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TO

THE GENERAL ASSEMBLY

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REPORT BY THE SECURITY COUNCIL
TO THE GENERAL ASSEMBLY

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3. Memorandum submitted on 28 January 1946 to the third meeting of the Security Council by the Iranian Delegation to the United Nations. (S/3)
4. Letter dated 24 January 1946 from the Representative of U.S.S.R. addressed to the President of the Security Council. (S.C. Journal No. 3, Page 17)
5. Letter dated 18 March 1946 from the Iranian Ambassador addressed to the Secretary-General. (S/15)
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REPORT BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

INTRODUCTION

This Report is submitted in accordance with the following Articles of the Charter:

Article 24 (3) -

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

Article 15 (1) -

"The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security."

At the fourth and fifth plenary meetings of the first session of the General Assembly, held on 12 January 1946, Australia, Brazil and Poland were elected non-permanent members of the Security Council for a term of two years, Egypt, Mexico and Netherlands were elected non-permanent members of the Security Council for a term of one year.

The first meeting of the Security Council was held in London on 17 January 1946. The section of the Report of the Preparatory Commission which relates to the Security Council was presented and the Council adopted the recommendations concerning a temporary chairman, a provisional agenda, and provisional rules of procedure. A Committee of Experts was established to study the Provisional Rules of Procedure and to submit a report to the Council. At its second meeting on 25 January 1946 the Council adopted the Directive to the Military Staff Committee, recommended by the Preparatory Commission, instructing the Committee to draw up proposals for its organization and procedure and to submit these proposals to the Council. The work of the Military Staff Committee is covered in PART II of this Report and that of the Committee of Experts is included under PART III.

The first twenty-three meetings of the Council were held in London and the remainder in New York. The Committee of Experts held its first seven meetings in London and the next fifty-seven meetings in New York. Up to 15 July 1946 the Council had held fifty meetings, and the Committee of Experts had held sixty-four.

In fulfilling its primary responsibility for the maintenance of international peace and security, the Council has dealt with the following questions which are covered in PART I of this Report:

- (a) The Iranian Question;
- (b) The Greek Question;
- (c) The Indonesian Question;
- (d) The Syrian and Lebanese Question;
- (e) The Spanish Question.

PART I

QUESTIONS CONSIDERED BY THE SECURITY COUNCIL UNDER ITS
RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

A The Iranian Question

1. Consideration of the Iranian Communication dated 19 January 1946

(a) The Communication

By letter dated 19 January 1946 addressed to the Acting Secretary-General, the Head of the Iranian Delegation to the United Nations stated:

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

(ii) That in accordance with Article 33 of the Charter, the Iranian Government had repeatedly tried to negotiate with the Government of the U.S.S.R., but had met with no success.

Accordingly, he requested the Acting Secretary-General, in accordance with Article 35 (1) of the Charter, to bring the matter to the attention of the Council so that the Council might investigate the situation and recommend appropriate terms of settlement.

(b) Discussion of Procedural Questions

(i) Discussion of the right of audience of a state submitting a communication to the Council

At the second meeting it was agreed without objection to include the Iranian application in the Council's agenda.

The Representative of U.S.S.R. pointed out that his Delegation had submitted material in support of its contention that the substance of the Iranian communication was not proper for discussion by the Council. He agreed to the inclusion of the matter on the agenda only so long as it permitted preliminary consideration of his submission; but not if it implied discussion of the substance.

The Representative of U.K. felt strongly that all complainants should be able to state their case before the Council. He believed that peace depended upon bringing the facts out before the world, whether the complainant's case was right or wrong.

The Representative of U.S.A. stated that his Government believed that any Member of the United Nations which made a complaint had the right to be heard by the Council.

The President explained that the inclusion of the item on the agenda made it possible for representatives to discuss the matter, and the Representative of U.S.S.R. could make any proposal he wished at the outset of the discussion.

(ii) Application of Article 31

The Representative of Egypt considered that the right of a complainant to participate in the Council's discussions followed from article 31. He moved that the three states which had at that time presented complaints should be invited to participate in the discussions of the Security Council concerning these complaints.

This Resolution was adopted unanimously.

(iii) Procedure for discussing communications

At the suggestion of the President, the Representatives of Iran and U.S.S.R. were invited to make oral observations, either in explanation of or in addition to their written communications. After these statements, both Representatives were invited to make oral replies covering the whole field. Finally the Representative of Iran was permitted to reply to a statement of the Representative of U.S.S.R. who, he contended, had misquoted him. He was requested to confine his remarks to this alleged misquotation. After this statement by the Representative of Iran, the President invited general discussion.

(c) Discussion of substantive questions

The position of the Representative of Iran was expressed in a letter dated 26 January 1946 addressed to the President of the Council (S/1), in speeches at the third and fifth

meetings and in a memorandum (S/3) submitted at the third meeting.

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

"The Allied Powers may maintain in Iranian territory land, sea and air forces in such number as they consider necessary. The location of such forces shall be decided in agreement with the Iranian Government as long as the strategic situation allows. All questions concerning the relation between the forces of the Allied Powers and the Iranian Authorities shall be settled so far as possible in cooperation with the Iranian authorities in such a way as to safeguard the security of the said forces.

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

Nevertheless, the Iranian Government had been prevented from exercising any power whatsoever in Azerbaijan; the security forces of Iran had been prevented from exercising their proper functions of suppressing disorders; the U.S.S.R. authorities had disrupted the economic life of the country by setting up, at the frontier of the so-called U.S.S.R. zone, internal barriers which merchandise and civilians were allowed to pass only at the discretion of the U.S.S.R. authorities; no armed forces of the Iranian Government were allowed to proceed beyond these limits. The U.S.S.R. authorities had prevented the Iranian authorities from applying Iranian laws in these areas, in some cases by applying their own rulings, and in others by forbidding the local authorities to enforce Iranian laws. Interference had also occurred in other provinces. The U.S.S.R. authorities had encouraged and supported disloyal agitators who were launching the so-called movement for autonomy in Azerbaijan, and U.S.S.R. citizens were par-

ticipating in the rebellion. The U.S.S.R. authorities had protected the insurgents and prevented Iranian security forces from restoring order. On 18 November 1945 the Iranian Government dispatched infantry and gendarmes as reinforcements to Azerbaijan. On 19 November 1945, the U.S.S.R. army authorities prevented this contingent from proceeding further than Sharif Abad.

By two notes dated 22 and 23 November 1945, the Iranian Government requested that the U.S.S.R. authorities be immediately instructed to give the Iranian contingents free passage. On 26 November 1945 the U.S.S.R. Government's reply stated that arrival of additional Iranian armed forces at that time would cause disturbances and bloodshed. In that event, to maintain security, the U.S.S.R. Government would be obliged to increase its armed forces. Since it was not willing to do so, and in view of the presence of the Iranian army and gendarmerie in Azerbaijan, the arrival of reinforcements was not considered advisable. The U.S.S.R. note denied numerous allegations of interference made by the Iranian Government. As interpreted by the Iranian Representative, it stated that similar interferences would not take place. On 1 December 1945 the Iranian Government addressed a reply to the U.S.S.R. Government expressing satisfaction at this and other assurances. As interpreted by the Iranian Representative, this note did not agree that there had been no U.S.S.R. interferences. It did not conclude negotiations, but maintained the request that Iranian forces should be given free passage. On 15 December 1945 the Iranian Government, in notes addressed to the U.S.S.R., U.K. and U.S.A. Ambassadors, asked that foreign military forces should not interfere with the free movement of Iranian security forces. In December 1945 the Iranian Prime Minister offered to visit Moscow to arrive at a settlement.

In conclusion, the Iranian Representative submitted that his Government had sought a solution by negotiation, in accordance with Article 33, but the U.S.S.R. Government had either failed

to reply or refused to admit that the Iranian Government's complaints were well founded. Although he had not admitted actual negotiations, even if it were assumed that negotiations had taken place, they had been without result. Accordingly, the matter has properly been brought to the Council's attention under Article 35.

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

The position of the Representative of U.S.S.R. was expressed in a letter dated 24 January 1946 addressed to the President of the Council, and in speeches at the second, third and fifth meetings on 25, 26 and 30 January 1946.

The Representative of U.S.S.R. denied interference in the internal affairs of Iran, and stated that events in Azerbaijan resulted from popular aspirations for national autonomy within the limits of the Iranian state. Those events had nothing to do with the presence of U.S.S.R. forces. He drew attention to the fact that propaganda hostile to the U.S.S.R. was growing stronger in Iran, and was far from being discouraged by the Iranian Government. Anti-democratic and pogrom activities by Iranian reactionaries placed the Azerbaijanian Soviet Socialist Republic and Baku in danger of organized hostile actions and diversions.

It was true that the U.S.S.R. Government had opposed the entry into Azerbaijan of additional forces of the Iranian Government. The regiment and two brigades of infantry and the two regiments of gendarmerie already in Azerbaijan were fully sufficient to restore order, provided the local authorities did not provoke the population. Furthermore, the U.S.S.R. troops could not permit a massacre resulting from provocative action of the authorities.

The Representative of U.S.S.R. stated that negotiations had taken place between the U.S.S.R. and Iranian Governments

and that they had been successful. Although there was a difference between the U.S.S.R. and Iranian versions of the Iranian note of 1 December 1945, he would quote from the text supplied by the Iranian Representative. It stated:

"In reply to the communication in which you answer that the charges made concerning interference by Soviet officials in our internal affairs in the Northern Province are unfounded, the Ministry for Foreign Affairs does not wish at this time to give further explanations in this matter, and to throw more light on the antecedents of the case. It takes note with satisfaction of the purport of your statement to the effect that henceforth such incidents will not happen again.

"Your assurance that the Soviet Government fully respects the terms of the Treaty and the declarations signed in Teheran is also a source of satisfaction."

He pointed out that the U.S.S.R. note of 26 November 1945 had not contained the statement that such incidents would not happen again. It was evident that the Iranian Government was satisfied with the results of the negotiations of November 1945 on the question which it was attempting to bring before the Council for consideration. Negotiations had not been continued after 1 December 1945 because the Iranian Government did not desire them or consider them necessary. The Iranian notes of 13 and 15 December 1945 did not deal with the earlier claims, but raised entirely new questions.

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

agreement. The U.S.S.R. was willing to resume direct negotiations with the Iranian Government.

The Representative of U.K. submitted that the U.S.S.R. had infringed the Tri-Partite Treaty in interfering with Iranian troop movements. He wished the Council to keep the question on its agenda, more particularly since negotiations would take place while U.S.S.R. forces were in Iranian territory. The Representatives of Australia, the Netherlands and U.S.A. agreed that the question should remain on the agenda.

The Representative of Poland opposed this view, and the Representative of China regarded the maintenance of the question on the agenda as a mere formality. The Representative of France considered that the Council should leave the parties free to take up negotiations, reserving its right to consider the matter again if negotiations proved unsuccessful.

(d) Resolutions presented to the Council

The Representative of the Netherlands made the following proposal:

"The Security Council,

"Having heard the statements by _____ and by _____ in the course of its meetings of January _____, _____, and having taken cognisance of the documents presented by the _____ and _____ delegations and those referred to in the course of the oral debates;

"Considering that both parties have affirmed their readiness to seek a solution of the matter at issue by negotiation;

"Expresses the Council's confidence that the parties will reach a just solution within a reasonable delay;

"Requests the parties to inform the Council as soon as agreement has been reached, in order that the latter may then be taken off the agenda of the Council, without prejudice to its right to resume the consideration of this matter, prior to such information being received, should the Council deem this necessary."

The Representative of Australia supported the above resolution, but it was withdrawn in favour of the resolution submitted by the Representative of U.K., set out below.

The Representative of U.K. made the following proposal:

"The Security Council,

"having heard the statements by _____ and by _____
in the course of its meetings of January _____ and
_____ Having taken cognizance of the documents pre-
sented by the _____ and _____ delegations and those refer-
red to in the course of the oral debates:

"Considering that both parties have affirmed their
readiness to seek a solution of the matter at issue by
negotiation and that such negotiation will be resumed imme-
diately,

"Requests the parties to inform the Council of any
result achieved and the Council in the meanwhile retains
the right at any time to request information as to the
progress of the negotiations. In the meantime the matter
remains on the agenda."

The Representative of U.S.A. said that he was favorably
impressed by this proposal, but added that it must be understood
that the item remained on the Council's continuing agenda. The
Representative of U.K. replied that it had been his intention that
the matter remain on the agenda.

The Representative of Poland pointed out that, under the
Charter, the Council always had the right to intervene in any differ-
ence between states at any time. Therefore he could not see the need
for making special reference to this right in the resolution and he
did not think such reference consonant with the Council's dignity.
He therefore made the following proposal:

"The Security Council takes note that the two par-
ties are prepared to settle the question by means of bi-
lateral negotiations. The two parties are free to under-
take any measures to this end which they may judge useful.
The two parties will submit to the Security Council in due
course a report on the results of these negotiations."

The Representative of U.S.S.R. felt that if the U.K. pro-
posal, that the question remain on the agenda, were adopted, it would
follow that the Council would in fact have made recommendations.
However, recommendations could be made only under Article 37, and
then only when continuance of a dispute was in fact likely to endanger
the maintenance of international peace and security. In view of the
statements which had been made and the desires which had been expres-
sed by the U.S.S.R. and Iran, there were no grounds for the applica-
tion of Article 37. Therefore, the question should be removed from

the agenda of the Council. It was sufficient that the Council resolve that the parties be left to settle the dispute by mutual agreement. The question must be removed from the Council's agenda in view of the express agreement concerning a friendly settlement. He was convinced that results would be obtained, but if that did not prove to be the case, then any member of the Council could request an account of the steps taken to carry out the obligations assumed at the present meeting.

In reply, the Representative of U.K. stated that the Iranian delegation had referred the matter to the Council under Article 35 and that the Council was now referring it back for bilateral negotiation. He felt that, under Article 36, the Council was obliged to retain the question on the agenda.

The Representative of China pointed out that the Council had the power and responsibility to consider any question or situation which might affect friendly relations between nations or affect the maintenance of peace and security. Therefore, whether the question were left on the agenda or not did not affect the rights and duties of the Council.

The Representative of Iran stated that his country wished to negotiate provided that the matter remained before the Council. He did not consider that that was a formality. He could see no harm to the U.S.S.R. if the matter remained on the agenda, but there might be harm to Iran if the matter were taken off the agenda.

In reply to a question by the Representative of U.K., the Representative of U.S.S.R. stated that, if the U.K. resolution did not provide that "in the meantime the matter remains on the agenda", nevertheless, the matter could, in accordance with the Charter, be discussed by the Council if the progress of negotiations were not satisfactory.

The Representative of U.K. then agreed to delete from his resolution the last sentence, "In the meantime the matter remains on the agenda."

The Representative of U.S.A. stated that he would accept this deletion with the understanding that the matter remained a continuing concern of the Council until a settlement was reached, in conformity with the purposes and principles of the Charter.

The Representative of Poland said that he could support the U.K. resolution subject to the deletion of the word "immediately" after the phrase "such negotiations will be resumed." After discussion he withdrew this amendment, and, by implication, his original proposal.

