Thus, while the President would no doubt examine with the two Governments all the factors pertaining to the utilization of a temporary United Nations force, that proposal amounted to a mere indication and such objections as might be raised to it would remain entirely reserved until a final decision by the Council.

477. The President, speaking as the representative of Sweden, said that his Government did not consider itself committed to any particular course of action in

dealing with the Kashmir problem. The Swedish Government considered that there were, in principle, two courses open to achieve a solution, the ultimate goal being to reach an agreement between the parties on a political basis. One course would be to bring the parties together for negotiations, either directly or through some intermediary. The other course, which might be useful if it was found that the question could not at the present time be solved through negotiations, would be to have certain underlying problems of a legal character progressively clarified in order to create better conditions for an agreement. The second course could best be adopted by referring some of the legal aspects of the matter to the International Court of Justice for an advisory opinion. However, there was general feeling that a new effort to find a solution through negotiations should be made and, for that reason, the Swedish delegation was fully prepared to accept the idea behind the draft resolution. If, however, there should be no progress in working out a solution by negotiation, the Swedish Government might deem it advisable to have the legal background of the question clarified.

478. The representative of India said that the President of the Council would be always welcome in India even though he came in pursuance of a Council resolution with which the Government of India might find itself in disagreement. He then stated that he felt obliged to refer to some aspects of the statements made during the debate and to analyse the consequences of the draft resolution with respect to peace and stability in the sub-continent and with respect to public opinion not only in India but in the whole of South-East Asia.

479. The first statement was the one made by the representative of the United Kingdom and he would be failing in his duty if he were not to convey the considerable and very vehement feelings in India at the present time in regard to the position taken by the United Kingdom on the Kashmir question. The extraneous considerations to which the United Kingdom representative had referred as having been responsible for the breakdown of the direct negotiations related to the military agreement between the United States and Pakistan. As far as India was concerned, there was no doubt that the added military strength of Pakistan had certainly altered the situation. But that was not the only factor contributing to the breakdown. India, at that time, had stated that, in relation to Kashmir, it could not consider the United States a neutral.

480. As to the matter of "demilitarization" on which so much stress had been laid, the representative of India questioned whether there was any reference to it in any of the resolutions. The question of demilitarization had arisen as one of the methods for creating the conditions under Part II of the agreement of 13 August 1948. It must be remembered, the representative of India said, that the Indian army in Kashmir was not a foreign army any more than it would be in any other part of the Indian Union. Its strength, as well as that of the Kashmir militia numbering six thousand men, was far below what it had been at the time of the cease-fire. On the other side, there were forty-five battalions of the "south Kashmir" forces, officered, trained and equipped by the Pakistan army, and those had grown from a strength of thirty-five battalions at the time of the cease-fire. In addition, there was the Pakistan army itself. Then on the other side there were also the commandos in training and they constituted another military element in the situation.

The size and strength of the army in Pakistan had to be taken into account. Thus all those elements had to be taken into consideration before discussing the question of demilitarization.

481. Another element in the context that could not be ignored was the steady campaign of threats and recourse to "holy war" emanating constantly from Pakistan. The present pattern of Pakistan's propaganda was very much like what it had been prior to the first invasion. In contrast to that, India had shown restraint and the Government had asked its people not to become excited.

482. The representative of India went on to say that when the Security Council adopted resolutions which would result in unsettling events in Pakistan, Kashmir and India, it assumed a responsibility which it would not have to shoulder, but whose burden the peoples of India would have to bear. In view of the changed situation, any calculations based on various previous negotiations regarding the strength of forces to be stationed in different parts of the State would no longer apply. An offer that was not accepted was no longer binding.

483. The representative of the United Kingdom had also referred to the two UNCIP resolutions of 13 August 1948 and 5 January 1949 as providing the common ground. It must, however, be understood that India had agreed that those two resolutions formed its only international engagements and that they were subject to the statements made at the time of their acceptance. Since then Pakistan had violated the cease-fire agreement by the introduction of military personnel and materials into its area and by the annexation of territory. Therefore, when the first part of the agreement stood violated, the consideration of the second part became very subsequent. Since the Security Council had endorsed the UNCIP resolutions, India asked the Council what action it proposed to take concerning the violation of Part I of the cease-fire agreement by Pakistan. India itself had not submitted that matter to the Council as a complaint because it considered the Kashmir problem as one of extreme complexity, affecting the whole range of India-Pakistan relations and various other world factors, and secondly because India felt it to be its duty not to re-agitate matters. That did not mean that India had consented to any change in the status of the territory of the State.

484. To place demilitarization in the centre of the four-Power draft resolution was a misreading of the entire situation. The suggestions made in that regard by General McNaughton and Sir Owen Dixon were *ultra vires* of every decision and the principles of the Council. They had approached the problem as if Kashmir belonged to no one and, therefore, a United Nations Government or some other authority could be set up in gross violation of the Security Council's express commitment. Thus, while the Council had been remiss in not drawing the other party's attention to violations and in not asking it to withdraw its troops from the area under its occupation, the Council's representatives had submitted proposals to India which were in violation of its commitments. The representative of India went on to say that India would not have discussed the proposals of the 13 August 1948 resolution if there had been any question concerning either its competence as regards the defence of the Jammu and Kashmir State or the sovereignty of the latter over the entire territory. He cited passages from the

reports of UNCIP to show that it had recognized that the sovereignty of the State of Jammu and Kashmir over any part of the territory was not to be affected.

485. As to the suggestion that a United Nations force should be introduced into the State of Jammu and Kashmir, the representative of India said that his Government was being asked to consider a proposition which was against international law, against its own sovereign rights and against the Security Council's commitments, and one which, in its view, would not lead to a settlement. There could be no parallelism between the proposition in the four-Power draft resolution and the United Nations Emergency Force in Egypt as the analogy had no relation whatsoever to facts. He asked whether, in the present instance, anybody suggested that United Nations forces should go into Pakistan-occupied areas in order to stop their misdoings and to supervise their withdrawal.

486. With reference to the statement of the representative of Cuba that the accession by the Maharajah was not acceptable since sovereign rights really belonged to the people, the representative of India said that, according to the legal position, accession by the Maharajah alone was valid. India agreed that it should honour any commitments it had made, but it would equally submit that the Council had an obligation to carry out its commitments. He reiterated that an offer of plebiscite made to Pakistan in October 1947 had lapsed because of non-acceptance, and the later acceptance of the plebiscitary method by India had previous conditions which were to have been met.

487. Referring to the statement of the representative of Sweden, concerning the seeking of an agreement between the parties on a political basis, the Indian representative said that there could be no settlement of the present question in any other way. India would at no time refuse to negotiate or to seek conciliation, but at the same time, it could not be called upon to surrender its sovereignty beforehand or forego the charge of aggression. Some members of the Council had referred to Pakistan's counter-charges on Kashmir. Pakistan had submitted no counter-charges on Kashmir. It had only denied the charges by India, but Pakistan's denial had eventually not been upheld by the Commission and therefore, the facts of invasion and aggression had remained. Concerning the other suggestion of the representative of Sweden that it might be useful to have certain underlying problems of a legal character clarified in order to create better conditions for an agreement, the Government of India did not reject the idea, but would want an opportunity to give its full consideration to that matter.

488. Commenting upon the four-Power draft resolution, the representative of India said that the first paragraph of the draft recalled previous resolutions, some of which could not be implemented and had even been violated. He felt that if the Security Council resolution of 17 January 1948 had been adhered to by both parties, it would have by now led to the beginning of a solution. The representative of India then said that the introduction of the word "dispute" in the draft was not one to which his delegation could agree. It was a situation and not a territorial dispute.

489. The use of the phrase "demilitarization of the State of Jammu and Kashmir" in the draft in the context where a party, which had no legal, moral or any other title, was in occupation of part of the territory, was a mockery of justice and of international law.

The first element in demilitarization was the removal of those people who had no business to be present on the soil of Jammu and Kashmir. Then again, while the draft resolution noted that demilitarization preparatory to the holding of a free and impartial plebiscite had not been achieved, it failed to note that cessation of religious and racial propaganda was also one of the conditions to be met before the holding of the plebiscite.

490. As regards the sixth preambulatory paragraph which noted the proposal of the representative of Pakistan for the use of a temporary United Nations force, the representative of India said that it represented an invidious selection of a proposal when the Council should have noted things like invasion of the State, the hatred campaign and the accumulation of military potential. In fact, the question of achieving demilitarization through the use of a United Nations force did not arise. All that had to be done was for the Pakistan army to withdraw and to give an international guarantee that it would not move out of its cantonments beyond the spaces which could be permitted with security; and for the Indian army, which was stationed in a constituent part of its territory, to be deployed as in conditions of peace. Thus, there was no need to send an outside force.

491. It was a misstatement of fact to use the phrase "demilitarization as envisaged in the resolutions of the United Nations Commission". The UNCIP resolutions had envisaged a large-scale or total disbanding and disarming of Azad (Kashmir) forces and, at a subsequent stage, the withdrawal of the bulk of the Indian forces. India had, no doubt, at various times considered a synchronized operation regarding withdrawal of troops, but since it had not been accepted, it had ceased to have any value. India had now no commitments in that respect apart from those which were contained in the resolution of 13 August 1948.

492. The representative of India then pointed out that to say that such a proposal as that of setting up a United Nations force in the present case "deserved consideration" was to say that the proposal had merit. In fact, it did not have any merit as it was contrary to the Charter, contrary to the interests of peace and contrary to the friendship existing between India and the sponsors of the joint draft resolution. It was contrary to the Charter because the United Nations, while acting under Chapter VI, had no authority to place any soldiers on Indian territory including that part of Jammu and Kashmir which was under the control of Pakistan. The Government of India would in no circumstances in that context permit foreign troops on its soil. India had rejected that idea on previous occasions where it had been suggested.

493. The representative of India concluded that it was only in direct negotiations between India and Pakistan in circumstances of mutual respect and trust that a solution could be achieved. The campaign of hatred and threats would have to be abandoned. The only international engagements that India had in the present case were conditional and those conditions were fundamental. It was incumbent upon the Security Council to view the situation as it had developed since the adoption of its resolution of 17 January 1948, at the concealment of facts, at the accumulation of armed strength and at the campaign of threats. He concluded by stating that India had deliberately chosen the path of an independent foreign policy and no outside pressures could force it into an alignment in one direction or another.

494. At the 770th meeting held on 18 February, the representative of Pakistan, in reply to the statement of the representative of India, said that the questions relating to "accession", "aggression" and "sovereignty" *vis-à-vis* the Kashmir problem had been already considered and decided and that any repetition of argument connected with them was irrelevant. The joint draft resolution before the Council was concerned mainly with the question of holding a plebiscite to decide on the question of accession. The Security Council as well as the parties to the dispute were agreed that demilitarization of the disputed area was an essential prerequisite of the plebiscite. The Council must, therefore, devote its urgent attention to the problem of demilitarization.

495. With respect to the timing of the acceptance of the UNCIP resolutions, the position was that the UNCIP proposals constituting an entire agreement for a cease-fire, a truce and a plebiscite had been accepted by India on 23 December and by Pakistan on 25 December 1948. The proposals, after their acceptance, had been embodied in a resolution which the Commission had adopted on 5 July 1949. The representative of India had made a point of the acceptance by Pakistan of the 13 August resolution after a delay of a few months but appeared unconcerned by the fact that India, having accepted the UNCIP resolutions, had done nothing to implement them for the last eight or nine years.