(e) Decision

The Resolution submitted by the Representative of U.K., as amended, was adopted unanimously at the fifth meeting on 30 January 1946. In its final form, it read

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

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

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

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

2. Iranian communication dated 18 March 1946

By letter dated 18 March 1946 addressed to the President of the Council (S/15), the Iranian Ambassador to the U.S.A. stated that, pursuant to Article 35 (1), Iran brought to the attention of the Council a dispute between Iran and the U.S.S.R., the continuance of which was likely to endanger the maintenance of international peace and security. This dispute had arisen by reason of new developments since the adoption by the Council of the resolution of 30 January 1946, relating to the earlier dispute between U.S.S.R. and Iran. The U.S.S.R. was maintaining troops in Iranian territory after 2 March 1946, contrary to the provisions of Article V of the Tri-Partite Treaty of Alliance of 29 January 1946. Furthermore, the

U.S.S.R. was continuing to interfere in the internal affairs of Iran, through the medium of its agents, officials and armed forces. These acts were in violation of the Tri-Partite Treaty, the Three-Power Declaration and the Charter.

3. Proposal by the Representative of U.S.S.R. that the Iranian Communication dated 18 March 1946 should not be placed on the Council's agenda

At the twenty-fifth meeting on 26 March 1946, the Representative of U.S.S.R. stated that negotiations between the U.S.S.R. and Iranian Governments had resulted in an understanding regarding the evacuation of U.S.S.R. troops still in Iran. It was already known that the evacuation of these troops had begun on 2 March 1946. As regards the evacuation of troops still remaining in certain zones of Iran, in accordance with an understanding reached between the U.S.S.R. and Iranian Governments, the evacuation had begun on 24 March 1946 and would probably end within five or six weeks of that date, unless unforeseen circumstances arose.

He considered that relations between the U.S.S.R. and Iran had been used by certain elements to aggravate the political atmosphere of the world and to engage in propaganda intended to promote a new war by causing distrust and anxiety. There could be no doubt that the decision taken by the U.S.S.R. Government in this matter was clear evidence of that Government's pacific policy.

Although the Iranian Ambassador had not referred to these negotiations in his letter of 18 March 1946, the fact of negotiations had been confirmed by the U.S.S.R. Government and the Iranian Prime Minister. Pursuant to the Council's resolution of 30 January 1946, negotiations had resulted in a positive understanding.

The effect of articles 34 and 35 was that any Member of the United Nations might bring to the Council's attention any dispute or situation which was considered to threaten the maintenance of international peace and security. It could not be suggested that the situation in Iran could be regarded as a threat of that nature.

Therefore, the conditions necessary for the inclusion of the Iranian question on the agenda had not been satisfied.

The Representative of U.S.S.R. recalled that the Council had already received many letters and communications which it had not thought fit to include in its agenda. It seemed that the decision not to include such subjects on the agenda was taken because the facts alleged were not sufficiently well founded. He submitted that these conditions applied to the Iranian communication dated 18 March 1946.

The Representative of U.S.A. said that if there had been an agreement between the U.S.S.R. and Iranian Governments, the U.S.S.R. Government should have presented to the Council a joint statement from the Iranian and U.S.S.R. Governments to the effect that an agreement had been arrived at, and requesting that there be no further consideration of the question. However, the Iranian Government had not withdrawn its communication. He could not concede the argument that a complaint must be dismissed as soon as one of the parties stated that an agreement had been reached. He enunciated the principle that the Security Council cannot deny to a Member of the United Nations, which has stated that a condition exists likely to threaten international peace and security, the opportunity to present its case. In conclusion, he considered that the question should be placed on the agenda, and the Iranian Government should be given an opportunity to state whether agreement had been reached.

The Representative of U.K. agreed with these remarks. He also stressed that it had been admitted that one of the parties to the Tri-Partite Treaty of 1942 had not observed its terms concerning the date of evacuation. He pointed out that the 1942 treaty imposed an unqualified obligation to withdraw troops by 2 March 1946. Confidence in the sanctity of treaties could not be restored without full and frank discussion of all the facts.

The Representative of Mexico could not admit that the facts alleged in the Iranian communication of 18 March 1946 did not

threaten the maintenance of international peace and security. If that argument were conceded, the small nations of the world would have every reason to feel themselves threatened. Such an interpretation was contrary to the terms of the Charter and the spirit of the United Nations.

The Representative of Egypt felt that the Council should receive the Iranian communication and should hear the Iranian Ambassador before deciding whether to retain the matter on the agenda. He considered that the Council was in the nature of a tribunal and that it was impossible for a tribunal to make any sound judgement before hearing both parties.

The Representative of the Netherlands agreed that the Iranian Ambassador should be invited to participate in the discussion under Article 31.

The Representative of France considered that the Iranian communication should be placed on the agenda and that the Iranian Ambassador should be asked to make a report.

The Representative of Poland considered that inclusion of the Iranian question on the agenda would imply non-recognition of the statement of the Representative of U.S.S.R. that agreement had been achieved. He suggested that information should be requested from the Iranian Government either directly under the resolution of 30 January 1946 or through routine diplomatic channels. He proposed that the question be not included on the agenda of the Council but be retained in the list of matters before the Council for consideration.

The Representative of Australia considered that a communication must be placed on the Council's agenda if it fulfilled the following two conditions:

- (a) the subject matter of the alleged dispute came within the functions of the Council,
- (b) the communication had been properly presented.

Since the Council had no information or evidence before it, and only one of the parties to the dispute had requested that the question be not included on the agenda, the Australian Delegation considered that the question should be placed on the agenda.

At the twenty-sixth meeting on 26 March 1946, the above proposal by the Representative of U.S.S.R. was rejected and the Iranian question placed on the agenda by nine votes to two.

4. Proposal by the Representative of U.S.S.R. to postpone until 10 April 1946 consideration of the Iranian communication dated 18 March 1946

(a) U.S.S.R. Proposal and Iranian Reply

By letter dated 19 March 1946 addressed to the Secretary-General (S/16), the Representative of U.S.S.R. requested that the meeting of the Security Council be postponed from 25 March to 10 April 1946. He stated that the Iranian communication was unexpected for the U.S.S.R. Government, since its negotiations with the Iranian Government were being conducted at that time. For this reason, the U.S.S.R. Government was not then prepared to take part in the discussion of the Iranian communication; and some time was required to enable the U.S.S.R. Government to make the necessary preparations concerning this question.

By letter dated 20 March 1946 addressed to the Secretary-General (S/18), the Iranian Ambassador to the U.S.A. stated that it was his Government's earnest hope that consideration of its communication would not be delayed. He pointed out that negotiations under the resolution of 30 January 1946 had failed. Meanwhile, 2 March 1946, the date fixed by the Tri-Partite Treaty, had passed, and U.S.S.R. troops had not been withdrawn. The situation was very grave, and further delay would inevitably result in increased harm to the interests of Iran.

(b) Discussion

At the twenty-sixth and twenty-seventh meetings held on 26 and 27 March 1946, the Representative of U.S.S.R. said that the

phase of negotiations at Moscow under the resolution of 30 January 1946 had ended with the communique issued on 7 March 1946. This communique had stated that the two Governments would take measures, as soon as a new Ambassador had been appointed in Iran, to ensure the continuation of friendly relations. This essential phase of the negotiations being ended, only questions of detail remained to be dealt with. This state of affairs fully justified the U.S.S.R. Government's demand for postponement. He pointed out that on 23 March 1946 the Iranian Prime Minister had stated to a representative of Associated Press that negotiations were continuing between the U.S.S.R. and Iranian Governments, and he hoped that happy results would be achieved. The Iranian Prime Minister had stated on 23 March 1946 that it was a matter of indifference to him whether the Council's session began then or two weeks later. Further, the Iranian Prime Minister had affirmed categorically that the Iranian Ambassador's letter to the Secretary-General had been written without the instructions or consent of the Iranian Government. The Iranian Prime Minister had added that he had instructed his Ambassador to avoid "similar" actions and had expressed his confidence that the question would be successfully solved by bilateral negotiations. The Iranian Prime Minister had denied that the U.S.S.R. Government had reinforced its troops in Iran after 2 March 1946. The Representative of U.S.S.R. quoted the reply of Generalissimo Stalin to a question put to him by the President of United Press. Generalissimo Stalin had said "This question (the withdrawal of U.S.S.R. troops), as is known, has already received a positive solution under the terms of an understanding concluded between the Governments of the U.S.S.R. and Iran."

In conclusion, he considered that it would be most irregular to invite the Iranian Ambassador to participate in the discussion of the procedural proposal that consideration of the Iranian communication be postponed. Participation of the Iranian Ambassador in the Council's discussions would constitute the beginning of considera-

tion of the substance of the question. He stated that he could not participate in or attend meetings of the Council in which there was discussion of the substance of questions raised by the Iranian Government's letter.

By letter dated 20 March 1946 addressed to the Secretary-General (S/17), the Representative of U.S.A. stated that he would move that the Iranian question be placed at the head of the Council's agenda and that the U.S.S.R. and Iranian Governments be requested to report on the negotiations which might have taken place between them in accordance with the Council's resolution of 30 January 1946.

In reply to the Representative of U.S.S.R., the Representative of U.S.A. stated, at the twenty-sixth and twenty-seventh meetings, that information obtained from official U.S. representatives in Teheran was to the effect that the dispute between the U.S.S.R. and Iranian Governments had not been settled. He thought it necessary to quote the full text of the Iranian Prime Minister's statement partially quoted by the Representative of U.S.S.R. The full statement was: "It makes no difference if the Council meets now or in fifteen days, if by the time it does convene, we have not solved the fundamental problem of evacuation of troops by other means, then the case will be included in the organization agenda under security regulations." The Representative of U.S.A. considered that confidence in the effectiveness of the Council would disappear if an applicant government were denied the right to present its case by the statement of a government represented on the Council that it considered agreement had been reached. The Council could not act upon press statements, but must hear the Representative of Iran. Further, in view of the letter addressed to the Council by the Representative of Iran, it was apparent that the interests of Iran were affected by the motion for postponement. Accordingly, Iran had the right to participate without vote in the Council's discussions, under Article 31. Also, in the Council's London proceedings, once a matter was placed on the

agenda, the President had invited the parties to take their places at the Council table. For these reasons, he did not consider that the Council could vote upon the request for postponement before hearing the Representative of Iran. If the motion of the Representative of U.S.S.R. were adopted and discussion postponed, by the same reasoning the matter could be postponed on future occasions for an indefinite period. Such a procedure would mean that the United Nations would die in its infancy because of inefficiency and ineffectiveness. Such procedure would be contrary to the theory of the Charter, according to which the Council would be open to any nation that believed international peace was threatened.

The Representatives of Mexico, the Netherlands and U.K. agreed with these remarks, and the Representative of Egypt moved that the Iranian communication be received, that the Representative of Iran be heard on the question of postponement, and that subsequently the Council take such action as it deemed fit.

The Representative of Australia stressed the importance of agreeing upon a procedure for the methodical examination of the situation. He considered that, in dealing with questions involving peaceful settlement under Chapter VI, the Council was a quasi-judicial body. He proposed that before the Iranian Ambassador participated in discussions, he be asked to submit a detailed written statement. The U.S.S.R. Government should then be invited to submit a written reply. Meantime, the item should remain on the Council's agenda, and the parties should not take action to alter the existing position or prejudice the settlement.

The Representative of Poland expressed his full agreement with the proposal made by the Representative of Australia and the arguments advanced in support thereof.

The Representative of France proposed that a Sub-Committee be set up to examine the proposals of the Representatives of U.S.S.R., Egypt and Australia. The Sub-Committee should then

consult with these three Representatives and determine what modifications were possible. At the twenty-sixth meeting, the Council adopted this proposal by nine votes; and the President appointed the Representatives of France, U.S.S.R. and U.S.A. to the Sub-Committee.

At the twenty-seventh meeting the President reported that the Sub-Committee had been unable to reach agreement.

(c) Decisions

At the twenty-seventh meeting, the proposal of the Representative of U.S.S.R. to postpone consideration of the Iranian communication until 10 April 1946 received two votes and was declared lost. The Representative of U.S.S.R. stated that he was unable to participate further in the Council's discussions of the Iranian question, since his proposal had not been accepted. He then left the Council Chamber. The Representative of U.S.S.R. did not attend the next three meetings at which the Council discussed the Iranian question (twenty-eighth, twenty-ninth and thirty-first meetings). He resumed participation in the Council's discussions of the Iranian question at the thirty-second meeting on 15 April 1946.

The following proposal of the Representative of Egypt was adopted by eight votes:

"That the Council receive the complaint of the Iranian Government embodied in its letter dated 1 April 1946 addressed to the Secretary-General and ask the Iranian Representative to appear at the Council to hear his point of view concerning the question of postponement and by the Soviet Representative, and subsequently that the Council take such action as it deems fit."

In submitting the above proposal, the President (the Representative of China) had stated that since it was a purely procedural question, he understood that a decision could be taken even "in the absence of the Representative of U.S.S.R."

The Representative of U.K. agreed that the decision required only the affirmative vote of seven members.

The President ruled that the Australian proposal lapsed as a result of the adoption of the Egyptian proposal.

(d) Position taken by the Iranian Ambassador

Pursuant to the above resolution, the Iranian Ambassador was invited to participate in the discussion. He referred to a press report of an official announcement by his Government denying that the contemplated evacuation of troops had resulted from any agreement entered into between the U.S.S.R. and Iranian Governments with regard to any of the matters then before the Council.

The Iranian Ambassador reported that, pursuant to the resolution of 30 January 1946, the Iranian Government had sent a delegation to Moscow, headed by the Prime Minister. For the sixteen days following 19 February 1946, the delegation had a number of meetings with Mr. Molotov and two meetings in which Generalissimo Stalin participated. The delegation had requested the U.S.S.R. Government to refrain from interference in the internal affairs of Iran and to ensure the prompt evacuation of U.S.S.R. troops. The U.S.S.R. officials did not agree to these requests and proposed:

(i) the stationing of U.S.S.R. troops in Iran for an indefinite period;

(ii) the recognition of the internal autonomy of Azerbaijan;

(iii) the setting up of a U.S.S.R. and Iranian joint stock oil company.

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

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

The Iranian Ambassador stated that he had no instructions to agree to postponement. He believed that postponement would not be in accordance with the purposes of the Charter until definite assurances had been given to the Council that Iran would be completely evacuated within a short and definite period, without being made conditional on foreseen or unforeseen circumstances or agreements.

In answer to questions, the Iranian Ambassador stated that his instructions were clear and broad and gave him thorough discretion to take such action before the Council as he deemed necessary. All his actions had been in accordance with instructions.

He had no information that any U.S.S.R. troops had crossed the border from Iran into U.S.S.R.

5. Request by the Secretary-General for information concerning U.S.S.R.-Iranian negotiations and replies

At the twenty-eighth meeting on 29 March 1946 the Iranian Ambassador participated in the discussion. The Representatives present unanimously endorsed the suggestion of the Representative of U.S.S.R. that the President request the Secretary-General to ascertain at once from the U.S.S.R. and Iranian Governments, through their Representatives, and report to the Council at its meeting on Wednesday, 3 April, the existing status of the negotiations between the two Governments, and particularly to ascertain from the Representatives of these Governments and report whether or not the reported withdrawal of troops was conditioned upon the conclusion of agreements between the two Governments on other subjects.

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

By letter dated 3 April 1946 addressed to the Secretary-General (S/24), the Representative of U.S.S.R. stated on behalf of his Government that negotiations had already led to an understanding concerning the withdrawal of U.S.S.R. troops from Iran, which was renewed on 24 March 1946 and which would be completed within a period of one and one-half months. Thus, the question concerning the evacuation of U.S.S.R. troops raised before the Council by the Iranian Government on 16 March was solved by the understanding reached between the U.S.S.R. and Iranian Governments. As to the other questions, they were not connected with the question of the

withdrawal of U.S.S.R. troops. As was known, the question concerning an oil concession or a joint stock company was raised in 1944, independently of the question of the evacuation of U.S.S.R. troops.