496. The representative of India had maintained that his Government had accepted the UNCIP resolutions on the basis of certain clarifications. In fact, both India and Pakistan had accepted those resolutions on the basis of certain assurances provided to them. The representative of India, however, had put those clarifications in a context which made them completely different from what they had been intended to mean. For instance, India had claimed that the Commission had assured it that there would be large-scale disbanding of the Azad Kashmir forces, but the important point, which the representative of India had failed to mention, was the time when such disbanding would take place. It was clear from the letter of the Secretary-General of the Indian External Affairs Ministry dated 18 February 1949 that the disbanding of Azad Kashmir forces would take place at the plebiscite stage.

497. The representative of Pakistan then said that some of the assurances given to Pakistan by the United Nations Commission were: (1) that no officer, either civil or military, of the Government of India or of the State of Jammu and Kashmir, would be allowed to cross the cease-fire line or to exercise any authority in the Azad Kashmir area; (2) that the Azad Kashmir forces would not be disbanded or disarmed in the truce stage; (3) that synchronization of the withdrawal of the bulk of the Indian army with the withdrawal of the Pakistan army would be arranged by the Commission in consultation with the two High Commands; (4) that the Commission would be free to hear the views of the Government of Pakistan with regard to the withdrawal of the bulk of the Indian forces; (5) that the clause "the Plebiscite Administrator will be formally appointed to office by the Government of Jammu and Kashmir" did not mean that he would be an employee of the Government of Jammu and Kashmir or subject to its control; (6) that the clause "the Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary" meant that the Plebiscite Administrator

would be competent to exercise such powers as he considered necessary for organizing and conducting the plebiscite and for ensuring its freedom and impartiality, and he would be deemed to have derived those powers from the authorities concerned; the organizing and conducting of the plebiscite would be the responsibility exclusively of the Plebiscite Administrator. The Plebiscite Administrator could not derive his authority either from India or from Pakistan since there was no accession of the State to either one. Nor was the sovereignty of the State vested in India or Pakistan. Those and other assurances by UNCIP had been contained in the Commission's three reports to the Security Council. The representative of India had tried to read meanings into the UNCIP resolutions which would suit his interests. The representative of Pakistan, after recalling that the cease-fire lines had been established on 27 July 1949, said that it could not be argued that the Government of India had then been authorized to cross the cease-fire line and post its forces in Azad Kashmir territory. He cited as evidence of his contention document S/AC.12/46 of 21 August 1948, forming part of the first interim report of UNCIP. Furthermore, the withdrawal of Pakistan troops was not to be unconditional as was claimed by the representative of India. The Commission had assured Pakistan that the withdrawal of its forces would be synchronized with the withdrawal of the bulk of the Indian army.

498. The representative of Pakistan said that the allegation that Pakistan had incorporated certain areas of the State was entirely incorrect. With regard to Chitral, it had not constituted part of Jammu and Kashmir.

499. As to why elections had not been held in Azad Kashmir, the representative of Pakistan said that his Government had scrupulously refrained from interfering with the administration of Azad Kashmir: it was the responsibility of the local authorities who were quite free to hold elections. It was interesting to note that in the so-called election in Indian-occupied Kashmir, not a single vote had been cast, and all the seventy-five candidates put up under the dictatorial order of the Indian Government had been returned unopposed. The representative of Pakistan went on to say that the use during elections of ecclesiastical condemnation and religious fiats threatening damnation of a particular candidate was just as much against the law in Pakistan as in India. However, the question before the Council was not holding "elections", but a "plebiscite". The holding of a plebiscite became necessary because of the existence of differences in the religious, ethnic, geographic, linguistic or other affiliations of peoples, and therefore it was legitimate in the case of a plebiscite to draw attention to such bonds. The only thing barred was incitement to lawlessness or coercion. The representative of Pakistan then drew attention to the points made that both India and Pakistan were committed to a plebiscite through an international agreement, that neither party could repudiate it unilaterally and that the question of the accession of the State could not be regarded as having been disposed of until a plebiscite to decide the question had been held.

500. The representative of Pakistan then said that the interpretation given by the representative of India to the word "disposal" in the 5 January 1949 resolution as meaning location and not demobilization, must apply equally to Azad Kashmir forces if he were to adhere to his interpretation.

501. The representative of Pakistan next dealt with certain charges against his Government made by India. Concerning the charge that Pakistan had withheld information from the United Nations that "it was a combatant and party to the invasion of the State of Jammu and Kashmir", it should be remembered, he said, that the matter had been considered and disposed of by the Council. By its decision of 17 January 1948, the Council had called upon India and Pakistan to refrain from taking any action which might aggravate the situation. In violation of that resolution, India had mounted an offensive in Kashmir in the spring of 1948. As a result of that offensive, a threat to the security of Pakistan itself had arisen and it was to meet that threat that a certain number of Pakistan forces had been moved into the State. India at that time had not informed the Security Council of its troop movements nor about the action it had taken in violation of the Council's resolution.

502. The representative of India had cited Sir Owen Dixon's report in support of his contention that Pakistan had been an aggressor in Kashmir. The representative of Pakistan said that a reading of the relevant paragraphs of the report in their context would disprove India's contention. What had happened was that for the purpose of getting India's agreement to a plan of demilitarization and to make progress toward a plebiscite, Sir Owen Dixon had shown willingness to assume, for the sake of argument, that entry of the tribesmen and Pakistan troops into Kashmir was contrary to international law. It meant nothing more than that. In fact, Sir Owen had himself made it quite clear that the Security Council had not made any declaration on the question of aggression, nor had it asked to go into that question and that he had, therefore, not made any study or investigation of that matter, and was not in a position to pronounce upon it.

503. The next so-called violation, as charged by India, concerned the non-withdrawal of the Pakistan army from the State. Pakistan's answer was that it had never refused and was indeed anxious to withdraw its forces from the State. Their withdrawal was, however, to be synchronized with the withdrawal of the bulk of the Indian forces. India had so far shown no willingness to withdraw the bulk of its forces. The representative of Pakistan said that the augmented strength of the Pakistan army inside Pakistan had no bearing on the demilitarization of Kashmir. Pakistan had accepted military aid in order to strengthen its defence and not for purposes of aggression. India was also strengthening itself with large-scale purchases of long-range Canberra bombers and heavy tanks. Pakistan's defensive strength was only one-third that of India and it was absurd to allege that Pakistan was preparing to invade its bigger neighbour. The representative of Pakistan then informed the Council that India was concentrating forces on the Indian side of West Pakistan, and asked it to take steps to stop the dangerous situation.

504. The representative of Pakistan denied that there were forty-five battalions of Azad Kashmir forces and declared that not one soldier had been added to the Azad Kashmir forces since the cease-fire. He added that there would be no Pakistan officer in command of any Azad Kashmir forces once the Pakistan forces were withdrawn from that area. He also denied the charge that Pakistan had violated the cease-fire agreement of 27 July 1949.

505. The representative of Pakistan accused the representative of India of misinterpreting UNCIP's statement that while the situation in the State of Jammu and Kashmir had changed, its resolutions had remained unchanged. What the Commission had said was that the framework of the 13 August 1948 resolution had become inadequate, and it had suggested changes in two directions: that demilitarization should henceforth be brought about in one stage and that the Commission should be dissolved and its place taken by a single individual. The Commission had suggested nothing more than those two changes and Pakistan had accepted them. India, on the other hand, had, so far, refused to agree to any reasonable plan of demilitarization in one single continuous process. No other change had taken place which might absolve the Government of India of its international commitment to a plebiscite.

506. The representative of Pakistan then said that India, through the "puppet regime" in Kashmir, was conducting a reign of terror in the State against those who stood for freedom of choice. That campaign affected those Indian nationals also who stood for Kashmir's freedom. Quoting extensively from press reports, he said that the press of the world almost with one voice had condemned the attitude of India towards the Kashmir question.

507. Commenting upon the joint draft resolution, the representative of Pakistan said that, in view of the clarifications which members of the Council had offered at the 768th and 769th meetings of the Council, his Government was prepared to accept the draft resolution and would extend all possible co-operation to the President of the Council. The Government of Pakistan was happy to see that the Council had noted the proposal that a United Nations force should be sent to Jammu and Kashmir in order to facilitate its demilitarization in accordance with the terms of the international agreement. The representative of India had objected to that proposal and had stated that India, under no circumstances, would permit stationing of foreign troops on its soil. The question of stationing foreign troops on Indian soil had, however, never arisen as Jammu and Kashmir was not yet Indian soil.

508. The object of the entry of a United Nations force was simply to create confidence in the minds of the two sides and to enable them to carry out their international obligations. It must be understood that the United Nations force would be going into Kashmir with the consent of both parties, in the sense that both parties had agreed to demilitarization and to withdraw their forces. The United Nations troops were not being forced on anyone. They would be sent only when there was a presumption that both parties were willing to accept them as a method of demilitarization. Pakistan was prepared to accept them and it hoped that the President of the Council, in his forthcoming mission, would secure India's acceptance also.

509. Referring to the amendments submitted by the representative of the USSR,¹ the representative of Pakistan said that, if adopted, they would remove from the resolution an authoritative and valuable pronouncement on the present status of the dispute and the lines along which a solution must be sought. The significant area of agreement between India and Pakistan, which the Security Council was seeking to build, would be overlooked if those amendments were accepted. They

¹ See paragraph 512 for the USSR amendments.

would also severely restrict the authority of the President in seeking to develop proposals for the demilitarization of the State.

510. The representative of the Union of Soviet Socialist Republics said that the Kashmir question, in essence, had already been settled by the people of Kashmir themselves, who considered their territory to be an integral part of India. The Council would be committing a grave mistake if it were to recommend any measures without taking into consideration the real situation in Kashmir and the vital interests of its people. To hold a plebiscite in Kashmir at the present time, with interference from outside in one form or another, would only stir up local differences and complicate the international situation in that region.

511. The USSR delegation also felt that there was no point in referring in the draft resolution to Pakistan's proposal concerning the introduction of a United Nations force in the State of Jammu and Kashmir. United Nations troops, under the Charter, could be used only for repelling aggression and restoring international peace, and for no other purposes. While the Soviet delegation would object to inclusion in the draft resolution of provisions which did not correspond to the real situation in Kashmir and were contrary to the principles of the Charter, it would, however, favour proposals providing for an interruption of the Council's consideration of the Kashmir question for some time. During that period, the parties to the dispute could renew their efforts to settle existing differences through direct negotiations.

512. The USSR delegation did not object to sending the President of the Council to India and Pakistan. However, there was no need to tie his hands with proposals to which one of the parties had already raised objections. In that respect, the Soviet delegation would favour the suggestion¹ of the representative of Colombia to delete the preamble of the draft resolution with the exception of the first paragraph. However, it would be preferable to change not only the preamble of the draft but also operative paragraph 1 in order to eliminate the provisions to which objection had been made. For those reasons, the delegation of the USSR proposed the following amendments to the joint draft resolution (S/3789):

1. Replace the preamble by the following text:

"Having heard the statements of the representatives of the Governments of India and Pakistan".

2. Amend paragraph 1 of the operative part to read as follows:

"1. Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan the situation in respect of Jammu and Kashmir, and to consider the progress that can be made towards the settlement of the problem, bearing in mind the statements of the representatives of the Governments of India and Pakistan;"

3. In paragraph 3 of the operative part delete the words:

"but not later than 15 April 1957".

The purpose of the amendments was to remove from the draft resolution provisions to which objection had been made by one of the parties directly concerned, while retaining the core of the proposal

to send the President of the Security Council to India and Pakistan.