By letter dated 2 April 1946 addressed to the Secretary-General (S/25), the Iranian Ambassador stated that, with regard to U.S.S.R. interference in the internal affairs of Iran, negotiations pursuant to the resolution of 30 January 1946 had achieved no positive results. Interference continued, and the Iranian Government was still prevented from exercising any authority in the Province of Azerbaijan. Regarding the withdrawal of U.S.S.R. troops, there had been and could be no negotiations.

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

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

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

6. Resolution of 4 April 1946

(a) The Resolution

After discussion, the following resolution proposed by the Representative of U.S.S.R. was adopted by nine votes at the thirtieth meeting held on 4 April 1946 (the Representative of U.S.S.R. did not attend this meeting):

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

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

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

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

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

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

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

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

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

(b) Position taken by the Representative of Australia

The Representative of Australia abstained from voting. He pointed out that the resolution did not deal with the first Iranian communication concerning interference by U.S.S.R. troops and agents in the internal affairs of Iran. He was concerned with the following aspects of the case:

(i) that a decision had been reached before there had been complete investigation of all the facts;

(ii) that there had at no time been a complete statement of the merits of the case;

(iii) that the Representative of U.S.S.R. had left the Council during discussion of procedural questions and before the facts or merits of the case were discussed, thus prejudicing the work, the efficiency and the authority of the Council;

(iv) that certain arrangements had been entered into outside the Council, even though these were termed procedural.

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

(a) U.S.S.R. Proposal

By letter dated 6 April 1946 addressed to the President of the Council (S/30), the Representative of U.S.S.R. proposed that the Iranian question be removed from the agenda of the Council. He pointed out that, as was known from the joint U.S.S.R.-Iranian communique published on 4 April 1946, an understanding on all points had been reached between the U.S.S.R. and the Iranian Governments. The Council had no reason further to consider the Iranian question on 6 May 1946 and the resolution adopted on 4 April 1946 was incorrect and illegal, being in conflict with the Charter.

(b) Iranian Reply

By letter dated 9 April 1946 addressed to the Secretary-General (S/33), the Iranian Ambassador stated that it was his Government's desire that the question remain on the Council's agenda

as provided by the resolution adopted on 4 April 1946. By letter dated 15 April 1946 addressed to the President of the Council (S/37), the Iranian Ambassador stated that on 12 April his Government had instructed him to make the following statement before the Council:

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

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

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

(c) Letter submitted by the Secretary-General

At the thirty-third meeting held on 18 April 1946, the Secretary-General submitted a letter to the President of the Council (S/39), setting out his views with respect to the legal aspects of the retention of the Iranian question on the agenda. He recalled that the powers conferred on the Council under Chapter VI of the Charter were defined in Articles 33, 34, 36, 37 and 38. He noted that the Council could be seized of a dispute or situation in one of three ways:

- (i) under Article 35, by a state,
- (ii) under Article 34, by the Council itself,
- (iii) under Article 99, by the Secretary-General.

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

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

Council could not take action under Articles 33, 36 37 or 38, as the necessary conditions for applying these Articles (namely, a dispute between two or more parties) did not exist.

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

(i) the Council voted an investigation under Article 34,

or (ii) a member brought it up as a situation or dispute under Article 35,

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

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

The Representative of France proposed that, before taking a final decision, the Council should await the report of the Committee of Experts on the letter submitted by the Secretary-General.

The Representative of Poland agreed with this proposal, stressing that the Secretary-General was an important official of the United Nations, invested with special and important powers by the

Charter. He considered that the Council could not then vote as if the Secretary-General's opinion did not count or exist.

The Representative of China said that he fully agreed that the Secretary-General was a very important official. However, he pointed out that Article 97 stated "The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization". He was sure that the Council would wish to give due consideration to the observations of the Secretary-General, but the decision remained with the Council.

The Representative of U.S.S.R. considered that the functions of the Secretary-General were more serious and responsible than had been suggested. He recalled that Article 99 provided "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." He considered that the Secretary-General had all the more the right and duty to submit reports on the various aspects of questions under the consideration of the Council.

(d) Report by the Committee of Experts

The Council referred the Secretary-General's letter to the Committee of Experts, and the Report of the Chairman of the Committee of Experts (S/42) was considered at the thirty-sixth meeting on 23 April 1946. The Report stated that the Committee of Experts had decided, by reason of the technical nature of its competence, to study from an abstract point of view the problem whether the Council could remain seized of a matter if the interested parties had requested its withdrawal. The Committee had not made a detailed study of the Secretary-General's letter.

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

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

In the discussion of the Committee of Experts, the delegates of France, Poland and U.S.S.R. had considered that the rules governing the procedure for the withdrawal of a question submitted to the Council varied according to whether a dispute or a situation were involved. The notion of a dispute was of a subjective nature, and it was essentially a conflict between two or more states, which existed only by virtue of the opposition between the interested parties. If all the parties to a dispute had reached an agreement, the threat to the maintenance of peace from the prolongation of such a dispute thereby disappeared, and if they asked the Council to drop the dispute, the Council was bound to do so. On the other hand, a situation had an objective character, existing independently of the Member which had brought it to the Council's attention. The Council could remain seized of a situation even if that Member declared its desire to withdraw its communication. If the dispute originally submitted to the Council had reached the point where other parties were concerned, or if a new situation had arisen out of the original dispute, the question became a different one from that originally submitted to the Council. It could be brought to the attention of the Council by a Member of the United Nations under Article 35 (1), or else the Council itself might take it up under Article 34.

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

(e) Discussion

The Representative of France considered that it would be unwise to establish the precedent that a Member of the United Nations which had submitted a communication to the Council could not withdraw its communication. He therefore proposed the following resolution:

"The Security Council,

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

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

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

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

The Representative of Poland said that he fully shared the views of the Representative of France that if unforeseen circumstances occurred and the withdrawal of U.S.S.R. troops did not take place within the period agreed, the question could be placed on the agenda again. However, the Council did not have the right to keep the question on the agenda against the will of both parties, and such a procedure would clearly violate the Charter.

The Representatives of Australia, Brazil, China, Egypt, Mexico, the Netherlands, U.K., and U.S.A. maintained that the Council was master of its own agenda and had power to keep the Iranian question on the agenda despite the Iranian withdrawal of its complaint.

The Representative of U.S.S.R. contended that the Council could not take a decision on any dispute without hearing both parties. However, since his proposal for postponement had been rejected, he had been unable to participate in the Council's discussions until 10 April 1946. Further, the Council could not take a decision on any dispute or situation without a prior decision as to whether the question were a dispute or a situation. No such decision had been taken.

He argued that it was inconsistent with the Charter to maintain that countries appealing to the Council were not entitled to withdraw their appeals. The Iranian Government knew best what measures should be taken for a satisfactory solution of its differences with the U.S.S.R. Government. Finally, he recalled that when he had proposed that the Iranian question should not be included in the

agenda, the Representative of U.S.S.R. had stated that the objection to that proposal was that the Iranian Government did not agree to it.

To be consistent, the Iranian question should now be withdrawn from the agenda as requested both by the U.S.S.R. and by the Iranian Government.

In reply to the Representative of U.S.S.R., the Representatives of U.K. and the Netherlands argued that the decisions of the Council had been procedural and it had not been necessary to make the prior decision as to whether the question constituted a situation or a dispute. As to the necessity of hearing both parties, these Representatives considered that the Charter proceeded on the assumption that both parties would be present to be heard. The veto right was limited, and could not be extended by absence from the Council.

As to the general arguments advanced by the Representative of U.S.S.R., the Representative of U.S.A. argued that the Iranian communication had properly been brought to the Council's attention under Article 34. It was not suggested that there had been any change since 4 April 1941 in the situation concerning the withdrawal of troops. Therefore, there was no reason to change the procedure adopted on 4 April 1941. He considered that the Council could not ignore the fact that the Iranian Government's sudden reversal of the position which it had steadfastly maintained had occurred while U.S.S.R. troops were still in Iran.

The Representative of Australia pointed out that the resolution of 4 April 1941 had not dealt with the first issue concerning interference in the internal affairs of Iran. It was understood that U.S.S.R. troops were still in Iran, and this state of affairs was *prima facie* a breach of the Tri-Partite Treaty. This was the real question before the Council, but the Representative of U.S.S.R. had never referred to it. In view of the lack of information concerning matters of the greatest importance, he suggested that it was still competent for the Council to hold an investigation.

(f) Decision

At the thirty-sixth meeting on 23 April 1946 the resolution submitted by the Representative of France and supported by the Representative of U.S.S.R. received three votes and was declared lost.

(g) Declaration made by the Representative of U.S.S.R.

In connection with the above vote, the Representative of U.S.S.R. stated that, in view of the existence of the agreement between the U.S.S.R. and Iranian Governments in all questions in dispute, and in view of the Iranian Government's withdrawal of its appeal to the Council, the U.S.S.R. delegation considered that the Council's decision to retain the Iranian question on its agenda was contrary to the Charter. For these reasons, the U.S.S.R. delegation did not consider it possible to take any further part in the discussion of the Iranian question in the Council. The Iranian question was not discussed further at the thirty-sixth meeting. In accordance with the above declaration, the Representative of U.S.S.R. did not attend the subsequent meetings at which the Council discussed the Iranian question (the fortieth and forty-third meetings).

2. Report by the Representative of Iran under Resolution of 4 April 1946

By letter dated 6 May 1946 addressed to the President of the Council (S/53), the Iranian Ambassador stated that, pursuant to the Council's resolution of 4 April 1946, investigations made by responsible officials of the Iranian Government showed that U.S.S.R. troops had been completely evacuated from the Provinces of Khorassan, Gorgan, Mazanderan and Gilan. Because of the interference previously complained of, the Iranian Government had been unable to exercise effective authority within Azerbaijan since 7 November 1945, and from that time had no opportunity to ascertain conditions in Azerbaijan through its own officials. The Iranian Government had been unable to verify by direct observation reports that the evacuation from Azerbaijan had been proceeding and would be completed by 7 May 1946.

The U.S.S.R. Government made no report pursuant to the resolution of 4 April 1946.

9. Resolution of 8 May 1946

At the fortieth meeting held on 8 May 1946, the Council considered the above report of the Iranian Ambassador. The Representative of U.S.S.R. was absent from this meeting. In view of the incomplete nature of the report, the Representative of U.S.S.R. proposed the following resolution:

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

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

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

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

The resolution was adopted by ten votes.

The Representative of Australia considered that, under the Charter, each member of the Security Council acted in a representative capacity, exercising the powers conferred upon it not solely on its own behalf, but on behalf of all Members of the United Nations. The non-permanent members had been appointed as the result of an election. The permanent members had been appointed in accordance with a provision in the Charter agreed to by all Members of the United Nations. The situation could not be entertained that a member holding office under such conditions could select a case on which it did not choose to act as a representative.

He suggested that, if a member failed to participate in the work of the Council, then for the time being it abandoned the

special powers accruing to it as a member and had no powers greater than those of any other Member of the United Nations. He regarded it as most dangerous, and the beginning of a system which would rapidly prove unworkable, that the Council should ever be asked to entertain the idea that a Representative on the Security Council, by abstaining himself, could bring into question the Council's ability to function.

He considered that the alternative to his views would imply an extensive amendment *de facto* in the provisions of the Charter and a serious extension of the power of veto.

He considered that members were entitled to know the precise opinion of the absent Representative concerning the effect of his absence.

The Representative of U.K. considered that the absence of a Representative from the Council did not prevent the functioning of the Council. There was no rule concerning a quorum, unless something could be inferred from the voting rule providing that any decision required an affirmative vote of at least seven members. In conclusion, he considered that absence from the Security Council had the same effect on decisions of the Council as abstention from voting.

The Representative of the Netherlands considered that the resolution proposed by the Representative of U.S.A. could lawfully be adopted in the absence of the Representative of U.S.S.R., because it clearly involved a procedural matter. For that reason an affirmative vote of any seven members was sufficient.

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

By letters dated 20 May and 21 May 1946 addressed to the President of the Council (S/66 and S/68), the Iranian Ambassador submitted reports in compliance with the resolutions of 4 April and 8 May 1946. In his letter dated 20 May 1946, the Iranian Ambassador stated that the information then available to him was to the effect that, as a consequence of the interference previously complained of,

the Iranian Government was still prevented from exercising any effective authority in the Province of Azerbaijan, and that U.S.S.R. interferences in the internal affairs of Iran had not ceased. Therefore, it had not been possible to make such investigation as was required to establish that all U.S.S.R. troops had been withdrawn from the whole of Iran.

In his letter dated 21 May 1946, the Iranian Ambassador communicated the text of a telegram received by him that afternoon from the Iranian Prime Minister. The telegram stated that the Iranian Prime Minister had dispatched a commission of investigation, which in the course of one week had investigated carefully regions of Azerbaijan such as the following important centers: Tabriz and its suburbs, Marand, Jolfa, Khoy, Salmas, Maju, Rozacyeh and Mianduab. Telegraphic reports were to the effect that no trace whatever of U.S.S.R. troops, equipment or means of transport was found, and that according to trustworthy local people, who were questioned in all these places, U.S.S.R. troops evacuated Azerbaijan on 6 May 1946.

II. Resolution of 22 May 1946

At the forty-third meeting held on 22 May 1946, the Iranian Ambassador participated in the discussion.

The Iranian Ambassador interpreted the withdrawal of the Iranian communication on 14 April 1946 as relating only to the evacuation of U.S.S.R. troops, and not to U.S.S.R. interference in the internal affairs of Iran. He was not aware of his Government's present views as to the retention of the Iranian question on the agenda. But since the Council had decided to keep it on the agenda, Iran would respect the Council's decision and answer any questions put by the Council.

When the Representatives of France and Poland expressed their regret at the discrepancies between the letters of 20 and 21 May, the Iranian Ambassador replied that his letter of 20 May 1946 had been written on the last day on which a report could be made

under the resolution of 8 May 1946. The letter had contained all the information then at his disposal.

Concerning the armed forces of Azerbaijan, the Iranian Ambassador stated that they had grown with the encouragement and protection of U.S.S.R. forces. U.S.S.R. agents had drilled and equipped them, and he had heard they even used U.S.S.R. uniforms. During negotiations between the Iranian Prime Minister and Azerbaijanian representatives, demands had been made which would practically have resulted in the creation of an independent Azerbaijanian state. The U.S.S.R. Ambassador had participated as a friendly mediator but had urged the Iranian Prime Minister to concede the Azerbaijanian claims. The Iranian Ambassador felt that these facts constituted interference in the internal affairs of Iran.

The Iranian Ambassador said that the towns mentioned in the Iranian Prime Minister's telegram of 21 May would cover half of Azerbaijan. In any event, U.S.S.R. troops were not all stationed in cities and towns. For these reasons, he did not consider that the telegram would imply that the commission had visited the whole of Azerbaijan or that the whole Province had been evacuated.

The Representative of France suggested that since the telegram gave information of considerable importance, the Iranian question should be kept on the agenda for a short time; if after a week or ten days no information had been received contradicting that already supplied, the question should automatically be removed from the agenda.

The Representative of Poland considered that the Iranian Prime Minister's telegram closed the case effectively. The question whether the Iranian Government was able to send its agents into Azerbaijan was entirely an internal matter. If any doubt remained, he suggested that the Iranian Government be asked by telegram if it were satisfied that U.S.S.R. troops had been withdrawn. The

Representatives of the Netherlands and U.K. opposed this suggestion, arguing that it was not necessary further to embarrass the Iranian Government in this way.

The Representative of U.S. proposed that the Council postpone consideration of the Iranian question. He pointed out that the U.S.S.R. Government had made no report to the Council and that the Iranian report was incomplete. Further, the evacuation of U.S.S.R. troops was only part of the subject matter of the dispute between the U.S.S.R. and Iranian Governments. He stated that his Government had recently given careful consideration to requesting an investigation by the Council of the situation in Northern Iran, to determine whether it was likely to endanger the maintenance of international peace and security.

The Representative of U.K. associated himself with those remarks. He said that there might be some doubt whether the Iranian commission had enjoyed complete liberty of movement and action. In conclusion he argued that a declaration from the Iranian Government of its satisfaction that evacuation was complete was necessary before a decision was made by the Council.

The Representative of Australia considered that, whether or not the Iranian Government or any party to a dispute maintained its complaint, it was solely for the Council itself to decide whether or not it remained seized of the question. Although it was interesting to note whether the Iranian Government withdrew any statement in regard to this matter, an effective decision had already been taken by the Council that it was not necessary either for the Iranian Government or any other government to present a complaint or maintain a complaint.

As to the suggested adjournment, the Representative of Australia favoured deferring the discussion for some days, while maintaining the previously expressed view that the item should be retained on the agenda until a positive decision had been taken to remove it.

The Representative of Mexico suggested that the discussion be adjourned to permit examination of certain questions that could be raised from the statements made by the Representative of Iran. The matter had been kept on the agenda pending the receipt of the information requested from the Iranian Government as to the evacuation of U.S.S.R. troops, but now the Iranian Ambassador declared his inability to present a satisfactory report until his Government was in a position to exercise full authority throughout the Province of Azerbaijan. It might be necessary to decide whether or not the Council was willing to take action to help the Iranian Government regain its authority.

He said that as the Iranian Ambassador had stated that the situation in Iran had developed as a result of previous interference by U.S.S.R. troops, the question arose whether the Council were ready to keep the matter on the agenda on this ground also, even if, at a later stage, the members of the Council were satisfied that the U.S.S.R. troops had left Iranian territory. He thought that the Council should clearly decide whether the Iranian question would be retained on the agenda on one or both of the questions of interference and evacuation of troops. The answers to those questions could take the Council very far, and before deciding to maintain the Iranian case on the agenda, the members of the Council should have more time to study the situation. Accordingly, the discussion should be adjourned for the time being.

The following resolution proposed by the Representative of the Netherlands was adopted by nine votes to one:

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

The Council remains seized of the Iranian question.

B The Greek Question

1. Communication of U.S.S.R. dated 21 January 1946

(a) The Communication

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

The Greek question was considered at the sixth meeting of the Security Council on 1 February 1946. The President reminded the members of the Council that at the second meeting of the Council, on 25 January 1946, it was decided that when the Greek question was being discussed, a representative of Greece should be asked to take his place at the Council table in order that he might exercise the right to participate, without vote, in the discussions. He pointed out that the right was the same whether it was under Article 31 or 32 of the Charter. As there was no objection the procedure was adopted.

The President suggested to the Council that the following procedure should be adopted in discussing the Greek question: As the matter had been brought before the Council on the initiative of the representative of the U.S.S.R., he took it that the Council would wish the representative of the U.S.S.R. to be given the opportunity to make oral observations either in explanation of or in addition to the letter of 21 January 1946. He thought it would be appropriate therefore, when the oral statement of the representative of the U.S.S.R. had been completed, to call upon the representative of the United Kingdom to make such oral statement in reply as he might wish. He took it that the Council would then wish to afford the representative of Greece the opportunity of making an oral statement of the views of his

Government on this question. The matter could then be thrown open for general discussion. As there was no objection, the suggested procedure was adopted.

(b) Discussion

The Representative of U.S.S.R. was first asked to make an oral statement. He reminded the Council that this was not the first time the U.S.S.R. Government had brought the Greek situation to the attention of the Allies. Following the Declaration of Yalta on 21 July 1945, during the Berlin Conference, the U.S.S.R. Delegation presented a memorandum on the situation in Greece in which it was pointed out that the situation was contrary to order and that a terror was directed against the democratic elements of the country. In this memorandum the U.S.S.R. Government pointed out that the Government of Greece was indeed taking an attitude that might endanger peace and even threaten war against its neighbours Albania and Bulgaria.

In September 1945 during the first session of the London meeting of Ministers for Foreign Affairs, the U.S.S.R. Government submitted a second memorandum on the situation in Greece. Finally, during the Moscow Conference of Ministers for Foreign Affairs in December 1945, the situation in Greece was brought up again and linked with the presence of British troops in Greece. The Representative of U.S.S.R. recalled that in the memorandum submitted by the U.S.S.R. delegation on 21 January 1946, there were four main questions of substance: (i) a very tense situation prevailed in Greece, which might have very unhappy consequences not only for the Greek population, but also for peace and security; (ii) the presence in Greece of British troops was not necessitated by circumstances, because there was no need to protect these communications as in the case of troops in defeated countries; (iii) the presence of British troops in Greece had become a means of pressure on the political situation in the country; and (iv) these circumstances had resulted very often in support of reactionary elements in the country against democratic ones.

The Representative of U.S.S.R., basing his remarks on information received from Greece, described the activities of the Monarchist

fascist organization known as "X" and stated that the Monarchists, helped by the foreign elements, had created a reign of terror directed against the democratic population of the country.

With regard to the presence of the British troops in Greece, the Representative of U.S.S.R. was of the opinion that the reasons for the presence of Allied armies on the soil of an Allied country could be twofold. The first reason could be that if an Allied country had been invaded by enemy armies, Allied troops there might help in driving the enemy away but there were no longer any occupational forces in Greece and there was no such threat from any external enemy. Therefore the first reason did not apply. The second reason would be that the presence of such troops would be necessary to protect the communications of Allied troops which occupied enemy countries, but the presence of Allied troops in Greece at present was entirely unjustified because it was not called for by the necessity to protect Allied troops stationed either in Germany, Austria or Italy. Therefore the second reason for the presence of Allied troops did not apply. It had been stated that the presence of British troops in Greece helped to maintain public order but it was a matter to be dealt with by the Greeks themselves and not by foreign troops. The interference of foreign troops in the life of the country had had very serious consequences; moreover, the presence of British troops had been used time and again by reactionary elements against the democratic elements of the country and the presence of these troops had brought added acuteness to the situation between these two factions. On the basis of these considerations the Representative of U.S.S.R. insisted upon the quick and unconditional withdrawal of British troops from Greece.

The Representative of U.K. then asked to make a statement. He stated that: The Greek question was discussed at Yalta and Marshal Stalin had expressed his complete confidence in the British policy in Greece. At Potsdam the U.S.S.R. circulated a memorandum and the attacks on British policy in Greece were really started. On 31 July 1945 Mr. Molotov, after reading a memorandum circulated by Mr. Ewen, agreed to drop the matter. But it was significant that whenever the problem of Greece arose in any negotiations with the U.S.S.R. it had always come

about when the problem of Rumania, Bulgaria or Poland had been discussed. It had always been a counter-attack on Great Britain whenever a matter had been raised affecting some other part of Europe.

The British Government recognized that no country fought more gallantly in this war than Greece did against the Italians and the terrible odds of the Germans. When the British forces first went to Greece it was no mean contribution to enabling the U.S.S.R. Government to mobilize in order to resist Hitler.

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

When the British went into Greece, a Civil war broke out. From information received the war was started primarily by the Communists seeking to obtain a minority government to control the country. The British Government could have put in a minority government, but she had asked Greece to find her own Government, and hoped that, out of her difficulties and experience, Greece would be able to get her proper position. The British Government was anxious that the elections should be fair and not one-sided.

An Allied Country, such as Britain is with Greece, is entitled to have troops in a country, if invited, by that country's government. If the Greek government decided they were not wanted, they would not impose themselves upon them. As soon as they had carried out their obligations that they had undertaken with the Greek government, those troops would be withdrawn and they would not menace or cause any trouble to any other nations.

The Representative of U.K. demanded the Council give an answer as to whether the British Government, acting in response to the request of the Greek government in lending some of its forces to help to get order and economic reconstruction in that Country, endangered peace. The danger to the peace of the world had been 'necessant propaganda from Moscow against the British Commonwealth. That was the danger to the peace of the world which set one against another.

The Representative of Greece was then invited to participate in the Council's discussion of this case in accordance with a resolution adopted by the Security Council on January 25. He stated that the people of Greece had not at any time regarded the presence of British troops in Greece as a condition imposed upon them from outside or as an act imputable to British initiative. They had regarded it as a consequence of a request made by the Greek Government and an agreement concluded in Italy and signed by representatives of all political parties, to which agreement the extreme left was also a signatory.

The Representative of Greece also stated that neither the civil nor the military authority of Great Britain had at any time sought to intervene in any manner whatsoever in the internal affairs of Greece, or to impose any restrictions upon the free democratic government of the country.

The Representative of Greece added that the Greek people regarded the continued presence of British military forces in Greece as indispensable, in as much as it constituted an extremely important factor for the consolidation of public order and security and the full restoration of normal political conditions, insuring equal rights for all.

The Representative of U.S.S.R. in answer to the statement of the Representative of U.K. expressed his surprise that when the Soviet Government proposed to recommend that the Greek Regent take measures to establish a democratic government, the Representative of U.K. regarded this as a "counter attack" by the Soviet Government against Great Britain.

He disputed that the forces of the Resistance Movement had not fought against the Germans. It was quite inaccurate and it was not in accordance with what actually happened.

He also repudiated the statement of the Representative of U.K. that the incessant propaganda from Moscow against the British Commonwealth was a danger to the peace of the world. He said the Representative of U.K. spoke of Moscow propaganda when he heard friendly warnings concerning the situation in Greece.

After quoting various statements by the British politicians and the statement by the former Minister of Foreign Affairs of Greece, the Representative of U.S.S.R. asserted that there were voices of alarm and lawful anxiety about everything which was taking place in Greece and which were fraught with grave and dangerous consequences, and asked the Representative of U.K. to say whether this was propaganda from Moscow.

The Representative of U.S.S.R. declared that the presence of British troops had turned into an instrument of pressure on a political situation inside the country and not seldom utilized by the reactionary elements against the democratic forces of the country. He added that such a state of affairs, interference in the internal affairs of Greece by means of armed forces of a foreign power, created a difficult situation which could not be disregarded. He also pointed out that "X" bands and gangs of other adventurous elements not only incited civil war in Greece but also acted provocatively at the frontier against their neighbors.

The Representative of U.K. began his reply by reiterating his point that when questions were raised relative to Roumania, Bulgaria, and other countries in which Soviet Russia was predominant, the question of Greece was raised.

He said that he supported the EAM in the British Coalition Government, believing they were doing good work in the resistance movement. What did surprise him was that when Germany was defeated they suddenly stopped driving Germans out of their country and resorted to a policy of seizing power.

He reminded the Representative of U.S.S.R. that in 1920 when Soviet Russia and Poland were at war, munitions were being shipped from England to Danzig. He, as one of the trade union leaders in England, held up these munitions and stopped them from being shipped. He was not unfriendly to Russia.

As to the reference made by the Representative of U.S.S.R. to press cuttings and parliament debates, the Representative of U.K. replied that the British Parliament was a free Parliament and that selection of press cuttings did not mean facts or correct information.

With regard to the press, he said, free press was denied in all the satellite countries of Eastern Europe, but there had never been a refusal to the press in Greece.

It was said that incidents might occur on the frontier. He offered and urged that there be a commission to investigate.

He gave the lie to the charge that British troops were protecting the Right in Greece. They had protected all the people when the Greek Government had called upon them to do it or when they had discovered a danger to public order.

The conscience of the British Government was clean and clear. He could not submit to the condemnation of the U.S.S.R. Government either by inference or implication. As Britain, and Britain alone in the whole world, was arraigned before this tribunal and charged, he thought he should receive an answer.

2. Suggestions and Proposals

The Representative of U.S.A. stated that it was a good thing, when serious misunderstandings arose between States, that they should bring their problems before the Council. He thought that the arguments that had been developed had helped the Council to understand better the difficulties in Greece. Greece had suffered as much as, and possibly more than any other country from the war, and certainly it was not the desire of the Council to do anything that would add to her difficulties and sufferings. The Government of the United States was satisfied after thorough consideration that there was no reasonable ground for a belief that the presence of British troops in Greece could be regarded as constituting a situation which was likely to endanger international peace and security. The Government of the United States was therefore convinced that on the basis of the statements that had been made before the Council, the Council would not be justified under Chapter VI in making a finding to that effect. Without such a finding the Council had no authority to recommend appropriate procedures or methods of adjustment. He believed that it would be unwise for the Council to take a formal action in this case, and therefore, suggested that the Governments of U.S.S.R., Great Britain, and Greece be thanked for the statements that had been made in explanation of the position and that no further action be taken.

The Representative of France could not agree that the presence of British troops in Greece was likely to constitute a threat to peace and security within the meaning of the United Nations Charter. He considered that the present discussion would not have been without value if it enabled the Council to assert that unanimous determination, and if it made it possible to dispel doubts and misunderstandings.

The Representative of China supported the views expressed by the Representative of the United States that no recommendation or formal action be taken by the Security Council on this question and added that the discussion of this question in the Security Council had brought forth light and clarification from both sides and had thus contributed to a clearer appreciation of the issues involved on the part of all members of the Security Council.

The Representative of the Netherlands associated himself with the opinion expressed by the Representative of U.S.A.

The President of the Council suggested that:

"Since there is no motion before the Council, I take it that it is the sense of the Council that there is nothing inherent in this Greek situation at the present time which seems likely to lead to international friction or give rise to a dispute, or to endanger the maintenance of international peace and security, and that the matter is therefore closed."

The Representative of Poland made the following proposal:

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

The Representative of Egypt proposed that:

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

The Representative of U.S.S.R. said that in the spirit of friendly co-operation he was ready to agree that no formal decision be taken but proposed that the debate be closed by a declaration of the President saying:

"In view of the declaration made by the Government of the United Kingdom that British troops would be withdrawn as soon as possible, the Council is of the opinion that the question in its present state is exhausted."

This resolution was later withdrawn in favor of the Polish proposal. The President put the Polish proposal to vote and it was lost.

The Representative of the Netherlands asked whether the parties to the dispute voted in this matter. The President stated that the Council had not declared the matter to be a dispute, and at such time as the Council declared any situation to be a question of dispute, in that way it brought into operation Article 27 of the Charter. He asked the Representative of the Netherlands if he felt that it was desirable to take a vote on the question as to whether this should be regarded as a dispute, thus bringing into operation Article 27. The Representative of the Netherlands stated that in view of the ruling from the chair, he did not press for a vote.

The Representative of U.S.S.R. declared himself against Egyptian resolution because he was not of the opinion that the presence of British troops did not constitute a threat to international peace and security. Regarding the second part of the Egyptian resolution where it said "as soon as the reasons for their presence have disappeared" it went without saying that when the reasons for something had disappeared, the thing in itself should disappear too. He thought that it was necessary to make this declaration clear because the resolution should be voted in conformity with Article 27, paragraph 3 of the Charter, which required the unanimity of the permanent members of the Security Council.

The President thought it was desirable that the Council should indicate as to whether it should be regarded as a procedural matter or otherwise.

The Representative of U.S.S.R. held that this was not a question of procedure because no matter of procedure could call for an action. He added that according to the rules set forth at the San Francisco Conference, a decision as to whether this was a question of procedure or not could be reached only through unanimity among the

permanent members of the Security Council.