513. At the 771st meeting of the Council held on 18 February, the representative of Colombia submitted the following amendment to the joint draft resolution (S/3791/Rev.1 and Corr.1):

1. Replace the preamble by the following text:

"The Security Council

"Recalling its previous resolutions and the letter addressed to the President of the U.N.C.I.P. on 20 August 1948, by India's Prime Minister,"

2. Amend paragraph 1 of the operative part to read as follows:

"Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals, which, in his opinion are likely to contribute to the achievement of the provisions contemplated in the resolutions of 13 August 1948 and 5 January 1949, of the U.N.C.I.P. or to the establishment of other conditions for progress towards the settlement of the problem, bearing in mind the statements of the representatives of the Governments of India and Pakistan, the proposals for the use of a temporary U.N. Force, if accepted by the parties, or the possibility to refer the problem to the International Court of Justice,"

3. In paragraph 3 of the operative part, replace the last words by the following text:

"if possible not later than 15 April 1957".

514. Explaining his amendments, the representative of Colombia said that his delegation did not consider it advisable to omit a reference to resolutions previously adopted. The Colombian delegation was also in favour of a reference to the letter from the Prime Minister of India to the Chairman of UNCIP dated 20 August 1948 being included in the preamble of the draft, as it considered that letter to be the only legal basis on which the Council could act in the present matter and could insist on a plebiscite.

515. Although the Colombian delegation was not in favour of the Soviet amendment to the operative part of the draft resolution, it nevertheless favoured the use of the word "problem" as it covered the position much better than either "controversy" or "situation". As to the remaining operative part, the representative of Colombia said that the President of the Council should be free to examine all suggestions, including one concerning the entry of a United Nations force. The Council did not want to impose a United Nations force; it wished to invite India to accept such a force.

516. The suggestion concerning the submission of the question to the International Court of Justice might lead to the seeking of two contradictory solutions. According to the two UNCIP resolutions, the legal status of Kashmir was not to be examined, but attempts were to be made to obtain India's agreement to a plebiscite with the understanding that all prerequisites were to be fulfilled before the status of Kashmir could be decided through a plebiscite. In any event, the President of the Council could not seek a legal as well as a political solution at the same time. He would have to choose one procedure or the other. It was clear that the people must have the last word and they should be entitled to have their say.

517. At the 772nd meeting of the Council held on 20 February, the representative of India, in reply to the

¹ See paragraph 513 for the Colombian amendments.

statement of the representative of Pakistan, said that the facts of accession, aggression and sovereignty were absolutely relevant inasmuch as they had formed the very basis of the Kashmir question from the time India had submitted its complaint before the Council. India was not prepared to resign from its fundamental position that Kashmir was an integral part of the Union of India by its Constitution, by what it had derived from the British Parliament and by the fact of international law.

518. The representative of India said that there had been many misstatements of fact in the statement of the representative of Pakistan, and he would confine his reply to some of them. The report of UNCIP refuted Pakistan's stand that it had accepted the 13 August 1948 resolution after a two- or three-month delay. It was not a mere point of chronology India had made. Pakistan rejected the 13 August resolution as it had not wanted a cease-fire at that time and had hoped to make military advances.

519. In regard to the assurances that had been given to India, the representative of India said that they were of a categorical character and, being part of the documents of the Security Council, had assumed the character of assurances given by the Council to India. The assurances given to Pakistan, with two exceptions, were of an entirely different character. The assurances given to India had been made public and Pakistan had known them before accepting the two UNCIP resolutions.

520. With reference to Part II, paragraph B (2) of the 13 August resolution, it was part of the agreement that the security of the whole State would be the responsibility of the Government of India. It would have to go to the assistance of the "local authority"—a term which was exclusively used for the entities in the occupied area; the other one was the Government of Jammu and Kashmir. India had to maintain forces for security within the lines existing at the moment of cease-fire. That was also one of the assurances given to India.

521. The representative of Pakistan had questioned the representative of India's statement concerning the incorporation of part of the territory of Kashmir into Pakistan. But the Constitution of Pakistan itself had stated that every area under Pakistan administration was part of the State of Pakistan. It was well known that occupied Kashmir was under Pakistan's administration, and that was the position concerning its incorporation into Pakistan. Moreover, Pakistan had accepted Chitral's accession, which it had no right to do because Chitral, being a feudatory state to Kashmir, had no right of accession.

522. The representative of Pakistan had made a distinction between an election and a plebiscite. He had suggested that while in an election appeals on religious grounds could not be made, such appeals would be permissible in a plebiscite. Such a distinction would be surprising for India as it considered freedom from religious propaganda an essential quality in any kind of election or plebiscite.

523. The representative of India said that his Government considered the 5 January 1949 resolution of UNCIP to be a working plan which elaborated Part III of the 13 August 1948 resolution. That was exactly what the Third Interim Report of the UNCIP (S/1430/Add.1/Annex 8) had said in its statement that: "Mr. Lozano explained that the proposals did not supersede

part III of the resolution of 13 August, but were an elaboration of it" and if after every effort "the Plebiscite Administrator should find a plebiscite impossible for 'technical or practical reasons', he or the Commission would then recommend to the Security Council a solution different from that of a plebiscite and acceptable to the Governments of India and Pakistan". The quotation from the Third Interim Report made it quite clear that the 5 January 1949 resolution was inanimate without Part III of the 13 August resolution.

524. The representative of India then reiterated that the withholding of information by Pakistan had, as the United Nations Commission declared, meant a material change in the situation. The Commission had also stated that the whole question of demilitarization had become complicated, after the documents had been signed, when it had come to know, after 15 August 1948 and even after 15 January 1949, of the build-up of the Azad forces, the annexation of territory and the occupation of the northern areas. That was why the Commission had had to give further assurances to India.

525. The representative of India then said that the economic aid received by India was not being diverted to any other purpose, while the military aid given to Pakistan was so very considerable as to be a challenge to India's security. He added that India's purchase of Canberra bombers constituted an ordinary replacement for the bomber force of India's Air Command. He further stated that he had been authorized by his Prime Minister to deny categorically that India had made any troop concentrations on the Indo-Pakistan border and that all recent troop movements were of a routine nature.

526. The representative of India said that when on 1 January 1948 India had submitted a formal complaint to the Security Council under Chapter VI of the Charter, it had not asked the Council to settle a territorial dispute, but had sought assistance in the vacation of an aggression. At the request of the Council a number of proposals for a pacific settlement had been considered by India. However, the essence and basis of those pacific procedures was the acceptance that Kashmir was an integral part of the Union of India, that the Jammu and Kashmir Government was a sovereign entity and that peaceful conditions must be restored before any other step could be taken. In pursuance of those pacific procedures, two resolutions had been adopted. India would now request the Council to consider whether those pacific procedures had not been violated, and also whether they had not been vitiated by the concealment of facts, thus eliminating the whole basis of their approach. Consequently, India would ask compliance with Section B of Part I of the 13 August 1948 resolution and request the Council to interest itself as one of the parties to that agreement and point out that Section B, Part I of the cease-fire order was being violated by Pakistan. In view of the fact that India's north-western borders were threatened by an army which was out of proportion to what it had been before, the Government of India would be free to defend them. Moreover, there could be no pacific procedures under constant threats of war and the Council must see that Section B of Part I of the agreement was also being observed.

527. While India still believed that a pacific settlement of the Kashmir problem was possible, it was not, however, prepared to surrender any of its rights. For

such a settlement, a different outlook was necessary which should not treat the aggressor and the aggrieved on the same terms. India firmly believed that the aggressor should not be permitted to reap rewards out of its invasion.

528. The representative of the United States of America, referring to the amendments submitted by the representative of the USSR, said that while the four-Power draft resolution could assist the parties in taking a forward step, the position of the USSR was essentially negative. Under the Soviet amendments, the Council was being asked to ignore the obligations to which both India and Pakistan were committed under the resolutions of the Commission and the Council which were still valid. Again, all mention of the importance of achieving demilitarization, the key point at which progress had been blocked, was eliminated. The Soviet amendments also sought the deletion of all reference to the proposal for a United Nations force. The sponsors of the draft resolution, on the other hand, believed that that idea deserved consideration. Furthermore, the Soviet amendments provided for the use of the word "situation" instead of "dispute"; although the Council had used the word "situation" in its earliest resolutions, it had later consistently used the word "dispute", which reflected the facts. The United States delegation did not consider the USSR amendments a serious attempt to further the work of the Council and consequently could not accept them.

529. With respect to the Colombian amendments, the representative of the United States said that, as had been pointed out before, the draft resolution was an integrated whole and its terminology was more likely to lead to constructive results if the amendments suggested by the representative of Colombia were not embodied.

530. The representative of Australia said that while at the 770th meeting of the Council the USSR representative had said that in essence the question of Kashmir had already been settled by the people of Kashmir, he was at the same time supporting a proposal that the President of the Council should go to the sub-continent to investigate the question. The contradiction in his two positions was clear. The representative of the USSR had also misinterpreted the proposal for a United Nations force when he had said that the Charter did not provide for the use of United Nations troops for purposes of "forcibly holding a plebiscite in Kashmir". There had been no suggestion in the Council that United Nations troops should be used for the holding of a plebiscite in Kashmir. The Australian delegation was not surprised to see that the Soviet Union, which preferred other methods, would be opposed to any suggestion of a plebiscite which would enable the people of Kashmir freely to decide on their future political allegiance.

531. The representative of the United Kingdom, recalling the statement of the representative of the USSR to the effect that the idea of a plebiscite in Kashmir had met with the objections of one of the parties and had been rejected by that party, said that according to the statements of the representative of India, India had at no stage rejected the idea of a plebiscite. He had, no doubt, referred to the conditions which had to be met before it was possible to hold a plebiscite. If the USSR Government was of the opinion that the Kashmir question had been settled already by the people of Kashmir itself, then there was no point in the USSR suggestion that the Governments of India and Pakistan should

utilize the present time in making new efforts to settle existing differences by means of direct negotiations. The USSR delegation had also proposed to amend the joint draft resolution to eliminate clauses referring to "demilitarization". It must, however, be remembered that "demilitarization" meant simply the process or procedures for withdrawing troops as laid down in the UNCIP resolutions. Demilitarization was an essential process to which Pakistan and India had both agreed as the way to the settlement of the problem.

532. At the 773rd meeting held on 20 February, the representative of Iraq said that the preamble of the draft resolution not only reflected the true picture of the situation under consideration but also provided a clear directive to the President of the Council. To delete the preamble and to replace it by the text as suggested in the USSR amendments would result in ignoring certain historical facts of the dispute and placing it in a completely new context. Again, it was imperative to include in the operative part of the draft resolution a provision concerning what was called the single and continuous process, i.e. demilitarization, as a precondition to the plebiscite.

533. The Colombian amendment to the preamble of the draft resolution, although it recalled previous resolutions, would nevertheless not provide a sufficient indication of the importance which the Council attached to settling the question at the present time. It had also omitted any reference to the way in which the Council viewed the method of settling the dispute. While the delegation of Iraq was in agreement with a number of points in the proposed Colombian amendment to the operative part of the draft resolution, it nevertheless felt that adoption of the amendment concerning the possibility of referring the problem to the International Court of Justice would constitute an obvious deviation from the procedure accepted and so far followed by the Security Council. However, it agreed with the third Colombian amendment, concerning the time to be allowed for the President to complete his mission.