The Representative of China believed that the content of the draft before the Council clearly indicated that it was a matter of substance. He thought therefore that in this case perhaps a vote would not be necessary unless there was a divergence of views.

The Representative of Egypt also believed that the Council was dealing with a question of substance, consequently the Egyptian resolution was not put to a vote.

At the tenth meeting of the Security Council on 6 February 1946, the President submitted the following statement:

"The Security Council has heard statements by the Governments of the Soviet Union, the United Kingdom and Greece, which have greatly clarified the position. I would have liked to have seen the matter disposed of by a resolution, but the matter not having been declared a dispute, it will be sufficient for me to make a short summary of the position in the Council as revealed by what has been said at this table. The majority of the members of the Council have expressed their views and in the President's opinion it is the sense of the Council that the presence of British troops in Greece does not endanger the maintenance of international peace and security. It seems to me that the Council may now regard the matter as closed. The only course now open is to proceed to the next business."

The Representative of U.S.S.R. found the wording of the President's statement unacceptable, but he was prepared to agree on the following:

- (i) The Security Council should not issue any statement in respect of the question of Greece.
- (ii) The Security Council should confine itself to a statement by the President.
- (iii) That in this statement it should be said that the Security Council took note of the declarations made by the different Representatives and would regard the question as closed.

The Representative of U.S.A. endorsed the suggestion of the Representative of the U.S.S.R., calling attention to the fact that those Members of the Council who had spoken on this question had all indicated that they agreed with the position of the U.S.A. as set

forth in his remarks several days ago.

The Representative of U.K., alluding to the fact that the statement by the Representative of the U.S.S.R. had originally been drafted by the Representative of the United States, was also content that it be incorporated in the President's statement without a formal resolution.

The Representative of U.S.S.R. stated that, guided by a spirit of co-operation and the desire to ensure unity of action in the Security Council, he was prepared to agree to the text of the President's statement. He expressed the hope that the relations between U.S.S.R. and Great Britain would develop in the direction of the strengthening and growth of friendship and co-operation in the interest of both countries and of all the nations united in the new young United Nations Organization. He accepted the text of the President's statement presented to the Council and expressed his happiness at seeing concord established once again between two great powers.

3. Statement of the President

The President then summed up the views of the members in the following statement:

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

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

C. The Indonesian Question

1. Consideration of the Ukrainian communication dated 21 January 1946.
 - (a) The Communication

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

The communication was considered on 7 February 1946, at the twelfth meeting of the Security Council.

Following the procedure adopted in regard to the case concerning Iran and the case concerning Greece, the Representative of the Ukrainian S.S.R. Delegation was invited to the table to take part in the discussion of the Security Council.

(b) Discussion

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

However, reality proved different. After the surrender of Japan, the Japanese Military Authorities were empowered to keep order pending the arrival of the British troops. On 29 September 1945,

British and Indian troops arrived in Batavia. However, the arrival of the British troops did not, unfortunately, bring tranquility to Indonesia. Clashes and skirmishes continued. The British authorities began to employ ever more extensively all kinds of modern armies against the poorly armed Indonesians. Thus, it was quite evident that after the defeat of Japan, and the end of the war, there was a situation in Indonesia which, under the terms of Article 34 of the Charter, threatened the maintenance of international peace and security. It was beyond a doubt that such intervention by British and Indian troops in the internal affairs of Indonesia was in direct contradiction to Article 1, (2) of the Charter. This intervention was also in contradiction to Article 73 of the Charter.

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

In view of the above reasons, the Representative of the Ukrainian S.S.R. considered it necessary to draw the attention of the Security Council to the complete inadmissibility of such an abnormal situation in Indonesia and asked the Council to take the necessary measures to put an end to the existing situation. The most appropriate settlement would be the creation by the Council of a special commission for the investigation of the situation on the spot and the establishment of peace.

In his statement before the Council, the Representative of U.K. stated that since the Representative of the Ukrainian S.S.R. had said he did not ask for the withdrawal of British troops from

Indonesia, he supposed their presence there was not a danger to peace and security.

Reference to newspaper cuttings and questions in the Parliament revealed the freedom given to the press in that country. What the press said was not always true and journalists communicated news from their own point of view. Members of Parliament asked questions every day, but in order to get facts the answers should be read too. It was the facts that had to be dealt with. In view of Ukrainian Delegate's statement, the Representative of U.K. did not see that the British were called on to withdraw their troops and the question was, therefore, whether there should be a Commission.

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

After Indonesia was invaded, the Japanese, in addition to having their own troops there, developed a fascist force, armed and trained many thousands, and equipped them with rifles and light tanks.

At the time of the Japanese surrender the British had been planning to launch a large attack on the Japanese in Malaya and other places and British shipping was allocated for this move. After the surrender of Japan, Britain was given the task by the Allied Supreme Command to round up Japanese troops in Indonesia and to rescue more than 200,000 internees who had been taken in confinement by the Japanese.

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

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

The Representative of the U.K. said that if the United Nations wished to help, he suggested it was not by sending a commission there, but by trying to bring about a settlement. However, Britain was only carrying out the orders of the Allied Supreme Command, and the question of sending commissions should be dealt with by the Sovereign power -- the Dutch.

The Representative of the Netherlands stated that as the events, of which complaint had been made, took place in part of the territory of the Kingdom of the Netherlands he would like to make a few remarks.

In the first place, when the Netherlands entered the war, she placed at the disposal of the Allies her whole merchant navy of three million tons. The result was that when she wanted to send her personnel back to the Dutch East Indies she had no shipping of her own available. After the collapse of Japan it was too late for the Netherlands to start raising, equipping and sending overseas a Dutch force. Great Britain, guided by General MacArthur's judgement, understood that it was for them to step in, and with the full consent of the Netherlands.

The task of the British troops was to accept the surrender of the Japanese and disarm them. In addition, part of their task was to rescue prisoners of war and some 200,000 Europeans.

He denied that he identified the Nationalist Movement in Java with the atrocities. He accepted nationalism as a healthy development.

Regarding the behavior of the British troops, he wanted to bear testimony to the extreme restraint and forbearance of the British troops in Java and such other areas in the Netherlands

Indies, where they had been sent. It was not the aim of the British troops to wage military actions against the local population, but the horrible deeds which had occurred in Indonesia justified the continued presence of the Allied troops.

Looking at this matter from the point of view of the Charter, he observed that first, there was no "dispute"; second, there was no "situation" threatening to endanger international peace and security; third, there was no international friction which might lead to infringement of the peace; fourth, he denied there was an infringement of Article 1, because apart from Article 1, Paragraphs 2 and 3, there was also Chapter 11 in the Charter. Fifth, there was, therefore no case for the Security Council to deal with.

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

The Representative of the Ukrainian S.S.R., in reply, pointed out that three points seemed to be uncontested. Firstly, that British troops had been used in Java for some months past against the Indonesian population. Secondly, that in the course of these military operations, Japanese troops were used against the Indonesian population. Thirdly, that none of the facts which he advanced were contested either by the Representative of U.K. or by the Representative of the Netherlands.

The Representative of the Ukrainian S.S.R. then drew the attention of the Council to some points of difference between the position of the Ukrainian Government and those of the United Kingdom and the Netherlands Delegation on this matter. In the first place,

the Ukrainian Delegation believed that the main task entrusted to Great Britain by the Allied Command -- to receive the surrender of the Japanese troops and to disarm them, was not carried out.

The second point of difference was that the British had explained that the military action by the British was undertaken in self-defence. The Representative of the Ukrainian S.S.R. disputed this point by saying that the British troops had modern armies with modern equipment of every kind, while on the other side, the Indonesians had small ill-armed detachments.

A third point of difference concerned the interpretation and appreciation of the National Movement in Indonesia. The Representative of the Ukrainian S.S.R. believed the Indonesian National Movement should not be regarded as fascist but as a democratic movement.

The fourth point of difference concerned the commission to be sent out to study the problem on the spot. He felt that the Security Council should secure its own information in order to arrive at the proper conclusion on the subject.

In conclusion, the Representative of the Ukrainian S.S.R. formulated his proposals under four heads:

1. That the use of British troops against the Indonesian population was not just and not right.
2. That it was inadmissible that Japanese troops were used against the Indonesian population.
3. That the Indonesian population should be granted privileges and rights established in the Charter.
4. That a Commission be sent on behalf of the Security Council to Indonesia to deal with the abnormal situation existing there.

The Representative of the U.K. stated that there was a great point of principle raised on which they must come to a conclusion. In all the statements heard, the sovereignty of the Netherlands was not

questioned. After pointing out the provision of Paragraph 7 of Article 2 of the Charter, he declared that, when internal trouble arose, he could not agree that a commission should be sent to investigate and deal with the problems arising within a sovereign power. The responsible Representative of the Netherlands was ready and waiting to negotiate with the Representatives of the Indonesians. The British government had sent a Representative to Indonesia not to conduct the negotiations, but to assist, because it was the Netherlands that had to conduct the negotiations. As soon as the agreement was signed, the internees released and the police were carrying out their functions again, the British troops would be glad to get out. The Representative of U.K. denied that he and the Representative of the Netherlands charged the Indonesian Nationalist movement with being fascist. He thought the real Nationalist Movement was as desirous of settling the business as they were. It was the duty of the members of the Council to encourage them to negotiate, to strengthen them and to do what they could in order to get the situation cleared up.

The Representative of the Netherlands reminded the Council of the fact that according to the Charter the internal matters of any given State were not for the United Nations to deal with. He said there were about 80,000 Indonesian forces who operated in military formations. They were well-equipped. There was no question of any struggle against the Indonesians. There was only the need of subduing armed bands who tried to prevent the British troops from disarming the Japanese and accepting their surrender. The Representative of the Netherlands also asserted that the additional task of the British troops in Indonesia was to liberate 200,000 prisoners of war and civilian internees. He thought the Representative of the Ukrainian S.S.R. had no complete command of facts which would justify a matter being brought before the Council.

The Representative of the U.S.S.R. supported the statement of the Ukrainian delegation and explained the point of view of the Soviet delegation on this question. He said that the use of British troops in Indonesia against the National Liberation Movement of the Indonesian people was altogether intolerable. It was contrary to the principles of National self-determination as expressed in the Charter of the United Nations. A number of facts submitted by the Representative of the Ukrainian delegation confirmed the situation he described. These facts had been published in the press and had been the subject of debates in the Legislative Assemblies of various countries. These facts were known to the whole world.

The Representative of the U.S.S.R. declared that there was a means of obtaining first-hand information in Indonesia which consisted of sending a commission to investigate what was being done there, to obtain palpable evidence of what was going on, to see with their own eyes what was taking place and to hear with their own ears what was actually being done there. The proposal put forward by the Ukrainian delegation in this respect was an objective and just one which could not be rejected without excluding beforehand objective methods of verifying happenings in Indonesia.

As to Indonesia itself, the Representative of the U.S.S.R. considered that the facts as cited by the Ukrainian delegation remained unshaken and unrefuted. Surely it was a fact that military operations were taking place in Indonesia. This kind of situation was fraught with dangerous consequences which threatened peace and security. It was impossible to agree with the statement that the dispatch to Indonesia of armed forces was not directed against the Indonesian people, against the National Liberation Movement, but against some so-called "extremists" and

again "terrorists", and that all this was being done with the aim of securing order. The Representative of the U.S.S.R. considered it necessary to point this out loudly and clearly and to say that the events which were taking place in Indonesia contained a threat to peace and to security and that it was the duty of an international organization to prevent this danger and put an end to the tragedy. He insisted that a commission be sent which would objectively study the situation and outline the measures which it was imperative to take.

2. Discussion on the Appointment of a Commission of Inquiry

(a) Right of proposition

At the sixteenth meeting on 11 February 1946, the Representative of the Ukrainian S.S.R. appealed to the members of the Council to accept his following proposal:

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

"After hearing the statements made by the Foreign Minister of Great Britain, Mr. Bevin and of the Netherlands, Mr. Van Kleffens;

"After exchanging views on the question raised, the Security Council decides:

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

The President questioned whether the Representative of the Ukrainian S.S.R. had the right of proposition in the Security Council. He stated that Articles 31 and 32 of the Charter gave to the States, not members of the Security Council, the right to participate without a vote in the discussion of the Council. Under Article 31 the right was given whenever the Security Council considered that the interests of a non-member of the Security Council were especially affected by a question which was before the Council. Under Article 32, any party to a dispute before the

Council was entitled to participate without vote in the discussions relating to the dispute. He took it to be the opinion of the Council that Article 32 had no application to the present matter. In inviting the Representative of the Ukraine to take a seat at the Council table, the Council had not formally considered whether or not the interests of the Ukraine were especially affected by the matter under consideration. As yet, there were no rules of procedure on this point. The matter was one for the Council to decide ad hoc. If however, the Council thought that Article 31 should be applied to this matter, then the position of the Ukrainian Delegate must be determined on the basis of the wording of Article 31 itself. Nevertheless, the right of proposition was not especially referred to, either to include it or exclude it. He, therefore, invited Members of the Council to state their views on the matter.

The Representative of China observed that Article 31 must be read in connection with Article 35. It was under that Article that the question was presented before the Council. Since the Representative of the Ukrainian S.S.R. was entitled to full participation in the discussion, it would follow that he should be accorded freedom to make suggestions or proposals to the Council with the understanding that it was for the Council itself to decide whether those proposals should be approved or not approved.

The Representative of Egypt also thought that the Representative of the Ukrainian S.S.R. had a right to participate fully in the activities of the Council up to the moment when the vote was taken, but he maintained that the present case was not covered by Article 31 but by Article 35 of the Charter.

The Representative of France believed that the Representative of the Ukrainian S.S.R. should be given the right of proposition and stated that the present case was clearly based on Article 35, paragraph (1) of the Charter.

The Representative of the Netherlands felt that in the absence of any express rules to the contrary, the Council should be liberal in this matter. He moved that the delegate of the Ukraine should be given an opportunity to make a proposal.

The Representative of U.S.S.R. thought that neither article 31, nor Article 35, nor yet article 32 provided a solution. Article 35 did not say how the Security Council was to provide a solution to the matter brought to its notice. As to Article 31, the right to participate in the discussion was allowed, but the limits of discussion were not determined. It was also made clear that only when the interests of the member were specially affected did it apply. He thought that the interests of the Ukraine were not especially affected, article 32 referred to "disputes"; the Council was faced with a "situation" which required study and treatment. So none of these three articles applied.

He thought the members of the Council must not limit themselves to the text of the Charter but apply logic and common sense. It was inconceivable that they could give the Representative of the Ukrainian S.S.R. the right to participate in the discussion and draw their attention to a situation but withhold from him the right to propose a solution for the situation.

The Representative of U.S.A. did not feel that any formal resolution should be brought to the Council other than by a member of the Council. Later on, however, he stated that he withdrew his objection without prejudice to his future position.

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

(b) Discussion of the Ukrainian Proposal

The Representative of U.S.S.R. stated that as a result of the statements made and of the information heard, it might be said that the fact of the use of Japanese armed forces

against the Indonesian People had been established. The Soviet Delegation considered it necessary that an authoritative international commission be sent to Indonesia. Such a commission could ascertain the situation impartially and objectively and bring relief to the perturbed public opinion. This would tend to foster mutual understanding and serve to strengthen the unity of the organization and the principles of the United Nations. He added that such a commission should be composed of the Representatives of the U.K., U.S.A., U.S.S.R., China and the Netherlands.

The Representative of Mexico felt that the Security Council had insufficient information with regard to the Indonesian question. In order to give a correct decision the Security Council had to secure the necessary facts. He believed that such a commission would contribute towards a satisfactory solution of the problem.

The Representative of Poland believed that a commission of inquiry should be sent. The purpose of this commission would not be to call into question the presence of British troops. The question to which importance was attributed was a political one.

The Representative of the U.K. declared that he would refuse to be a party to the commission, and the Representative of the Netherlands reiterated his position that he would not stand in the way of having a commission in regard to the question only of the conduct of British troops in Indonesia, but refused to accept a commission which would busy itself with matters within domestic jurisdiction.

The Representative of the U.S.A. thought that under the present circumstances no constructive purpose would be served by an investigation. He added that as a general rule any fact-finding or investigating commission ordered by the Council should be composed of impartial persons chosen for their competence who would represent not individual countries but represent the Security Council.

The Representative of France thought that the sending of a commission of inquiry would lead to a suspension of the negotiations between the Netherlands Government and the Indonesian leaders.

The Representative of Australia declared that his government had no objection in principle to the appointment of a commission of inquiry, but in the present case he did not think that the action suggested by the Representative of the Ukrainian S.S.R. would be justified.

The Representative of Brazil was also of the opinion that, as suggested by the Representative of U.S.A., such a commission should be composed of individuals and not state members.

The Representative of Egypt considered that a commission of inquiry would serve no useful purpose, but, in referring to the political aspect of the question, he thought the Council should be informed of the course of negotiations between the leaders of the Indonesian Popular Movement and the Government of the Netherlands.

The Representative of China saw no objection in principle to the appointment of a commission of inquiry, but he would not insist on such an inquiry in the present case.

3. Decision of the Council

At the Seventeenth meeting on 12 February 1946, the Representative of the Ukrainian S.S.R. stated that he had received instruction from his delegation to insist that the Security Council take a definite decision on the question one way or the other, positive or negative. In the debate there were two points of view clearly distinguished; -- the Council must come to a decision on the question and must decide between these two points of view as to which represented the truth and which did not. If the Council decided that the point of view of the Ukrainian delegation was incorrect, the Ukrainian delegation should accept the decision of the Council.

The Representative of the Ukrainian S.S.R. challenged the argument that the sending of a commission would hamper the negotiations in progress. The proposed commission would be sent to study the situation, and he appealed to the members of the Council to take a clear decision in this sense.

The Ukrainian proposal was put to vote at the eighteenth meeting on 13 February 1945 and was lost.

Before the Ukrainian Proposal was put to vote, the Representative of Egypt proposed an amendment to the proposal of the Representative of the Ukrainian S.S.R. However, the President regarded the Egyptian proposal not as an amendment of the proposal submitted by the Representative of the Ukraine but as an independent proposal, since the two proposals seemed to be strictly independent in character. The Egyptian proposal read as follows:

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

"The Security Council

"Regarding the presence of British troops in Indonesia; Declared that it is clearly understood that British troops shall not be used in any circumstances against the National Indonesian movement, and that they will be withdrawn from Indonesia as soon as the strictly limited purpose which have brought about their presence, that is:

"1. the surrender of Japanese troops,

"2. the liberation of Allied prisoners of war and Allied Nationals who are still interned have been accomplished.

"Regarding the situation created by the Indonesian National movement;

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

"The Council expresses its will to be informed in a very short time of the results of these negotiations.

"The Council also reserves its right to take such further action as it thinks proper."

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

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

The Amendment of the Representative of the U.S.S.R. obtained three votes and was not carried.

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

The President then declared that the matter was closed.

D The Syrian and Lebanese Question

1. The Communication dated 4 February 1946

By letter dated 4 February 1946 addressed to the Secretary-General (S/5), the Heads of the Lebanese and Syrian Delegations to the United Nations, in accordance with Article 34 of the Charter, brought to the attention of the Security Council the presence of French and British troops in Syria and the Lebanon. The letter stated that the Governments of Syria and the Lebanon had expected that these foreign troops would be withdrawn immediately on the cessation of hostilities with Germany and Japan, but that a Franco-British Agreement of 13 December 1945 made the withdrawal of troops subject to conditions which were inconsistent with the spirit and letter of the Charter.

The communication was considered at the nineteenth, twentieth, twenty-first, twenty-second and twenty-third meetings, held on 14, 15 and 16 February 1946.

2. Discussion of Procedural Questions

(a) Application of Articles 31 and 32: Right of proposition of Representatives of States invited to participate in discussions under Articles 31 and 32

At the nineteenth meeting the President suggested that it was unnecessary at that time to decide whether Article 32 applied. Whether or not a dispute in the technical sense existed, Syria and the Lebanon were manifestly states whose interests were specially affected by the discussion of the question before the Security Council. Therefore, he proposed that the Council should invite Syria and the Lebanon to participate, without vote, under Article 31. He further proposed that the Representatives of Syria and the Lebanon should have the right of proposition, without prejudice to the further action by the Council.

The President's proposal was adopted without objection.

(b) Procedural motions

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

(c) Discussion of the method of voting on the issue whether the Syrian and Lebanese question constituted a dispute or a situation

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

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

(d) Discussion of the question whether the Syrian and Lebanese matter constituted a dispute or a situation

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

The Representative of U.S.S.R. considered that the question, whether a dispute or a situation existed, involved a study of the substance of the case, and thus necessitated consideration of the declarations prepared by the delegations concerned. It appeared from the letter from the Heads of the Lebanese and Syrian delegations, dated 4 February 1946, that they asked for the withdrawal of French and British troops. He agreed that, regardless of the terminology used by any party, it was for the Council, in every case, to determine the question. He considered that a dispute existed whenever one party made claims or accusations which were denied by the other party. If, in the course of discussion, the material submitted to the Council indicated a change of opinion on this issue, the Council would be free to reconsider its decision. For instance, if it were found that the parties were in agreement, then clearly the dispute would have ended.

The Representative of France considered that the present case did not involve a dispute. The Representatives of Syria and the Lebanon had stated that they refused to negotiate. However, Article 33 provided that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry," If the parties refused to negotiate, that fact indicated that they did not consider that a dispute existed. Further, the communication had stated that "The presence of those troops ... may give rise to serious disputes." This statement implied that a dispute did not yet exist.

In reply, the Representative of Syria stated that he had preferred that the matter should be solved directly without negotiations, because he had not felt that evacuation should lead to any difficulty. However, as he had already indicated, he was ready to abide by the decision of the Council. As to the second argument of the Representative of France, he argued that a dispute could exist in different forms, and whereas a dispute already existed, his communication had indicated that it might become more serious.

The President considered that he had no right to make a ruling on this subject, but that the Council itself must take a decision.

In reply to the Representative of France, the Representative of U.S.S.R. pointed out that negotiation was only one of the means of solution prescribed in Article 33. As to the statements made in the communication, he submitted that the decision would have to be taken by the Council itself.

The Representative of U.K. stated that he would refrain from voting, but that his action was not to be used as a precedent.

The Representative of France also stated that since his country was involved, he would not vote during consideration of the present question.

After these declarations by the Representatives of France and U.K., the Council proceeded without taking any formal decision on the above procedural issues.

3. Discussion of substantive questions

The Representatives of Syria and the Lebanon were invited to participate, without vote, in the discussion of the question which they had brought before the Security Council. They argued that the presence of foreign troops on the territory of a sovereign state against its will constituted a dispute and threatened the

maintenance of international peace and security; that the Franco-British Agreement of 13 December 1945 was a violation of the sovereignty of States members of the United Nations, contrary to the terms of Article 2 of the Charter; that the presence of the troops could not be justified on any pretense of conducting military operations or of protecting communications lines, or on the grounds that their territory was a mapaced area; and that international security is clearly organized by the Charter and is not a function of any one Great Power. The Representatives stated that Syria and the Lebanon had made constant unsuccessful representations to the governments concerned, asking for the withdrawal of troops, and felt that the dispute had reached the stage where it should be brought before the Council.

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

and Lebanese Governments the methods by which the French troops should be evacuated.

In replying to the statements of the Syrian and Lebanese Representatives, the Representative of U.K. stated that his Government was in sympathy with the Syrian and Lebanese Governments in their desire to see British troops withdrawn from their two countries. He said that British troops were in the two Levant States as a heritage of the needs of war; that at the invitation of the Syrian authorities, British troops had intervened to restore order in a dispute between French troops and the Syrian population in May 1945; that in view of the possibility of further disorders, the local Governments had asked for an assurance that British troops would not withdraw from the Levant so long as other foreign troops remained; that his delegation associated itself whole-heartedly with the declaration by the Representative of France to the effect that the Agreement of 13 December 1945 implied no intention on their part to maintain effectives in the Levant without limitation of time and in the absence of a discussion by the Security Council.

The Representative of U.S.A. suggested that the possibilities of negotiations to find a peaceful solution of this dispute had not yet been exhausted and that the Security Council should reserve the right to request information regarding the progress of the negotiations and the results achieved. He stated that the general policy of the U.S. Government was to support and encourage the rapid withdrawal of foreign troops from the territory of any Member of the United Nations occupied during the war, if the Government of that Member State desired their departure.

The Representative of U.S.S.R. expressed his full support of the demands of the Syrian and Lebanese Governments. He agreed that those Governments could not fail to regard the French memorandum addressed to them on 13 May 1945 as a violation of their

sovereignty. That memorandum had made the handing over to Syria and the Lebanon of the special troops conditional on agreement concerning cultural, economic and strategic questions. He considered it would have been more appropriate to defend cultural interests by cultural means. Healthy economic relations should be developed on the basis of reciprocal interests of the states concerned. Strategic questions should be settled in normal conditions and not by the means proposed by the French memorandum.

He pointed out that the Anglo-French Agreement of 13 December 1945 had stated that the programme of evacuation would be drawn up in such a way as to ensure the maintenance in the Levant of sufficient forces to guarantee security, until such time as the United Nations had decided on the organization of collective security in that zone. In the light of Article 2 (1) and (2) of the Charter and the membership of the Lebanon and Syria in the United Nations, the Anglo-French Agreement of 13 December 1945, which was concluded without the participation of Syria and the Lebanon, was a violation of the sovereignty of Syria and the Lebanon, and contrary to the elementary principles of international law. The Agreement contained no guarantee concerning the withdrawal of foreign troops from Syria and the Lebanon, and implied that the foreign troops would remain even after 13 December 1945. He was unaware that the United Nations had proposed any special decisions regarding collective security in that zone.

It appeared from the statement of the representative of U.K. that the presence of British forces in Syria in May 1945 was connected with disorders arising from a clash between French forces and the Syrian population. Under those circumstances, it was not a question of establishing collective security in the zone, but of removing from it the collective insecurity created by the presence of foreign troops. The explanation by the representatives of France and U.K. indicated that the historical circumstances justifying the presence of British and French troops in Syria and the Lebanon had passed.

In the Council's discussion on the Greek question, it had been recognised that troops should remain in an allied country only on the invitation of the Government concerned, or for the purpose of safeguarding communications. These circumstances did not exist in the present case.

In conclusion, he considered that a dispute existed, which should be settled on the basis of the Charter, Articles 33 (1), 34, 35, 36 (1) and 37 being appropriate. No further negotiations were necessary, and the Council should adopt a decision calling for the general, immediate and simultaneous evacuation of French and British troops from Syria and the Lebanon.

The Representative of China expressed the view that the maintenance of foreign troops in the territory of a friendly sovereign State without the express consent of that State is a *prima facie* case of limitation of its sovereignty incompatible with the Charter of the United Nations and with recognized principles of international law. He thought that there should be negotiations between the parties directly concerned in the case, and that the Security Council should be informed of the progress and the result.

The Representative of Australia was of the opinion that when a sovereign State which is a Member of the United Nations informs the Council that foreign troops are stationed within its borders without the consent of the Government of that country, the Council is bound to give close consideration to the matter; that the negotiations between the two parties should be continued with a view to securing such agreement at the earliest possible date, since this was one of the methods of settlement recognized by Article 33; that the results of the negotiations should be reported to the Council, and, if they were not satisfactorily concluded within a reasonable time, the Council should consider what further action it might wish to take.

The Representative of Egypt emphasized that the United Nations had been founded upon the principle of equality of all its Members, and if this principle were carried to its logical conclusion it must be agreed that every sovereign State is responsible for the maintenance of security and order within its own territory and that no other State is entitled to intervene by military or any other means. He stated that the French case had no legal basis, either in the Charter or in international law and that the proper solution would be the evacuation of these foreign troops at the earliest possible date.

The Representative of Poland expressed his hope that the Council would be able to take a clear decision in this case. He stated that Poland supported the attitudes of the delegations of Syria and the Lebanon.

The Representative of Brazil said that his Government believed that foreign troops should not be kept in the territory of a Member State except by virtue of an agreement with the Government concerned. He expressed the hope that the negotiations would quickly bring a satisfactory solution.

The Representative of the Netherlands considered that the presence of troops of one country in the territory of another against the latter's wishes involved a limitation of sovereignty difficult to reconcile with the terms of the Charter. He did not see, however, that the Council should fail to have confidence in the French promise to withdraw.

The Representative of Mexico was of the opinion that the claim presented by the Representatives of Syria and the Lebanon was justified under the Charter. He felt that there were no longer any reasons for the presence of French and British troops in these countries.

4. Resolutions presented to the Council

(a) By the Representative of the Netherlands

"I therefore believe that the Council should take note of the statements made by the four parties; express our confidence that as a result of negotiations or otherwise the foreign troops in Syria and the Lebanon will be withdrawn at a distant date; request the parties to inform the Council when this has been done, in order that the Council may at any time revert to it, and pass on to the next item of the agenda."

The Representative of the Lebanon stated that the first principle on which all representatives had agreed was that the evacuation of French and British troops from Syria and the Lebanon should not be made conditional upon any other factors. He opposed the above resolution, since it did not make sufficiently clear by what means the evacuation should be carried out. Questions of confidence did not arise and the only problem was to make a clear decision. The Representative of Syria recalled that the Representative of France had referred to difficulties to be removed and to formalities. He did not understand the nature of those difficulties and formalities. Since the principle of evacuation was generally admitted, he could not see that negotiations could concern that principle. The Syrian Government regarded negotiations as unnecessary, and as a possible occasion of further complications. He considered that it would be sufficient for the Security Council to recommend that the evacuation be made within a limited time, and that the matter remain on the Council's agenda until the evacuation was effected.

The Representative of U.S.S.R. criticised the phrase "as a result of negotiations" in the above resolution, since he considered that the withdrawal of troops should not be linked to the result of negotiations. He stated that he could not understand the phrase "or otherwise".

The above resolution submitted by the Representative of the Netherlands was modified by a subsequent resolution submitted

by the Representative of U.S.S.R. and was later withdrawn by the Representative of the Netherlands

(b) By the Representative of America

"I am of the opinion that the Security Council should decide:

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

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

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

This resolution was subsequently amended by the author by deleting the word "exclusively". Four Representatives voted in favour of the resolution and it was declared lost.

(c) By the Representative of Egypt

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

"The Security Council, considering that the presence of British and French troops on Lebanese and Syrian territory is incompatible with the principle of the sovereign equality of all Members laid down in the Charter;

"Believing that this principle, the intangibility of which is fully recognized by all the parties concerned, should receive its full application by the immediate and simultaneous withdrawal by all British and French troops still in the territories referred to;

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

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

The Representatives of the Lebanon and U.S.S.R. supported this resolution. The Representatives of the U.S.S.R. considered that, in order to achieve a just solution of the problem

discussed, it was necessary to know what sort of negotiations were to be considered. He favoured the above resolution since it contained a clear statement of the character of the negotiations.