534. The representative of the Union of Soviet Socialist Republics said that the delegations of Australia and the United Kingdom had expressed doubts about the consistency of the attitude of the Soviet delegation towards the Kashmir question. In fact, there was no contradiction involved in the Soviet position. The Soviet Union still believed that the question of Kashmir had been decided by the Kashmir people, but the situation was more complicated than that because Kashmir lay on the frontiers of India and Pakistan, and part of the territory of Kashmir was under the administration of Pakistan authorities. That in itself meant that there was disagreement between the two Governments, and the Soviet Union felt that that disagreement must be settled through bilateral negotiations. It was in that connexion that the USSR delegation had proposed that the President of the Council should discuss the existing situation with the Governments of India and Pakistan and consider methods which might lead to a peaceful solution.

535. The USSR delegation, however, found itself in disagreement with the sponsors of the draft resolution on the task which was to be undertaken by the President. While the draft resolution did not state the purpose for which a United Nations force would be sent to Kashmir, it was clear from the statements of the sponsors of the draft that it was to go to Kashmir to conduct a plebiscite. There was nothing in the Charter

which would permit the use of United Nations forces for the holding of a plebiscite.* It might be said that no decision was being taken on the utilization of such a force, but the very fact of exploration of such a possibility would be tantamount to an approval of that idea by the Council and might mean that the Council wished to implement it. The USSR representative then said that in submitting its amendments the USSR delegation was guided by a desire to promote the adoption of a decision which would be acceptable to both parties and would enable the achievement of a peaceful settlement of the existing disagreement.

536. The representative of the Philippines said that, as far as the terms of reference of the President of the Council were concerned, it was desirable to mention what kind of proposals he was expected to take up with the Governments of India and Pakistan. It was obvious that the "achievement of demilitarization" would be the prime concern of the President in his mission to the sub-continent. Some progress had been already made in that respect and the Philippine delegation could not support the USSR amendment proposing deletion of all references to the "achievement of demilitarization". However, there had been some objection to the use of the term "demilitarization" and in the interest of general agreement the Philippine delegation would not object to the use of another term, provided it accurately described the withdrawal or disposal of armed forces as envisaged in the two UNCIP resolutions. In that respect the formula suggested in the second Colombian amendment would be preferable. It was more comprehensive and precise than the term "achievement of demilitarization" and secondly, it conserved the principle of a plebiscite which was expressly provided in the two UNCIP resolutions. Another alternative could be to use the term "Truce Agreement" which was the heading of Part II of the 13 August resolution dealing with "demilitarization".

537. The Philippine delegation could not accept the view that stationing a United Nations force would introduce "war elements". No Member State was justified in placing a United Nations force engaged on a mission of peace on the same footing as an invading alien force. Moreover, the sovereignty of India or Pakistan was not involved in the proposal to send a United Nations force into the State of Jammu and Kashmir for a temporary and limited purpose. In accordance with the assurances given by UNCIP to India and Pakistan, the Governments of those two countries could not claim sovereignty over the State, pending the holding of a plebiscite.

538. The representative of the Philippines then said that his country would not like Kashmir to be involved in the ideological warfare of the present times. The issue was simple and plain. The people of Kashmir must be allowed to express their will in a peaceful and untrammelled manner. The United Nations was concerned that there had been no compliance with the resolutions and should see to it that the parties fulfilled their commitments in the interest of world law and order.

539. The representative of India, commenting on the draft resolution in the light of the statements made,

* The Soviet Union accepted the basic idea of the draft resolution that the President of the Security Council should discuss with the Governments of India and Pakistan the possible ways of settling the Kashmir problem peacefully. There could hardly be any doubt that the use of armed force could not promote a peaceful settlement.

said that the phrase "the single and continuous process", used by the representative of Iraq, was based on an erroneous interpretation of the UNCIP resolutions. Moreover, the Government of India was no longer committed by any intermediate discussions, by any hypothetical propositions that were put to it or by any mathematical calculations that were made at various times by Dr. Graham, the United Nations Representative for India and Pakistan. All that was part of the pacific procedure to find a settlement. If the bargain had been closed, India would have abided by it. Since there was no acceptance of any of those proposals, India could not be said to be committed to them. The representative of the Philippines had misunderstood India's position and his observations were contrary to the basic arrangements, to the basic positions which had been formulated in the Council and the UNCIP resolutions and in the assurances given to the Government of India. The representative of the Philippines had said that the UNCIP resolutions placed both parties on the same basis. That was exactly what those resolutions had not done.

540. The representative of India then reiterated the position of his Government in regard to the use of a United Nations force in Kashmir. Quoting from the Secretary-General's report dated 24 January 1957 (A/3512) on the use of a United Nations force, he said that according to the principles stated in subparagraphs (a), (b) and (c) of paragraph 5 of that report, which had been accepted by the United Nations, the use of such a force in the Kashmir question would be inapt, illegal and totally impractical. Moreover, the sponsors of the joint draft resolution had known in advance that India would not agree to such a proposition. There was thus no point in introducing a proposal which obviously needed and lacked the prior consent of the parties.

541. The representative of India said that there was a difference in the weight to be attached to resolutions which the parties had accepted and to those that the parties had not accepted. The resolution of 17 and 21 January 1948 and the two UNCIP resolutions, together with the assurances given, were India's only commitments. If the 17 January resolution was observed, there would be the beginning of a settlement. He welcomed the statement of the United Kingdom representative when he said that demilitarization in the context of the four-Power draft resolution meant the process or procedures for withdrawing troops as laid down in the UNCIP resolutions. In view of that statement, it was to be hoped that the United Kingdom would subscribe to the immediate operation of clauses B and E of Part I of the 13 August resolution. India had maintained that the cease-fire was not in effect because Part I of the resolution was not in effect. That agreement was continuously being violated.

542. The representative of India, continuing, said that the only procedures that could be adopted to solve the Kashmir question were pacific procedures based on mutual consent. After 21 January 1949, the Council had, time after time, adopted resolutions which had not been acceptable to India. The present draft resolution was even more unacceptable as it embodied proposals put forward largely by one side. That was not calculated to bring about a settlement. During the nine years that the Kashmir question had been before the Security Council, Pakistan's efforts in consolidating its conquest had been in violation of the Charter and

the Council had been repeatedly invoked not to bring about peace, but to strike another blow against India. All present signs in Pakistan, in the nature of war propaganda, indicated a repetition of the processes of 1947. Although India would not use force to alter situations, it would, if attacked, defend its territory to the last man.

543. The representative of India, in conclusion, recalled his earlier statement that the draft resolution would not facilitate conciliation. His Government had, however, never refused to look at a resolution of the Council, however hostile it might be, and the President of the Council would be welcome in India, even though his terms of reference would have to be examined in a political context.

Decisions: *At the 773rd meeting of the Council on 20 February the USSR amendments (S/3789) to the joint draft resolution were rejected by 1 vote in favour (USSR), 2 against (Cuba, Philippines), with 8 abstentions.*

The Colombian amendments (S/3791/Rev.1 and Corr.1) were rejected by 1 vote in favour (Colombia), none against, with 10 abstentions.

The President then put to the vote the four-Power joint draft resolution (S/3787). It received 9 votes in favour, 1 against (USSR), and 1 abstention (Sweden). It was not adopted, the negative vote being that of a permanent member of the Council.

8. CONSIDERATION OF A JOINT DRAFT RESOLUTION (S/3792 AND CORR.1) SUBMITTED BY AUSTRALIA, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA, AND ITS ADOPTION

544. The representative of the United States of America said that the negative vote cast by the USSR delegation had blocked measures by the United Nations to help assure peaceful conditions in the Indian sub-continent and friendly relations between India and Pakistan. From the beginning of its consideration of the Kashmir question, the Council had overwhelmingly approved measures to bring about a free expression of the will of the Kashmir people through an impartial plebiscite. The United States delegation believed that, in spite of the Soviet veto, the Council should consider further action to assist the parties to move towards a solution. It was for that reason that the United States delegation, together with the delegations of Australia and the United Kingdom, was submitting the following draft resolution:

"The Security Council,

"Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question;

"1. Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the sub-continent for this purpose; and to report to the Security Council not later than 15 April 1957;

"2. Invites the Governments of India and Pakistan to co-operate with him in the performance of these functions; and

"3. Requests the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request."

545. The representative of the United Kingdom said that his delegation regretted the Soviet veto of the four-Power draft resolution. His Government still desired to see progress made, and had therefore co-sponsored the new draft resolution, which he hoped would commend itself to the Council. Under its generalized terms, the President could discuss, among other things, the problem of demilitarization preparatory to a plebiscite, which had been so much in the centre of the Council's discussion.

546. The representative of the Union of Soviet Socialist Republics, in explanation of his vote, said that the Soviet Union had been compelled to cast a negative vote because neither the USSR nor the Colombian amendments had been accepted by the sponsors of the four-Power draft resolution. The Soviet delegation had submitted its amendments in order to remove from the draft resolution provisions which were contrary to the Charter and a provision which was unacceptable to one of the parties. To introduce armed forces in order that a plebiscite might be held in Kashmir would be contradictory to the provisions of the Charter and would offend the national feelings of the people of Kashmir. The intention to impose upon a Member of the United Nations a decision with which it did not agree would doom to failure from the outset the mission of the President of the Security Council, which consisted in promoting the peaceful settlement of the problem within the scope of Chapter VI of the United Nations Charter.

547. The representative of Australia, deploring the veto by the Soviet representative, denied that the draft resolution which the latter had defeated was contrary to the terms and spirit of the Charter. His delegation had joined in co-sponsoring the new draft resolution (S/3792) since it wished to further the desire of the Council to assist toward a solution.

548. The President, speaking as the representative of Sweden, said that he had abstained in the voting since, under the four-Power draft resolution, he personally had been placed in a special position.

549. At the 774th meeting held on 21 February, the representative of Pakistan said that the points of controversy between India and Pakistan over the question of accession of the State of Jammu and Kashmir lay within a narrow compass and the records of the Council would disclose a much larger degree of agreement, both on principles and on procedure, than the present debate would indicate. India was fully committed to the principle that in the case of a former British Indian State where the ruler belonged to one community and the majority of the people to the other, the question of accession must be determined in accordance with the freely expressed wishes of the people of the State. Further, there was agreement with respect to Jammu and Kashmir that once the tribesmen had withdrawn and law and order had been restored, the Government of India would withdraw its armed forces, and the wishes of the people would be ascertained through a free and impartial plebiscite.

550. After a certain degree of progress had been made in the implementation of the UNCIP resolutions in the early months of 1949, a deadlock had prevailed on the question of demilitarization of the State. India had contended that progress towards holding the plebis-

cite could not be made until Pakistan's armed forces were withdrawn. In that respect, Pakistan had at all times been ready to carry out its obligations and was willing to proceed with that matter in accordance with any of the proposals hitherto made by any of the United Nations representatives, provided India was willing to do its part at the same time. The sole purpose of Pakistan's proposal for the introduction of a United Nations force on its own side of the cease-fire line was to facilitate the withdrawal of Pakistan troops so that the process of demilitarization could be put into operation. That force was not intended to be utilized in the holding of a plebiscite as the USSR representative had contended. The task of organizing and actually holding the plebiscite was assigned to the Plebiscite Administrator. The introduction of a United Nations force would amount merely to an increase in the number of United Nations observers who were already present in the area, and would be tantamount to a further utilization of pacific procedures hitherto followed under Chapter VI of the Charter. Pakistan was at a loss to understand the reasons that had led the USSR to object to such a proposal. The USSR had also expressed the view that the resolution should not be adopted because one of the parties to the dispute had objected to it. It must be remembered that in respect of several previous efforts of the Council, one or the other party, or both, had been unwilling to express acceptance in advance, but, nevertheless, those resolutions had been adopted and both parties had thereafter co-operated with the United Nations Representative.

551. Summing up, the representative of Pakistan said that the dispute between India and Pakistan over the question of accession of the State of Jammu and Kashmir involved in essence the right of self-determination of the people of the State. Whatever the defaults on the part of India or Pakistan, the people of the State possessed that right and could not be deprived of its free exercise. Until the plebiscite was held, the territory of the State was neither part of India nor part of Pakistan. The *de facto* position was that India occupied certain parts of the territory of the State, and the remaining parts were under the control of the Jammu and Kashmir authority. The international agreement, binding upon India and Pakistan, stood together—no part of it could be used, repudiated or frozen unilaterally. Any such attempt would amount to a repudiation of the principles of the Charter.

552. The representative of India said that, for the purposes of the record, his delegation felt it necessary to state that the Government of India dissociated itself completely from a large number of points in the statement of the representative of Pakistan. The Government of India would take the three-Power draft resolution (S/3792) into consideration, with such advice as it would receive from the President of the Council. It must, however, be reiterated that the only resolutions in which India felt engaged were those which it had accepted. India regretted the pinpointing of the 24 January 1957 resolution in the present draft before the Council as being unnecessary and provocative.

553. Summing up the position of his Government, the representative of India said that India's approach to the Kashmir problem since 1 January 1948 had been based upon the following considerations: first, the State of Jammu and Kashmir was a constituent unit of the Union of India by law and the only authority that could legally separate the State was the sovereign Parliament of India; secondly, the territorial integrity of the State

was inviolable, and India could not accept the situation of *de facto* occupation as stated by the representative of Pakistan; the sovereignty of the Jammu and Kashmir Government extended over the whole area of the State and the responsibility of the Government of India for the security of the area, as of the whole of the Indian Union, were basic factors in the situation; in the light of the conditions in which Pakistan's military potential had been augmented, India could not afford to disregard its internal and external security; thirdly, India would not abandon the commitments which it had made in the light of deliberate and public assurances given to it and which were part of the consent that India had proffered to the propositions placed before it; fourthly, whatever consideration India might have given to certain proposals during the past seven or eight years, they were not binding any longer because they had arisen in the course of long discussions with all the surrounding circumstances and because changed conditions had now to be taken into account.

554. The representative of the USSR said that, consistent with the position which the USSR delegation had held with regard to the Kashmir question, it considered that the basic idea behind the three-Power joint draft resolution (S/3792) was acceptable. However, the reference to the previous resolutions of the Council might prove an impediment for the President of the Council as the new talks should proceed not from resolutions adopted years earlier but from the real facts of the present international situation, especially the situation in the region. The Soviet delegation, nevertheless, hoped that the visit of the President of the Council would yield positive results and would lead to renewed and direct negotiations between the Governments concerned. It would, therefore, not oppose the adoption of that draft resolution and would abstain from voting on it.

555. The representatives of Iraq, the Philippines, China and Colombia expressed their support of the three-Power draft resolution (S/3792 and Corr.1).

556. The representative of the Philippines pointed out that in his earlier intervention he had not said that the UNCIP resolutions had placed both parties on the same basis, a statement attributed to him by the representative of India. He had only pointed out that if reference to assurances given to India were to be included in the draft resolution, a similar reference must be made to assurances given to Pakistan so that the two Governments "could be placed on an equal footing *vis-à-vis* the two resolutions of UNCIP".

Decision: *At the 774th meeting on 21 February, the joint draft resolution (S/3792 and Corr.1) was adopted by 10 votes to none with 1 abstention (USSR).*

557. The President, in accepting the mission entrusted to him by the Council, said that he felt honoured and was glad to place his services at the disposal of the Council. His acceptance of the mission was based on the express understanding that the two parties had declared themselves willing, in accordance with the second paragraph of the resolution, to co-operate with him in the performance of his functions, and the result of his mission would largely depend upon the extent of co-operation he would receive from them.

At the invitation of the President, Dr. Frank Graham, United Nations Representative for India and Pakistan, took a place at the Council table.

558. The United Nations Representative for India and Pakistan wished the President of the Council suc-

cess in his forthcoming mission and assured him of his co-operation.

559. The representatives of the United Kingdom, the United States of America, the Philippines and Australia also placed on record their appreciation that the President of the Council had agreed to undertake the mission and extended to him the best wishes of their Governments for his success. They also paid tribute to Dr. Graham for his untiring efforts as the Council's Representative for India and Pakistan.

9. REPORT OF MR. GUNNAR JARRING, PRESIDENT OF THE SECURITY COUNCIL FOR THE MONTH OF FEBRUARY 1957 (S/3821)

560. In pursuance of the Security Council resolution (S/3793) of 21 February 1957, Mr. Gunnar Jarring, in his capacity of representative of the Security Council, visited India and Pakistan between 14 March and 11 April 1957. He held discussions with the Government of Pakistan from 15-20 March, 2-5 April and on 10 April, and with the Government of India from 24-28 March and 6-9 April. On 29 April, he submitted a report (S/3821) on the results of the negotiations. He reported that the conversations had been held in an atmosphere of complete frankness and cordiality.

561. Mr. Jarring said that, in view of the statements by the representatives of India and Pakistan during the debate in the Security Council that their respective Governments had accepted the resolutions of the UNCIP of 13 August 1948 and 5 January 1949, he had felt it appropriate to explore what was impeding the full implementation of those resolutions, and to direct his efforts towards finding a solution for the problems that had arisen in connexion with them.

562. With regard to the resolution of 5 January 1949 which envisaged the holding of a free and impartial plebiscite to decide on the question of the accession of the State of Jammu and Kashmir to India or Pakistan, Mr. Jarring reported that, on exploring that question, he was aware of the grave problems that might arise in connexion with and as a result of a plebiscite. He had made a number of suggestions by which the difficulties in connexion with the plebiscite could be met or at least be substantially mitigated, but, for different reasons, they had not proved to be mutually acceptable to the two Governments.

563. The Government of India had laid particular emphasis on the fact that, in its view, two factors stood in the way of the implementation of the two UNCIP resolutions. First, Part I of the resolution of 13 August 1948, and in particular sections B and E, had, in the Indian view, not been implemented by the Government of Pakistan. For that reason, India believed it premature to discuss the implementation of Parts II and III, or of the resolution of 5 January 1949. Secondly, India felt aggrieved that the Council so far had not expressed itself on what India considered to be the aggression committed by Pakistan against India. In India's view, it was incumbent on the Council to express itself on that question and equally incumbent on Pakistan "to vacate the aggression". India had argued that, prior to the fulfilment of those requirements on the part of the Security Council and on the part of Pakistan, India's commitments under the resolution could not reach the operative stage.

564. Mr. Jarring reported that he had explained to the Government of India that the Council had properly

taken cognizance of India's original complaint and that it was not for him to express himself on the question whether its resolutions on the matter had been adequate or not. He had pointed out that, regardless of the merits of the present position taken by India, it could not be overlooked that India had accepted the two UNCIP resolutions. The Government of Pakistan, for its part, had maintained in conversations with Mr. Jarring that it had implemented fully and in good faith Part I of the resolution of 13 August 1948 and that the time had come to proceed to the implementation of Part II.

565. Under the circumstances, Mr. Jarring had decided that it might be appropriate to approach first the question of the implementation of Part I of the first UNCIP resolution which, he had been given to understand, was the primary impediment to implementation of the resolutions. It was his impression that in the presentation of its views substantial weight had been given by the Government of India to the absence of "an atmosphere favourable to the promotion of further negotiations" as envisaged in section E of that part of the first resolution. Another point which had repeatedly been stressed by the Government of India was that, in its view, the military *status quo* envisaged in part B of the same section did not obtain owing to the policies pursued by the Government of Pakistan.

566. In order to break the deadlock concerning Part I, Mr. Jarring had inquired of the two Governments if they would be prepared to submit to arbitration the question of whether or not Part I had been implemented. His suggestion to the two Governments did not envisage simple arbitration; rather, should it be found that the implementation had been incomplete, the arbitrator or arbitrators would also be empowered to indicate to the parties what measures should be taken to attain full implementation. It was further envisaged that, after a given time-limit, they would also determine whether the recommended measures had been followed and implementation had been obtained. Being aware of India's earlier negative attitude on arbitration with relation to the Kashmir problem as a whole, Mr. Jarring had made it a point to explain that he had not been suggesting anything of that nature, and that what he proposed, while termed arbitration, in all likelihood would be more in the nature of a determination of certain facts which, in India's view, were incontrovertible. In addition, the suggested procedure might lead to an improvement in India-Pakistan relations in general.

567. While the Government of Pakistan, after a certain hesitation, had fallen in with his suggestion in principle, the Government of India, however, had not felt that arbitration, as outlined by Mr. Jarring, would be appropriate. India had explained that, while it was not against the principle of arbitration as a method of conciliation, it felt that the issues in dispute were not suitable for arbitration, because such procedure would be inconsistent with the sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of that territory. The Government of India was, furthermore, apprehensive that arbitration even on an isolated part of the resolutions might be interpreted as indicating that Pakistan had a *locus standi* in the question.

568. Mr. Jarring reported that, in dealing as extensively as he had done with the problem under discussion, he could not fail to take note of the concern expressed in connexion with the changing political,

economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia. The Council would, furthermore, be aware of the fact that in the case of international agreements of an *ad hoc* character, implementation which had not been achieved fairly speedily might become progressively more difficult because the situation with which they were to cope tended to change.

569. Mr. Jarring concluded that, while he felt unable to report to the Council any concrete proposals which, in his opinion, were at that time likely to contribute towards a settlement of the dispute, his examination of the situation as it then obtained would indicate that, despite the deadlock, both parties were still desirous of finding a solution to the problem. In that connexion, he believed the Council might wish to take note of the expressions of sincere willingness to co-operate with the United Nations in the finding of a peaceful solution which he had received from both Governments.

Chapter 4

LETTER DATED 25 OCTOBER 1956 FROM THE REPRESENTATIVE OF FRANCE TO THE SECRETARY-GENERAL WITH COMPLAINT CONCERNING: MILITARY ASSISTANCE RENDERED BY THE EGYPTIAN GOVERNMENT TO THE REBELS IN ALGERIA

570. In a letter dated 25 October 1956 (S/3689 and Corr.1) addressed to the Secretary-General, the representative of France requested that an item entitled "Military assistance rendered by the Egyptian Government to the rebels in Algeria" be placed on the agenda of a forthcoming meeting of the Security Council. An accompanying memorandum stated that on 16 October a French warship had stopped off Cap des Trois Fourches a vessel named *Athos*, alias "Saint Briavels", which had not been flying a flag. It had discovered that the *Athos* had no shipping papers, was loaded with arms and ammunition, and had on board six clandestine passengers. According to statements made by those aboard, the ship had been loaded in a "prohibited area" in Alexandria on the night of 3-4 October, 159 Egyptian military personnel in uniform taking part in the loading operations. The arms were to have been delivered to the chief of the *maquis* de Turenne, near Tlemcen. Investigation made by the French authorities showed that the clandestine passengers had taken military training courses in Egypt. It had also been discovered that the *Athos* had been purchased in July 1956 by Egyptian agents. The owner had worked in the "North Africa" section of the Egyptian intelligence services, had been in charge of arms shipments and deliveries to the Algerian *maquis* and kept in continuous contact with the Egyptian military authorities.

571. At the 747th meeting of the Council held on 29 October 1956, the President, speaking as the rep-

resentative of France, reiterated the charges set out in the memorandum accompanying his delegation's letter of 25 October 1956. He said that all the facts established by the French authorities proved conclusively that the French Government was confronted with a deliberate act, directed against its sovereignty in violation of the fundamental rules of international law. He requested the Council to take up the matter immediately in order to put an end to a situation which, if it continued, was likely to threaten the maintenance of international peace and security.