Four Representatives voted in favour of the above resolution, and it was declared lost.

(i) By the Representative of U.S.A.

"The Security Council takes note of the statements made by the four parties and by the other members of the Council;

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

"And requests the parties to inform it of the results of the negotiations."

The Representatives of France, U.K. and China expressed support of this resolution. The Representative of U.S.S.R. criticised the resolutions submitted by the Representatives of the Netherlands and U.S.A., since they did not state what was envisaged by the negotiations. He considered that so long as the subject of negotiations was unknown, no assurance could be expressed in their success. He said that the phrase "to that end" was not clear. If "the end" meant the ways and means by which the troops were to be withdrawn and not the withdrawal itself, then the resolution should clearly say so. As to the statement in the resolution "expresses its confidence that the foreign troops in Syria and Lebanon will be withdrawn," he could not feel that confidence. He knew that the Syria and Lebanon Governments were not willing to negotiate, and for his part he thought that their position was justified. The Representative of Egypt agreed with this opinion, and thought that an attempt should be made to arrive at a more precise text.

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

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

"And requests the parties to inform it of the results of the negotiations as well as the final date of withdrawal."

However, the Representative of U.K. stated that he could not agree to this amendment, since it would prevent negotiations from taking place on other matters. The Representatives of France and U.K. accepted the addition by the Representative of U.S.A. of the words "independently of other issues" after "negotiations," but the Representative of U.S.S.R. did not feel that this changed the substance of the resolution at all and considered that it should be clear that further negotiations should relate only to technical measures which were needed in order to effect withdrawal. The Representatives of Syria and the Lebanon wished it clearly understood that the negotiations should relate only to the withdrawal of troops. The Representative of the Netherlands supported the U.S.A. resolution and suggested the further words "which may be discussed" be added to the amendment of the Representative of U.S.A. The Representative of Poland preferred the text of the Lebanese amendment to this resolution, which he felt did not subordinate negotiations on evacuation to negotiations on other questions.

The Representative of U.S.S.R. proposed the following amendments to the resolution of the Representative of U.S.A.:

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

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

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

These amendments were declared lost after having received the following votes:

1st amendment - three
2nd amendment - two
3rd amendment - 0.

5. Decision

Seven Representatives voted in favour of the resolution of the Representative of U.S.A., but it was not carried since the Representative of U.S.S.R., a permanent member, stated that he voted against it. In accordance with their previous statements, the Representatives of France and U.K. abstained from voting.

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

6. Further Communications to the Council on the Syrian and Lebanese question

(a) By the Representative of France

By letter dated 30 April 1946 addressed to the President of the Council (S/52), the Representative of France reported that as regards Syria, the French and British Governments had jointly made the arrangements necessary to the full evacuation of Syrian territory by 31 April 1946. After negotiations between British and French experts and between the French and Lebanese Ministers for Foreign Affairs, and in view of the promise by the Lebanese Government to give certain assistance in matters of transport, etc., the French Government had stated that the withdrawal of French troops as a whole could be completed by 31 August 1946. A small group remaining for the control and transport of materials would be evacuated not later than 31 December 1946. The French Government stressed its desire to ensure the withdrawal of the bulk of fighting forces before 30 June 1946. In conclusion, the letter referred to the exchange of letters between the French and Lebanese Ministers for Foreign Affairs on 23 March 1946, noting the happy outcome of the negotiations recommended in the above proposal of the Representative of U.S.A.

(b) By the Representative of U.K.

By letter dated 1 May 1946 addressed to the President of the Council (S/51), the Representative of U.K. reported that, pursuant to the above proposal of the Representative of U.S.A., the following agreements had been reached between the British and French Governments:

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

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

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

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

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

(c) By the Syrian Prime Minister and Minister for Foreign Affairs

By telegram dated 19 May 1946 addressed to the President of the Council (S/64), the Syrian Prime Minister and Minister for Foreign Affairs stated that the evacuation of foreign troops from Syrian territory had been completed during the first two weeks of April 1946.

(d) By the Lebanese Minister for Foreign Affairs

By letter dated 9 May 1946 addressed to the Secretary-General (S/9C), the Lebanese Minister for Foreign Affairs stated that his negotiations with the French Foreign Minister concerning the evacuation of French troops from the Lebanon had

resulted in an agreement established by an exchange of letters dated 23 March 1946. He enclosed copies of these letters, which contained the full text of the agreement summarized in the above letter from the Representative of France to the President of the Security Council dated 20 April 1946. In conclusion, the Lebanese Minister for Foreign Affairs stated his Government's satisfaction with the outcome of the negotiations.

E The Spanish Question

1. Polish Communication dated 8 and 9 April 1946

(a) The Communication

By letters dated 8 April and 9 April 1946 addressed to the Secretary-General, the Representative of Poland, under Articles 34 and 35 of the Charter, requested the Council to place on its agenda the situation arising from the existence and activities of the Franco regime in Spain, for consideration and for adoption of such measures as are provided for in the Charter (S/32 and S/34).

(b) Discussion

The Polish Representative pointed out that it is officially recognized that the Franco regime was brought into power not by the will of the Spanish people, but by the armed forces of the Axis powers. This view was expressed by all the United Nations in San Francisco and in London. The Fascist regime in Spain did everything in its power to contribute to a victory of the Axis. Spanish plants and factories provided Nazi Germany with the tools of warfare against the United Nations. Spanish ports and air bases served the German forces. The centers of Nazi propaganda operated from Spain. Throughout the war, the Fascist regime in Spain took an unofficial but active part in the Axis war against the United Nations.

But even after the war Franco's regime in Spain continues to maintain and to serve the purpose of the Axis, as a center of Fascist infection and of war which once more may spread all over the world. Spain continues to be an armed camp; manufacture of arms flourishes; the border with France has been heavily fortified and military forces have been massed along it. In consequence, the French Government was compelled to close the frontier between Spain and France.

The Polish Representative considers this situation as "likely to endanger the maintenance of international peace and security."

The Franco regime continues, after the war, to act as a center of propaganda and dissemination of dangerous fascist activities. Important economic control continues to be exercised by Nazi capital and personnel; German scientists and engineers continue their research in devising new means of warfare; and tens of thousands of Nazi refugees - among them many prominent war criminals and political leaders - carry on their dangerous activities from Spanish territory. The official publications of the State Department and the Treasury Department contain the documents confirming these facts.

The Franco regime cannot be regarded as an internal affair of Spain, but is of concern to all the United Nations for the following reasons:

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

In conclusion, the Polish Representative stated that the situation, due to the existence and activities of the Fascist Franco regime in Spain, is of the nature referred to in Article 34 of the Charter. Therefore, it is the duty of the organization to take the appropriate steps necessary to compel compliance with the principles and purposes of the United Nations according to paragraph 6 of Article 2 of the Charter.

The Representative of Poland then moved the following resolution:

"The Security Council declares that the existence and activities of the Franco regime in Spain have led to international friction and endangered international peace and security.

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

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

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

He was at pains to show how paradoxical it would be for the United Nations, at the end of a long struggle against the Nazi and Fascist regimes, to tolerate the maintenance in Spain of a government brought into power by those regimes and openly opposed to the principles laid down in the Charter. In reply to the objection that the Spanish problem was a domestic one, he recalled that the United Nations themselves at San Francisco and London, and the Three Powers Meeting at Potsdam, had already disposed of this argument, by stigmatizing the Spanish regime as incompatible with the new international order.

After paying a tribute to the oppressed Spanish people, he expressed the hope that the Security Council would not confine itself to a mere moral condemnation and would adopt practical and concrete

measures such as the collective rupture of diplomatic relations as proposed by the Polish Representative.

The Representative of Mexico declared that the position of his Government in regard to the Franco regime was well known. Mexico neither maintained nor had ever maintained any relations whatsoever with that regime which Mexico had always regarded as the creature of an armed intervention by foreign powers. There was in Spain a situation the continuance of which endangered international peace and security. In view of the fact that the situation had been submitted for the consideration of the Security Council, it was the belief of his Government that the Council must concern itself with it and that its decision should be grounded entirely on the merits of the case. Otherwise, the power of the Franco regime would be increased and its domestic and its international positions would be consolidated. In view of the foregoing statement, he was prepared to vote in favour of the motion presented by the Representative of Poland.

The Representative of U.S.S.R. stated that the question brought before the Security Council by the Representative of Poland merited very serious consideration. He differed with the arguments advanced that the Polish declaration was an intervention in the internal affairs of Spain and that such intervention was forbidden by Article 2, paragraph 7 of the Charter. It was clear from the Charter that the intervention of the Organization in the internal affairs of state must not take place in normal conditions, that was, when the internal situation of any country did not constitute a threat to international peace and security. The Charter permitted and provided for the necessity of applying certain measures in respect of states whose internal conditions constituted a threat to international peace and security. The Representative of U.S.S.R. deplored the policy of non-intervention practiced by the League of Nations which virtually encouraged German Fascism in its aggressive designs and led to the unleashing by Fascist Germany of war against the peace-loving countries.

destructive power. The Security Council cannot remain indifferent to this accusation. On the contrary it is its duty, under paragraph 1, Article I of the Charter, to clarify the matter.

The Representative of Australia said the Australian viewpoint had been consistent right through. They demanded investigation, evidence and proven facts before reaching decisions. In view of the divergence of opinion on the Council relative to the Spanish question, the Representative of Australia proposed an amendment to the Polish resolution which reads:

"The attention of the Security Council having been drawn to the situation in Spain by a Member of the United Nations acting in accordance with Article 35 of the Charter, and the Security Council having been asked to declare that this situation has led to international friction and endangers international peace and security, the Security Council hereby resolves in accordance with Article 34 of the Charter, to make further inquiries in order to determine whether such a situation does exist. To this end the Security Council appoints a committee of five of its Members and instructs this committee to examine the statements made before the Security Council concerning Spain, to call for further written statements and documentary evidence from Members of the United Nations and from the Franco regime, and to make such other inquiries as it may deem fit in order that the Committee may report to the Security Council not later than 17 May 1946 on the following questions.

"(1) Is the Spanish situation one essentially within the jurisdiction of Spain?

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

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

2. Discussion of the Appointment of a Sub-Committee

(a) Discussion of the Australian Resolution

At the thirty-seventh meeting of 25 April 1946, the Representative of Australia suggested a revised resolution. It was the result of an attempt to meet various suggestions which had been made by other representatives during the adjournment.

The revised resolution read as follows:

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

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

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

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

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

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

The Representative of U.S.A. found the revised proposal agreeable and satisfactory to the United States Government. The Brazilian Representative also supported the Australian proposal wholeheartedly.

The Representative of Poland stated that the members of the Council who objected to the Polish proposal did so on the grounds of "insufficient evidence". This formula has been applied very readily and very frequently in the past by the supporters and admirers of the notorious policy of non-intervention. The Japanese invasion of Manchuria in 1931 was obvious and required no additional evidence, but the leading members of the Council of the League of Nations did not wish to apply any measures to curb the aggression and insisted on setting up a commission to ascertain whether Japan had really attacked China. This commission spent nine months carrying out an inquiry and, after that, no effective measures were taken against the Japanese aggression. The same policy of non-intervention was applied to Italian aggression in Ethiopia and Hitler's aggression against peace-loving peoples before the war. If one took the speeches, for instance, of certain prewar British statesmen who supported the policy of non-

intervention and replaced the names of Hitler and Mussolini with that of Franco, the sense and content of these speeches would in no way differ from the sense and content of those made by the members of the Security Council. He stated that the demand for additional evidence against the fascist regime of Franco and the accompanying demand for the setting up of a commission to examine the problem objectively, independently of the good intention of the Australian Representative, would be a repetition of the worthless and bankrupt methods of the past.

The Representative of U.S.S.R. also disputed the argument that such a measure as the severance of diplomatic relations might strengthen Franco instead of weaken him. He said that he had never heard of a fascist regime being strengthened by the severance of diplomatic relations with that state. The United Nations which took part in the elaboration of the Charter and ratified it did not have any doubt that the severance of diplomatic relations was to be considered as a measure of punishment and pressure to be applied toward those states which did not act in conformity with the aims and principles of the United Nations.

Referring to the statement of the Representative of U.S.A. that one of the general aims of the U. S. Government was to avoid a repetition of the civil war in Spain, the Representative of U.S.S.R. maintained that it was the task of the United Nations to remove a source of danger to international security, such as the existing fascist regime in Spain, and at the same time to help the people of Spain and the Spanish democratic forces to regain the freedom which had been taken from them.

For those reasons he believed there was no need to set up any kind of commission to study the question and he declared himself opposed to that proposal.

The Representative of France submitted three amendments to the text proposed by the Australian Representative, the aim of which was:

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

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

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

The Representative of the Netherlands believed that before the Security Council decided to set up a committee of inquiry or investigation, the Council should satisfy itself that a sufficient *prima facie* case had been made out by the complaining party to warrant the establishment of such a committee. With reference to the Spanish case, he was prepared to accept the contention that a sufficient *prima facie* case had been made out to justify supplementary inquiries such as the Australian delegate had proposed. He did not think these inquiries were absolutely necessary, but they might be useful, and for that reason he would vote in favour of the motion of the Representative of Australia.

The Representative of Brazil supported the remarks of the Representative of Australia and his amendment. He suggested that as regards certain serious accusations levelled against the Spanish Government, under Article 1 (1) of the Charter, the Council had a duty to clear up the points in question. The proposal of the Australian Representative seemed to meet these requirements, and therefore he supported it wholeheartedly.

The Representative of Mexico gave his support to the resolution submitted by the Representative of Australia as further amended by the Representative of France.

The Representative of Poland declared that he was ready to support the Australian Resolution. However, he was

anxious that this proposed sub-committee should really work and should not prove a means of indefinitely shelving the issue.

The Representative of the U.K. supported the Australian proposal with the amendments which the Australian Representative had already accepted, and thought the proposal was a practical and sensible way for the Council to proceed. He appealed to the Representative of the U.S.S.R. not to oppose it entirely and added that the sub-committee would be asked to conduct its affairs with the utmost despatch.

After discussion, the appointment of a drafting sub-committee was suggested and agreed to, consisting of the Representatives of Australia, France and Poland, with a view to reaching an agreed proposal based upon the Australian resolution and other amendments which had been suggested by various Representatives during the course of discussion.

The Representative of U.S.S.R. stated that he would like to see a unanimous decision of the Security Council on the question under discussion. At the same time he was anxious that the decision should be a just one, corresponding to the importance of the question. If the members of the Security Council thought there was any hope of finding a basis for unanimous decision through the creation of a sub-committee, he would have no objection to the appointment of such a sub-committee with tasks and functions as outlined by the Polish Delegate.

(b) Decision of the Council

At the thirty-ninth meeting the Australian resolution which had been amended was read as follows:

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

"Therefore, the Security Council, keeping in mind the unanimous moral condemnation of the Franco regime in the Security Council and the resolutions concerning Spain which were adopted at the United Nations Conference on International Organization at San Francisco and at the first General Assembly of the United Nations and the views expressed by members of the Security Council regarding the Franco regime, hereby resolves:

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

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

The resolution was adopted by ten votes, the Representative of U.S.S.R. abstaining.

Before the vote was taken, the Representative of U.S.S.R. observed that in spite of some changes in the text of the Australian draft resolution, its contents remained unchanged. This proposal was made in spite of the fact that the discussion in the Security Council on the question raised by the Representative of Poland had fully confirmed the fact the existing fascist regime in Spain constituted a serious threat to the maintenance of international peace and security. The adoption of the Australian draft resolution would mean that the Security Council, instead of taking effective measures, would take the path of delays and inaction in regard to fascism in Spain. In view of this fact, the Representative of U.S.S.R. continued in his strongly negative attitude toward the draft resolution proposed by the Representative of Australia.