572. **Decision:** *The Security Council decided without a vote to include the item in the agenda.*

573. The President then stated that all the members of the Council would agree that the Egyptian delegation should be invited to participate in the debate. He therefore thought it advisable to adjourn the meeting of the Council in order to give the Egyptian delegation time to make its preparations.

574. The Council has not so far resumed consideration of the matter.

575. On 4 February 1957, the representative of France addressed a further communication (S/3783) to the President of the Security Council, transmitting additional information relating to the cargo of the *Athos*, alias "Saint Briavels".

PART II

Other matters considered by the Council

Chapter 5

ADMISSION OF NEW MEMBERS

A. Application of Morocco

576. By letter (S/3617) dated 4 July 1956, the Minister of Foreign Affairs of Morocco submitted his country's application for admission to membership in the United Nations.

577. At its 731st meeting held on 20 July, the Security Council had before it the following draft resolution submitted by the representative of France (S/3620):

"The Security Council,

"Having examined the application of Morocco,

"Recommends to the General Assembly to admit Morocco to membership in the United Nations."

578. The application of Morocco received support from all members of the Council.

Decision: *At the same meeting the draft resolution (S/3620) was adopted unanimously.*

B. Application of Tunisia

579. On 14 July 1956, the Minister of Foreign Affairs of Tunisia submitted his country's application for admission to membership in the United Nations (S/3622). At its 732nd meeting held on 26 July, the Council had before it the following draft resolution submitted by France (S/3627):

"The Security Council,

"Having examined the application of Tunisia,

"Recommends to the General Assembly to admit Tunisia to membership in the United Nations."

580. The application of Tunisia received support from all members of the Council.

Decision: *At the same meeting the draft resolution (S/3627) was adopted unanimously.*

C. Application of Japan

581. At its 756th meeting held on 12 December, convened at the request of the representative of Iran (S/3753), the Security Council examined Japan's request (S/3752) for renewed consideration of its application for membership, originally submitted on 16 June 1952 (S/2673). At that meeting, the Council had before it the following draft resolution submitted by Peru (S/3754):

"The Security Council,

"Having examined the application of Japan,

"Recommends to the General Assembly that Japan be admitted to membership in the United Nations."

582. The application of Japan received support from all members of the Council.

Decision: *At the same meeting the draft resolution (S/3754) was adopted unanimously.*

D. Application of the Mongolian People's Republic

583. At its 756th meeting held on 12 December, the Security Council considered the following draft resolution concerning the application of the Mongolian People's Republic (S/3755) submitted by the Union of Soviet Socialist Republics:

"The Security Council,

"Having examined the application of the Mongolian People's Republic for admission to membership in the United Nations,

"Recommends to the General Assembly to admit the Mongolian People's Republic to membership in the United Nations."

584. The representative of the Union of Soviet Socialist Republics recalled that, at the tenth session of the General Assembly, an overwhelming majority of Member States had recommended the admission of the Mongolian People's Republic along with other States, and there had also been eight votes in the Council itself in favour of its admission. However, the decision of the Council had been frustrated by the veto of the Chiang Kai-shek representative.

585. From the outset of its independent existence in 1921, the Mongolian People's Republic had steadily pursued a policy of peace and international co-operation. It satisfied all the conditions of admission prescribed by Article 4 of the Charter. The reason why certain States, in particular the United States, had so far prevented admission of the Mongolian People's Republic was that in that country the authority lay in the hands of the workers. It was not by chance that the representative of the United States had stated at the 429th meeting of the Council that his country would welcome the candidacy of the people's democracies if they changed their policies. That was yet another manifestation of the policy of intervention in the domestic affairs of other States. He hoped that the Council would finally put an end to the injustice done to the Mongolian People's Republic and recommend it for membership in the United Nations.

586. The representative of Yugoslavia said that the application of the Mongolian People's Republic had been thwarted for more than ten years by a complex and deplorable interplay of political considerations. Its

admission was long overdue. The Yugoslav delegation would support the USSR proposal to recommend the admission of the Mongolian People's Republic.

Decision: *The draft resolution (S/3755) received 4 votes in favour (Iran, Peru, Union of Soviet Socialist Republics and Yugoslavia), 2 against (China and Cuba), with 5 abstentions (Australia, Belgium, France, United Kingdom and United States), and was not adopted.*

587. The representative of the United Kingdom said that on 13 December 1955 his delegation had voted in favour of the admission of Outer Mongolia, among a group of eighteen applicants, in deference to the General Assembly's wishes that the deadlock on the question of admission of new Members should be broken although it had seriously doubted Outer Mongolia's qualifications; with that exception it had consistently abstained in that matter.

588. The representative of the United States of America said that his country was opposed to the admission of Outer Mongolia and that it had abstained from voting only because of the spirit of the 1948 Vandenberg resolution, calling for voluntary agreement among the permanent members of the Security Council to remove the question of admission to membership from the application of the veto.

589. The representative of Australia recalled the doubts expressed by his delegation during the tenth session of the General Assembly concerning the legality of the procedure of admitting a large number of countries with varying degrees of qualification for membership. The Australian delegation felt grave doubts as to the capacity of Outer Mongolia to discharge the obligations of membership.

590. The representative of Cuba felt that Outer Mongolia did not fulfil any of the conditions laid down in Article 4 of the Charter. On the other hand, he was prepared to vote for the admission of the Republic of Korea and of Viet-Nam which were fully qualified.

591. The representative of China said that Outer Mongolia was a colony of the Soviet Union which had been used for aggressive purposes against China and later against Korea and that it had none of the qualifications necessary for membership in the United Nations.

592. The representative of the Union of Soviet Socialist Republics said that those who stood behind the Chiang Kai-shek representative must assume complete responsibility for the non-admission of the Mon-

golian People's Republic. Once more the United States and its followers had prevented the admission of a State to the United Nations because they did not like its political and economic system.

593. The representative of France said that the time did not appear propitious for recommending admission of Outer Mongolia. A series of events had occurred since the previous year, which had led the French delegation to adopt an attitude of reserve and caution. The erroneous assertion that the refusal to admit Mongolia was based on the fact that some countries did not like its ideology or way of life had already been completely refuted by the admission, for example, of Hungary and Romania.

E. Application of Ghana

594. At its 775th meeting held on 7 March, the Security Council had on its agenda Ghana's application for admission to membership (S/3797). At that meeting, it examined the following draft resolution submitted by Australia and the United Kingdom (S/3800):

"The Security Council,

"Having considered the application of Ghana for membership in the United Nations,

"Recommends to the General Assembly that Ghana be admitted to membership in the United Nations."

595. The application of Ghana received support from all members of the Council.

Decision: *At the same meeting the joint draft resolutions (S/3800) was adopted unanimously.*

F. Resolution 1017 (XI) (A and B) of the General Assembly concerning the applications of The Republic of Korea and of Viet-Nam

596. At its 663rd plenary meeting on 28 February 1957, the General Assembly adopted two resolutions (1017 (XI) (A and B)) in which, after having reaffirmed its determination that the Republic of Korea and Viet-Nam were fully qualified for admission to membership in the United Nations, it requested the Security Council to reconsider the applications of those two countries.

597. Under cover of a letter (S/3803) dated 4 March 1957, the Secretary-General transmitted the text of those two resolutions to the Security Council for its information.

Chapter 6

ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

598. At its 733rd meeting, held on 6 September 1956, the Security Council noted that a vacancy in the International Court of Justice had occurred as a result of the death of Judge Hsu Mo on 28 June 1956 and decided, under Article 14 of the Statute of the Court, that an election to fill the vacancy for the remainder of Judge Hsu Mo's term, i.e., until 5 February 1958, should take place during the eleventh session of the General Assembly.

599. At the 757th meeting held on 19 December 1956, the President announced that, as a result of a ballot taken by the Council, Mr. V. K. Wellington Koo had obtained the necessary majority. Since Mr. Wellington Koo had not obtained the required majority of

votes in the General Assembly, the Security Council took further ballots at its 758th and 759th meetings, also on 19 December, and at its 760th meeting on 11 January. In each of these ballots, Mr. Wellington Koo obtained the necessary majority in the Council.

600. At the 637th plenary meeting of the General Assembly, held also on 11 January, Mr. Wellington Koo obtained the required majority and was thus duly elected as a member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo. In accordance with Article 15 of the Statute of the International Court of Justice, the term of office of Mr. Wellington Koo will expire on 5 February 1958.

PART III

The Military Staff Committee

Chapter 7

WORK OF THE MILITARY STAFF COMMITTEE

601. The Military Staff Committee has been functioning continuously under the Draft Rules of Procedure during the period under review and has held a total of twenty-six meetings without making further progress on matters of substance.

PART IV

Matters submitted to the Security Council which were not admitted to its agenda

Chapter 8

CABLEGRAM DATED 5 NOVEMBER 1956 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, CONCERNING "NON-COMPLIANCE BY THE UNITED KINGDOM, FRANCE AND ISRAEL WITH THE DECISION OF THE EMERGENCY SPECIAL SESSION OF THE GENERAL ASSEMBLY OF 2 NOVEMBER 1956 AND IMMEDIATE STEPS TO HALT THE AGGRESSION OF THE AFORESAID STATES AGAINST EGYPT"

602. In a cablegram dated 5 November 1956 (S/3736), addressed to the President of the Security Council, the Minister for Foreign Affairs of the Union of Soviet Socialist Republics declared that despite the decision of the emergency special session of the General Assembly of 2 November, concerning the cessation of military hostilities and the withdrawal of all foreign troops which had invaded Egypt, the aggressive war against that country was being intensified. The situation called for immediate and effective action by the United Nations for the prevention of aggression. If at that decisive moment it was unable to curb the aggressors, the trust which the peoples of the world placed in the Organization would be undermined. The Soviet Government called for immediate consideration by the Security Council of the question "Non-compliance by the United Kingdom, France and Israel with the decision of the emergency special session of the General Assembly of 2 November 1956 and immediate steps to halt the aggression of the aforesaid States against Egypt". The following draft resolution was enclosed:

"The Security Council,

"Taking note of the fact that the resolution of the emergency special session of the General Assembly of 2 November 1956, recommending that the Governments of the United Kingdom, France and Israel should immediately cease military action against Egypt and should withdraw their troops from Egyptian territory, has not been observed by the aforesaid States and that the military action against Egypt is continuing,

"Considering the necessity of taking steps to put an end to the aggression launched against Egypt by the United Kingdom, France and Israel,

"Proposes to the Governments of the United Kingdom, France and Israel that they should immediately and not later than twelve hours after the adoption of this resolution cease all military action against Egypt and withdraw within three days the troops that have invaded Egypt.

"The Security Council, in accordance with Article 42 of the United Nations Charter, considers it essential that all States Members of the United Nations, especially the United States of America and the USSR, as permanent members of the Security Council having powerful air and naval forces at their dis-

posal, should give military and other assistance to the Egyptian Republic, which has been the victim of aggression, by sending naval and air forces, military units, volunteers, military instructors and other forms of assistance, if the United Kingdom, France and Israel fail to carry out this resolution within the stated time limits."

603. The cablegram stated that, the Soviet Government, for its part, was ready to contribute to the cause of curbing the aggressors, of defending the victims of aggression and of restoring peace, by sending to Egypt the air and naval forces necessary for the achievement of that purpose. It was confident that the Members of the United Nations would take the necessary measures to defend the sovereign rights of the Egyptian State and to restore peace.

604. At the 755th meeting held on 5 November 1956, the Secretary-General informed the Council that in replies received to the request for a cease-fire, effective 4 November at 2400 hours, New York time, the Governments of France and of the United Kingdom had informed him that as soon as the Governments of Israel and Egypt had signified their acceptance of, and the United Nations endorsed a plan for, an international force with the functions prescribed, the two Governments would cease all military action. He stated that, by the adoption of the General Assembly resolution [1000 (ES-I)] of 5 November 1956, providing for the establishment of a United Nations Command, the Assembly had taken the first decisive step in the implementation of its previous acceptance in principle of a United Nations Force to secure cessation of hostilities under all the terms established in resolution [997 (ES-I)] of 2 November 1956 on that subject. The Egyptian Government had accepted the General Assembly resolution of 5 November, and had further accepted his request for a cease-fire without any attached conditions. He had also received a statement from the Government of Israel to the effect that, in the light of Egypt's declaration of willingness to cease fire, Israel wished to confirm its readiness to agree to a cease-fire. The conditions for a general cease-fire would thus, it seemed to him, depend on the possibility of an agreement concerning the plan for an international force. He hoped to present the next day such a plan for an international force to the Assembly.

Decision: *At the 755th meeting on 5 November 1956, the Security Council decided to reject the provisional agenda (S/Agenda/755/Rev.1), containing the cablegram dated 5 November from the Minister for Foreign Affairs of the USSR (S/3736), by 4 votes (Australia, France, United Kingdom, United States) to 3 (Iran, USSR, Yugoslavia), with 4 abstentions (Belgium, China, Cuba, Peru).*

605. The representative of the United States of America, in explanation of his vote, stated that the Soviet draft resolution (S/3736), which, in the context of events in Hungary, set a sombre record of cynicism, embodied an unthinkable suggestion. He recalled that the question of halting the hostilities in Egypt was already being actively dealt with by the General Assembly and the Secretary-General. In the judgement of the United States the course proposed by the Soviet Union would run counter to those efforts.

606. The representative of the Union of Soviet Socialist Republics said that the resolutions adopted by the General Assembly at its first emergency special session had not yet been complied with. Indeed, the unprovoked aggression of the United Kingdom, France and Israel had assumed a new and even more threatening character, and there was every danger that it might lead to another world war. In the opinion of the Soviet Government, effective measures in accordance with Article 42 of the Charter must be taken immediately to end the aggression against Egypt and to stop the spreading of the fighting. The USSR delegation had therefore submitted its draft resolution (S/3736) on the subject.

607. The representative of Cuba said that the Council was not competent to consider the question. The parties concerned had offered to cease fire, the international Force was being constituted, and if the Soviet Union draft resolution were adopted, it would be necessary to begin all over again.

608. The representative of the United Kingdom stated that the USSR draft resolution was an impossible proposal in terms of the United Nations, which was founded on the assumption of unity among the permanent members of the Security Council. He reiterated that the Governments of France and the United Kingdom would cease all military action as soon as the United Nations had endorsed a plan for an international force.

609. The representative of Belgium, noting that the General Assembly had discussed and adopted recommendations on the Egyptian question in pursuance of a resolution adopted by the Council, for which the USSR delegation had voted, said that the USSR proposal could not serve the cause of peace.

610. The representative of China explained that he had abstained because consideration of the USSR proposal would only serve the purpose of hampering the peace-making process so auspiciously inaugurated by the General Assembly.

611. The representative of Peru said that the Council could not logically consider a question pending before the Assembly, particularly one referred to that organ by virtue of a decision of the Council itself. The purpose of the USSR proposal had obviously been to circumvent the application of Article 40 and instead to call for much more drastic measures at a time when peace was being restored.

612. The representative of Australia said that the Soviet step in proposing its item was a blatant attempt to inject Soviet power into the Middle East. It was fantastic that the USSR, which was completing the subjection of Budapest, could pose as the champion of the Charter and of oppressed peoples.

613. The President, speaking as representative of Iran, explained that his delegation considered that the inclusion of an item in the agenda in no way prejudged the substance of the question.

614. The representative of the Union of Soviet Socialist Republics said that the USSR had submitted its draft resolution, which was fully in accordance with the Charter, only when it had become clear that the normal pressure of the General Assembly had had no effect on the aggressor countries. The General Assembly was not required to act nor could it act under Chapter VII. That was set forth explicitly in Article 11 of the Charter, where it was stated that "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly . . ."

615. The representative of France stated that the adoption of the Soviet plan would seriously endanger the peace of the world. There was at present no danger of general war and the hostilities appeared to be dying down. If the Soviet Union were to intervene, the situation would degenerate into a conflict which could not be limited. In deciding not to place the Soviet proposal on its agenda, the Council had taken the only decision it could take in the circumstances.

PART V

Matters brought to the attention of the Security Council but not discussed in the Council

Chapter 9

REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC ISLANDS

616. The report of the Trusteeship Council to the Security Council on the strategic Trust Territory of the Pacific Islands, covering the period from 23 July 1955 to 14 August 1956 (S/3636) was transmitted to the Council on 15 August 1956.

617. On 14 May 1957, the Secretary-General transmitted to the Security Council the report (S/3828) received from the representative of the United States of America on the administration of the Trust Territory for the period 1 July 1955 to 30 June 1956.

Chapter 10

REPORT OF THE DISARMAMENT COMMISSION

618. By a letter dated 20 December 1956 (S/3760), the Chairman of the Disarmament Commission forwarded to the Secretary-General, for transmission to the Security Council, the third report of the Sub-Com-

mittee of the Disarmament Commission (DC/83), together with the verbatim records and related documents of the relevant meetings of the Commission.

Chapter 11

COMMUNICATION FROM THE ORGANIZATION OF AMERICAN STATES

619. On 3 May 1957, the Chairman of the Council of the Organization of American States transmitted to the Secretary-General, for the information of the Security Council in accordance with Article 54 of the Charter, a resolution (S/3824) adopted on 2 May at a

special meeting of the Council on the request of the Governments of Honduras and Nicaragua for a Meeting of Consultation of Ministers of Foreign Affairs under the Inter-American Treaty of Reciprocal Assistance.

Chapter 12

COMMUNICATIONS CONCERNING THE SITUATION IN THE SOUTHERN PART OF THE ARABIAN PENINSULA

620. By a letter dated 14 January 1957 addressed to the President of the Security Council (S/3773), the representative of Yemen charged that British forces had committed acts of aggression against the territory of Yemen, having attacked the town of Sana and bombarded the nearby town of Ka'ataba on 8 January. On 9 January Saum'a had been bombarded from the air and from the ground and aircraft had circled over the airfield of Hareeb. He reserved the right of the Yemen Government to invite the Council to take its complaint into consideration.

621. With a letter dated 21 January addressed to the President of the Council (S/3777), the representative of the United Kingdom of Great Britain and Northern Ireland transmitted a memorandum concerning an investigation of the alleged incidents of 8 and 9 January. The memorandum stated that on 8 January rebels in-

spired by the Government of Yemen had fired on guard posts of the Aden Protectorate, and that the security forces had pursued the rebels to the frontier post of Sana and had continued to return their fire as they retreated to Ka'ataba. It denied, moreover, that any British aircraft or ground forces had been in action at Saum'a, or had flown over Hareeb airfield. The memorandum charged that for a long period the Government of Yemen had encouraged its tribespeople to violate the frontier of the Aden Protectorate, and had subverted and armed the subjects of the Rulers of the small Arab states under British protection. It was hoped that the outstanding frontier problems could be settled in direct talks.

622. With a letter dated 15 February (S/3788), the representative of the United Kingdom transmitted a further memorandum on this subject, charging that

many fresh assaults had been made inside the Aden Protectorate by Yemen troops and tribesmen. With regard to the efforts to arrange direct talks with representatives of the Yemen Government, the memorandum stated that according to recent Yemen statements, Yemen did not recognize any boundary between itself and the Aden Protectorate. In a note dated 12 February, the United Kingdom Government had urged the Yemen Government to agree to talks between representatives of the Yemen and Aden Governments. While hoping to

receive an early reply to that invitation, the United Kingdom Government could not but be perturbed at the firm evidence of arms and military assistance being supplied to Yemen by countries of the Soviet bloc and Egypt. Yemen sources in Cairo had announced that \$8.5 million worth of Czechoslovak arms had already arrived in Yemen, and training centres staffed by Egyptian instructors had been established near Sana and Hodeida to teach the Yemen regular army the use of those weapons.

Chapter 13

COMMUNICATION RELATING TO THE KOREAN QUESTION

623. On 3 July 1957, the representative of the United States of America informed the Secretary-General (S/3848) that on 1 July, General George H. Decker had replaced General Lyman L. Lemnitzer as the Commanding General of the military forces which Members

of the United Nations had made available to the Unified Command in Korea, and that on the same date the headquarters of the United Nations Command had been moved from Tokyo, Japan, to Seoul, Korea.

Chapter 14

LETTER DATED 19 NOVEMBER 1956 FROM THE REPRESENTATIVE OF SYRIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

624. By a letter dated 19 November 1956 (S/3745), the representative of Syria informed the President of the Security Council that violation of Syrian air space by British, French and Israel airplanes had been occurring ever since the beginning of military operations against Egypt. The Syrian Government declared that

the flights, which constituted a violation of the United Nations Charter and the resolutions of the General Assembly, were clear demonstration of the continuing flagrantly aggressive intentions of Britain, France and Israel.

Chapter 15

COMMUNICATIONS CONCERNING THE GULF OF AQABA

625. In a letter dated 7 May 1957 (S/3825), the representative of Saudi Arabia, referring the Secretary-General to a memorandum dated 12 April (A/3575) submitted by Saudi Arabia, charged that on 1 May an Israel destroyer had moved about in the Gulf of Aqaba in Egyptian and Saudi Arabian territorial waters, approaching within one kilometre of the Saudi Arabian coast, and that on 30 April and 1 May other Israel naval units had engaged in manoeuvres near the western coast of the Gulf of Aqaba and had crossed towards the Saudi Arabian eastern coast of the Gulf. He charged that such violation by Israel of Saudi Arabia's territorial waters and its territorial integrity constituted a continuation of the Israel aggression which threatened the security and peace of the region.

626. In further letters dated 27 May (S/3833) and 5 June (S/3835), the representative of Saudi Arabia

forwarded further complaints of violation of Saudi Arabian waters and air space by Israel air and naval forces.

627. On 10 June 1957 (S/3838) the representative of Israel stated that his Government had taken note of the series of complaints submitted by Saudi Arabia, and denied those allegations categorically. He stated that the incidents alleged had never taken place and that Israel forces were under strict instructions not to violate the territorial waters or air space of Saudi Arabia.

628. In letters dated 19 June (S/3841), 24 June (S/3843), 2 July (S/3846) and 10 July (S/3849), the representative of Saudi Arabia submitted further charges of violation by Israel military aircraft and naval vessels of the air space and territorial waters of Saudi Arabia.

APPENDICES

I. Representatives and deputy, alternate and acting representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

*Australia*¹

Dr. E. Ronald Walker
Mr. Brian C. Hill

*Belgium*²

M. Fernand van Langenhove
M. Joseph Nisot
Mr. Georges Cassiers

China

Dr. Tingfu F. Tsiang
Mr. Chiping H. C. Kiang

*Colombia*³

Dr. Francisco Urrutia
Sr. Carlos Vesga Duarte

*Cuba*¹

Dr. Emilio Nuñez-Portuondo
Dr. Carlos Blanco
Dra. Uldarica Manas

France

M. Bernard Cornut-Gentile (until 7 November 1956)
M. Guillaume Georges-Picot (from 5 January 1957)
M. Louis de Guiringaud
M. Pierre Ordonneau

¹ Term of office began on 1 January 1956.

² Term of office ended 31 December 1956.

³ Term of office began on 1 January 1957.

*Iran*²

Mr. Nasrollah Entezam
Dr. Djalal Abdoh
Dr. Mohammed Ali Massoud-Ansari

*Iraq*³

Mr. Hashim Jawad (until 23 April 1957)
Dr. Moussa Al-Shabandar (from 24 April 1957)
Mr. Kadhim M. Khalaf

*Peru*²

Dr. Victor A. Belaúnde
Sr. Carlos Holguin de Laval

*Philippines*²

General Carlos P. Romulo
Dr. José D. Inglés
Mr. Mauro Mendez

*Sweden*²

Mr. Gunnar V. Jarring
Mr. Claes Carbonnier

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev
Mr. Georgy Filipovich Saksin
Mr. Georgy Petrovich Arkade

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon
Mr. P. M. Crosthwaite

United States of America

Mr. Henry Cabot Lodge
Mr. James J. Wadsworth
Mr. James W. Barco

Yugoslavia^{1,2}

Dr. Joza Brilej
Dr. Djura Nincic
Mr. Dimce Belovski

II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

Belgium

M. Joseph Nisot (16 to 31 July 1956)

China

Dr. Tingfu F. Tsiang (1 to 31 August 1956)

Cuba

Dr. Emilio Nuñez-Portuondo (1 to 30 September 1956)

France

Mr. Christian Pineau (1 to 18 October 1956)
M. Bernard Cornut-Gentile (19 to 30 October 1956)
M. Louis de Guiringaud (30 to 31 October 1956)

Iran

Mr. Nasrollah Entezam (1 to 30 November 1956)

Peru

Dr. Victor A. Belaúnde (1 to 31 December 1956)

Philippines

General Carlos P. Romulo (1 to 31 January 1957)

Sweden

Mr. Gunnar V. Jarring (1 to 28 February 1957)

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev (1 to 31 March 1957)

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon (1 to 30 April 1957)

United States of America

Mr. Henry Cabot Lodge (1 to 31 May 1957)

Australia

Dr. E. Ronald Walker (1 to 30 June 1957)

China

Dr. Tingfu F. Tsiang (1 to 15 July 1957)

III. Meetings of the Security Council during the period from 16 July 1956 to 15 July 1957

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		July 1956			
731st	Admission of new Members	20	740th (private)	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	11
732nd	Admission of new Members	26			
		September 1956			
733rd (private)	Consideration of the Report of the Security Council to the General Assembly	6			
(open)	Date of election to fill a vacancy in the International Court of Justice		741st (private)	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	12
734th	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	26			
	Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations.		742nd	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	13
		October 1956			
735th	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	5	743rd	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	13
736th	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	8	744th	The Palestine question	19
737th	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	8	745th	The Palestine question	25
738th	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	9	746th	The situation in Hungary	28
739th (private)	Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888	9	747th	Letter dated 25 October 1956 from the representative of France to the Secretary-General with complaint concerning: Military assistance rendered by the Egyptian Government to the rebels in Algeria	29
			748th	The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt	30
			749th	The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt	30
			750th	The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt Letter dated 29 October 1956 from the representative of Egypt addressed to the President of the Security Council	30
			751st	Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council	31

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		November 1956	773rd	The India-Pakistan question	20
752nd	The situation in Hungary	2	774th	The India-Pakistan question	21
753rd	The situation in Hungary	3			March 1957
754th	The situation in Hungary	4	775th	Admission of new Members	7
755th	Adoption of the agenda	5			April 1957
		December 1956	776th	Letter dated 24 April 1957 from the representative of the United States of America addressed to the President of the Security Council, relating to the Suez Canal (item 28 of the list of matters of which the Security Council is seized)	26
756th	Admission of new Members	12			
757th	Election of a Member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo	19	777th	Letter dated 24 April 1957 from the representative of the United States of America addressed to the President of the Security Council, relating to the Suez Canal (item 28 of the list of matters of which the Security Council is seized)	26
758th	Election of a Member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo	19			
759th	Election of a Member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo	19			May 1957
		January 1957	778th	Letter dated 15 May 1957 from the representative of France addressed to the President of the Security Council, relating to the Suez Canal (Item 28 of the list of matters of which the Security Council is seized)	20
760th	Election of a Member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo	11			
761st	The India-Pakistan question	16	779th	Letter dated 15 May 1957 from the representative of France addressed to the President of the Security Council, relating to the Suez Canal (Item 28 of the list of matters of which the Security Council is seized)	21
762nd	The India-Pakistan question	23			
763rd	The India-Pakistan question	23			
764th	The India-Pakistan question	24			
765th	The India-Pakistan question	24			
766th	The India-Pakistan question	30			
		February 1957	780th	The Palestine question	23
767th	The India-Pakistan question	8	781st	The Palestine question	28
768th	The India-Pakistan question	15	782nd	The Palestine question	28
769th	The India-Pakistan question	15			
770th	The India-Pakistan question	18			
771st	The India-Pakistan question	18			
772nd	The India-Pakistan question	20			

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

(16 July 1956 to 15 July 1957)

A. REPRESENTATIVES OF EACH SERVICE

	<i>Period of Service from 16 July 1956</i>
<i>China</i>	
Lt. General Ho Shai-lai, Chinese Army	16 July 1956 to present time
Commander Chen Tsai-ho, Chinese Navy	16 July 1956 to 30 November 1956
Captain Wu Chia-hsun, Chinese Navy	16 December 1956 to present time
<i>France</i>	
Général de Brigade M. Pénette, French Army	16 July 1956 to present time
Capitaine de Vaisseau E. Cagne, French Navy	16 July 1956 to present time
<i>Union of Soviet Socialist Republics</i>	
Major General I. M. Saraev, Soviet Army	16 July 1956 to present time
Lt. Colonel A. M. Kuchumov, USSR Air Force	16 July 1956 to present time
Captain 2nd Grade B. F. Gladkov, USSR Navy	16 July 1956 to 17 July 1956
Lt. Commander Y. D. Kvashnin, USSR Navy	18 July 1956 to present time
<i>United Kingdom of Great Britain and Northern Ireland</i>	
Vice Admiral G. Barnard, Royal Navy	16 July 1956 to 14 September 1956
Vice Admiral R. F. Elkins, Royal Navy	15 September 1956 to present time
Air Vice Marshal A. D. Selway, R.A.F.	16 July 1956 to present time
Major General V. Boucher, British Army	16 July 1956 to present time
<i>United States of America</i>	
Lt. General C. B. Stone III, US Air Force	16 July 1956 to 30 June 1957
Lt. General William E. Hall, US Air Force	1 July 1957 to present time
Vice Admiral F. W. McMahon, US Navy	16 July 1956 to present time
Lt. General T. W. Herren, US Army	16 July 1956 to present time

B. LIST OF CHAIRMEN

16 July 1956 to 15 July 1957

Meeting	Date	Chairman	Delegation
291st	19 July 1956	Vice Admiral G. Barnard, Royal Navy	United Kingdom
292nd	2 Aug. 1956	Lt. General T. W. Herren, US Army	United States
293rd	16 Aug. 1956	Lt. General T. W. Herren, US Army	United States
294th	30 Aug. 1956	Lt. General C. B. Stone III, US Air Force	United States
295th	13 Sept. 1956	Lt. General Ho Shai-lai, Chinese Army	China
296th	27 Sept. 1956	Lt. General Ho Shai-lai, Chinese Army	China
297th	11 Oct. 1956	Général de Brigade M. Pénette, French Army	France
298th	25 Oct. 1956	Capitaine de Vaisseau E. Cagne, French Navy	France
299th	9 Nov. 1956	Major General I. M. Saraev, Soviet Army	USSR
300th	23 Nov. 1956	Major General I. M. Saraev, Soviet Army	USSR
301st	6 Dec. 1956	Major General V. Boucher, British Army	United Kingdom
302nd	20 Dec. 1956	Vice Admiral R. F. Elkins, Royal Navy	United Kingdom
303rd	3 Jan. 1957	Lt. General C. B. Stone III, US Air Force	United States
304th	17 Jan. 1957	Lt. General C. B. Stone III, US Air Force	United States
305th	31 Jan. 1957	Lt. General T. W. Herren, US Army	United States
306th	14 Feb. 1957	Lt. General Ho Shai-lai, Chinese Army	China
307th	28 Feb. 1957	Lt. General Ho Shai-lai, Chinese Army	China
308th	14 Mar. 1957	Général de Brigade M. Pénette, French Army	France
309th	28 Mar. 1957	Capitaine de Vaisseau E. Cagne, French Navy	France
310th	11 Apr. 1957	Major General I. M. Saraev, Soviet Army	USSR
311th	25 Apr. 1957	Major General I. M. Saraev, Soviet Army	USSR
312th	9 May 1957	Air Vice Marshal A. D. Selway, Royal Air Force	United Kingdom
313th	23 May 1957	Major General V. Boucher, British Army	United Kingdom
314th	6 June 1957	Vice Admiral F. W. McMahon, US Navy	United States
315th	20 June 1957	Lt. General T. W. Herren, US Army	United States
316th	3 July 1957	Lt. General Ho Shai-lai, Chinese Army	China

C. LIST OF PRINCIPAL SECRETARIES

16 July 1956 to 15 July 1957

Meeting	Date	Principal Secretary	Delegation
291st	19 July 1956	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
292nd	2 Aug. 1956	Lt. Colonel R. N. Lipscomb, US Air Force	United States
293rd	16 Aug. 1956	Lt. Colonel R. N. Lipscomb, US Air Force	United States
294th	30 Aug. 1956	Lt. Colonel R. N. Lipscomb, US Air Force	United States
295th	13 Sept. 1956	Lt. Colonel Lu Ngo-ming, Chinese Army	China
296th	27 Sept. 1956	Lt. Colonel Lu Ngo-ming, Chinese Army	China
297th	11 Oct. 1956	Lt. Colonel G. Buchet, French Army	France
298th	25 Oct. 1956	Lt. Colonel G. Buchet, French Army	France
299th	9 Nov. 1956	Colonel V. A. Sazhin, Soviet Army	USSR
300th	23 Nov. 1956	Colonel V. A. Sazhin, Soviet Army	USSR
301st	6 Dec. 1956	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
302nd	20 Dec. 1956	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
303rd	3 Jan. 1957	Lt. Colonel R. N. Lipscomb, US Air Force	United States
304th	17 Jan. 1957	Lt. Colonel R. N. Lipscomb, US Air Force	United States
305th	31 Jan. 1957	Lt. Colonel R. N. Lipscomb, US Air Force	United States
306th	14 Feb. 1957	Lt. Colonel Jackson Soong, Chinese Army	China
307th	28 Feb. 1957	Lt. Colonel Jackson Soong, Chinese Army	China
308th	14 Mar. 1957	Lt. Colonel G. Buchet, French Army	France
309th	28 Mar. 1957	Lt. Colonel G. Buchet, French Army	France
310th	11 Apr. 1957	Colonel V. A. Sazhin, Soviet Army	USSR
311th	25 Apr. 1957	Colonel V. A. Sazhin, Soviet Army	USSR
312th	9 May 1957	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
313th	23 May 1957	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
314th	6 June 1957	Lt. Colonel R. N. Lipscomb, US Air Force	United States
315th	20 June 1957	Lt. Colonel R. N. Lipscomb, US Air Force	United States
316th	3 July 1957	Lt. Colonel Jackson Soong, Chinese Army	China