Bearing in mind, however, that some members were still dissatisfied with the information at the disposal of the Council and that his voting against the Australian draft resolution would make its adoption impossible, the Representative of U.S.S.R. would abstain from voting.

He declared that his abstention from voting on this matter might in no way be regarded as a precedent capable of

influencing in any way the question of the abstention of permanent members of the Security Council.

The Representative of the Netherlands reserved for future similar cases his opinion on the question as to whether this was a matter of procedure or not.

The Representative of U.S.A. reserved the position of the U. S. Government on the statement made by the Representative of U.S.S.R. With that understanding, he agreed that the abstention of the Representative of U.S.S.R. should not create a precedent for the future.

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

3. The Sub-Committee

(a) Composition

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

(b) Report of the Sub-Committee

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

At the forty-fourth meeting on 6 June 1946, the Chairman of the Sub-Committee submitted the Sub-Committee's report to the Security Council (S/75) and a supplementary memorandum containing its factual findings concerning the Spanish situation (S/76).

The Sub-Committee's examination of the facts of the case had been based mainly upon documents received from Members of the United Nations in response to a request to Members of the United

Nations to supply all relevant information and also in response to inquiries on specific questions. A public announcement was made that the Committee would welcome information from any sources.

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

There was also extensive evidence, chiefly from underground sources, but which was considered by the Sub-Committee to be authentic and credible, even if not susceptible of proof in all its details, indicating that the Franco regime continued to practice those methods of persecution of political opponents and police supervision over its people which were characteristic of fascist regimes and which were inconsistent with the principles of the United Nations concerning the respect for human rights and for the fundamental freedoms.

The Sub-Committee gave close attention to evidence regarding the military strength and plans of Franco Spain, the production of war materials in Spain and, in general, the preparations for war on the part of Franco Spain. Various estimates were obtained of the strength of the naval, military and air forces and of the para-military organizations in the country and regarding the building of fortifications. The number of men under arms was far larger than might be expected in any peace-loving and non-aggressive country. Further, the activities on the French frontier seemed to indicate the possibility of expectation of conflict by Franco Spain.

The Sub-Committee examined the circumstances of the recent closing of the Franco-Spanish frontier. While there was no clear evidence that the closing of the frontier was the result of any immediate threat of military action between France and Spain,

it was plain that a state of tension was thereby brought into existence and international friction accentuated.

The Report stated that the existence of the Franco regime had already led to international action of great significance. The facts set out in the report constituted additional evidence showing that the activities of the Franco regime had been and still were a source of international friction.

The Sub-Committee also dealt with the question as to whether the situation in Spain was of such a kind as to justify direct executive action by the Security Council itself under.

Chapter VII, which dealt with various types of enforcement action, which Members were obliged to take at the direction of the Security Council.

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

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

The Sub-Committee declared that the Security Council was empowered under Article 36 to recommend appropriate procedure or methods of adjustment of such a situation.

The Sub-Committee added that while the Security Council exercised a primary duty in regard to the maintenance of international

peace and security, the General Assembly was also vested by the Charter with the power to deal with such situations.

The conclusions of the Sub-Committee were as follows:

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

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

The Sub-Committee also recommended that:

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

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

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

(c) Reservations

The Representative of Brazil reserved his position, as a matter of principle regarding the recommendation contained in Item 8, paragraph 31 of the report. This reservation was later withdrawn, however.

The Representative of Poland believed that paragraphs 20 - 23 of the Sub-Committee's report contained implicitly a legal doctrine concerning the powers and duties of the Security Council under Article 39 of the Charter. This doctrine was reflected in the conclusions reached in paragraphs 27 and 30 (a) of the report. While accepting the analysis of facts and the recommendations of the Sub-Committee, he reserved his opinion as to the legal doctrine mentioned. He held that the functions of the Security Council are preventive as well as repressive. The Security Council is free within the purpose and principles of the organization to determine whether a situation is a threat to the peace in the sense of Article 39. Potential as well as imminent dangers can be construed as a threat to the peace in the sense of Article 39.

4. Amended Recommendations

At the forty-fifth meeting of the Security Council on 13 June 1946, the Representative of U.S.A. suggested a new modification in the second recommendation of the Sub-Committee. The five Representatives on the Sub-Committee agreed with the change in the text and the Chairman of the Sub-Committee then formally moved the adoption of the following resolution:

"It is hereby resolved that the Security Council adopt the three recommendations of the Sub-Committee set out above, subject to the addition to the recommendation (b) after the words 'each member of the United Nations' of the following words 'or alternatively such other action be taken as the General Assembly deems appropriate and effective under the circumstances prevailing at the time.'"

(a) Discussion

At the forty-ninth meeting of the Committee on 17 June 1946, the Representative of U.K. after a short pause said:

"The Franco regime, said,

(i) His Government had grave doubts as to the legal validity of the documents taken up in the action to inter on Spain unless there was a clear prospect of the fiduciary character of international law and security.

(ii) The Sub-Committee was of the opinion that the Security Council could not, in the present evidence, make a determination required by Chapter 6, but declared that the "situation in Spain was likely to render the maintenance of international peace and security." The first part under Chapter 6, the Representative of U.K. had no doubt as to whether this was correct and whether that chapter was, in fact, suitable for dealing with a case of this kind.

(iii) Having invoked Chapter 6, the Sub-Committee, however, recommended that the governments of the United Nations should break off the relations with the Government of Spain. This is on the so-called sanctions provided for in Chapter 7 of the Charter. It was for that reason that his Government had very grave doubts as to the juridical validity of the reasoning of the Sub-Committee and the recommendations based on that reasoning.

The Representative of U.K. then proposed an amendment which was read as follows:

"It is hereby resolved that the Security Council adopt the three recommendations of the Sub-Committee set out above, subject to the following paragraphs, (b) after the next reports of this Sub-Committee, and (c) the addition of the words 'together with the opinion of the discussion of the matter by the Security Council'."

regard to the Franco regime.

The close co-operation of German and Spanish military intelligence during the war was also well known. The Representative of U.S.S.R. produced a radio photographic copy of a document which contained the statement of Lieutenant-General Bawler, the former Chief of the Third Department of the German Intelligence Service. General Bawler revealed Franco's connections with the German Intelligence which were established long before the war in Europe.

The docu. its submitted to the Sub-Committee relating to Spain as a refuge for German war criminals likewise merited the most serious consideration. Numerous data regarding the extent of German capital invested in Spanish industry also showed that the influence of the Germans was still great.

While the United Nations was being created, the Member States of the Organization declared more than once that the regime at present existing in Spain was incompatible with the aims and principles proclaimed in the Charter. This was precisely the meaning of the declarations and resolutions adopted at the United Nations Conference in San Francisco, at the Berlin Conference and at the first session of the General Assembly in London. These declarations and resolutions were the expression of the longing of the broad masses of the people of the Member States of the United Nations to put an end to the existing fascism in Spain. That, at present almost half the Member States do not have normal relations with Franco's Spain, bears witness to the presence of international friction which has already been brought about by the existence of the Franco regime in Spain.

The Security Council should treat with the utmost seriousness the question and take speedy and effective practical measures to remove the menace to peace. A first measure capable

of playing a positive role in solving the Spanish problem would be the rupture of diplomatic relations with Franco by all the Member States of the United Nations.

As to the conclusions of the Sub-Committee, the Representative of U.S.S.R. found them incorrect for the following reasons:

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

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

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

b. The Sub-Committee seemed to have confused the functions of the Security Council and the General Assembly. The Security Council had many responsibilities for the maintenance of peace and was the organ which should take the decision regarding action in connection with this question dealing with the maintenance of peace.

At the forty-seventh meeting on 18 June 1948, in answering the remarks made by the representative of Australia, the Representative of U.S.S.R. argued that the measures provided for under Article 41 were absolutely different from the measures provided for in Article 42, as the measures provided for in Article 41 were of a preventive character, whereas the measures provided for in Article 42 were to be applied in case of actual breaches of the peace and acts of aggression. The representative of U.S.S.R. appreciated the effort to achieve a unanimous decision but was guided by the necessity to reach a decision that would be right and just. He ended his remarks by saying that the amended proposal was weaker and less adequate than that proposed originally.

The Representative of U.S.A. said that his Government was in agreement with the basic thought underlining the recommendation of the Sub-Committee and would vote in favor of it, but would not at this time undertake any commitment as to the position it would take in the General Assembly.

The Representative of Egypt also declared that he would vote for the motion presented by the Sub-Committee while fully reserving his Government's position toward this question in the General Assembly.

The Representative of Poland declared that the Polish Delegation, animated by a sincere desire to get unanimous action by the Council, was ready to accept the recommendations of the Sub-Committee with two provisos:

(i) That accepting the Sub-Committee's recommendations would not prejudice in any way the rights of the Security Council.

(ii) If the Council failed to achieve unanimous action, he would demand that the Council vote on its original resolution;

The President, speaking as the Representative of Mexico, declared that he had not considered the investigation of the Sub-Committee as absolutely necessary, since he was convinced that the evidence at the disposal of the Council and the merits of the case were of such nature as to justify immediate action. He said that the question whether the Franco regime constitutes a threat to the maintenance of international peace and security should be answered in the affirmative, and that this answer had been sufficiently substantiated. He added that the findings of the Sub-Committee should, in his opinion, have led the Sub-Committee to recommend to the Council severance of diplomatic relations with Franco as the right course of action and the logical consequence of their findings. He considered that the findings of the Sub-Committee, added to the San Francisco and London Resolutions, as well as the Tri-Partite and Potsdam declarations and the Resolution adopted by the Security Council when the Sub-Committee was appointed, should serve to eliminate once and for all time the contention that to adopt measures consistent with those documents would be an act of intervention in the domestic affairs of Spain, the truth being that the very existence of the regime of Franco was a direct result of foreign armed intervention. He characterized the case of Franco as an unparalleled one, and felt that the members of the Council should therefore not be inhibited by the preoccupation of establishing precedents which could be indiscriminately applied to future cases. He declared that although he did not endorse certain views and conclusions in the Report, he was prepared to favour the acceptance of the

Sub-Committee's recommendations, since a majority in the Council believed it to be the best course of action under the present circumstances, and he attached great importance to the attainment of unanimity in this case. He considered that the Sub-Committee's recommendations, though less effective than the one he supported, represented a step forward in the number of measures already taken against the Fascist Franco regime and would help the interests of the Spanish people.

In answer to the criticism from the Representatives of U.S.S.R. and U.K., the Representative of Australia said that the Representative of U.S.S.R. could not establish an interpretation of Articles 41 and 42 of the Charter simply by asserting that his interpretation was correct. He thought that a fair interpretation of the two Articles was as follows: Once the Security Council determined that there was a threat to the peace or a breach of the peace, it decided to take action in accordance with either Article 41 or 42, including all the measures contained in both of these articles, in order to maintain or restore international peace and security. Once it was determined that a threat to peace existed under Article 39, the Security Council was entitled to proceed towards any measures mentioned in Articles 41 or 42 in order to prevent a breach of the peace or to maintain international peace and security.

With regard to the desirability of unanimity, the Representative of Australia said that it was no use having unanimity if the price to be paid included any surrender of principle. He entirely agreed with what had been said about that. However, he thought that the members of the Council were in a curious position as to voting rules, because although the large majority of the Council might favour a particular course, that majority might not be able to effect its will. He urged that serious consideration should be given to the exercise of the veto.

He agreed with the Representative of Poland that a threat to the peace might occur long before an actual breach of the peace, but

the Sub-Committee had found on the evidence submitted to it that the situation did not come within Article 39 and that there was not an existing threat to the peace. It was not, therefore, a question of legal interpretation; it was a question of evidence.

The recommendations of the Sub-Committee were criticised as not being drastic enough. This criticism arose from a difference of opinion whether the facts of the Spanish situation were such that the conditions of Article 39 had been satisfied and that, therefore, the Council could proceed to the more drastic measures mentioned in Articles 41 and 42. But the Sub-Committee in examining the facts had found that the conditions of Article 39 were not fulfilled. What the Sub-Committee had found was that the case did come within a provision of Chapter VI which would enable the Security Council to adjust its procedures to meet the situation.

The Sub-Committee had made a rejection of possibility of legal action under Chapter VII. They did not think the facts were proved enabling that to be done.

The Representative of the U.K. had proposed that the resolution agreed to by the Sub-Committee and modified in accordance with the United States' suggestion, should be further amended. The difference between his amendment and the proposal of the Sub-Committee was that the Sub-Committee did recommend to the General Assembly that positive action should be taken in one direction or another. The Representative of Australia thought this recommendation of the Sub-Committee was reasonable.

and, therefore, should be adhered to, but that the British amendment should not be accepted.

(b) Decision of the Council

After the Representative of Australia had made a final appeal to accept the recommendations of the Sub-Committee, votes were taken, first on the British amendment and then on the Sub-Committee recommendations. The British amendment received two affirmative votes (U.K. and the Netherlands), six negative (Australia, Brazil, China, France, Poland and U.S.S.R.), and three abstentions (U.S.A., Egypt and Mexico).

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

The Representative of the U.K. explained the reason why he voted for the recommendations by saying that because of the overwhelming majority of the Council in favor of the resolution proposed by the Chairman of the Sub-Committee, his Government would not wish, by his single vote, to go against the will of the overwhelming majority. In doing so, he felt he was casting a vote against the defiance of the majority rather than in support of the resolution. He added that his Government reserved the right to raise the whole juridical issue at the forthcoming Assembly, and that his Government was not committed to any particular action against Spain.

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

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

5. Resolutions of the Representative of Poland.

At the forty-eighth meeting on 24 June, 1945, the Representative of Poland called the attention of the Council to his resolution of 29 April. He stated that the original resolution still stood before the Council.

He maintained that the investigations of the Sub-Committee had only strengthened the conviction of his delegation and his Government that the Franco regime was of serious international friction, and endangers international peace and security. Unfortunately, the Council had not found it possible to get a unanimous decision. He pointed out that this lack of unanimity should not be interpreted in any way as being in favour of the Franco regime. Since the Council failed to agree upon the particular steps to be taken, he asked the Council on behalf of his Government, to reconsider the steps proposed originally by him before the Council.

The Representative of Australia observed that in substance this was the original proposal before the Security Council, and it was decided by the Security Council to establish a sub-committee in order to investigate the facts of the situation in Spain. The Sub-Committee spent a considerable time in investigating the facts relevant to this question and made a report to this Council. The report has been considered by the Council, and it was supported by the vote of nine members, with one abstaining, and one country, a permanent member, voting in the negative, and thereby defeating the proposal. He considered the insistence of the Representative of Poland to vote on the original proposal was an attempt to get the Council to act under Chapter VII of the Charter. What the Representative of Poland asked the Council to do was something entirely contradictory to the Sub-Committee's report. It was not a question of how far governments were prepared to go, the real question was how far the facts relevant to Article 39 have been proved to exist. He said that it was completely destructive on the

The investigation found the necessary basis for the proposed action did not exist, and, therefore, he would vote against the proposed resolution of the Representative of Poland.

The Representative of France stated that he agreed with the findings of the Sub-Committee. He found the difference between the recommendation of the Sub-Committee and the recommendation made in the Polish proposal was only one of time or of date. The Polish suggestion was that the Council should now order a rupture of diplomatic relations. The Sub-Committee's recommendation was that we should recommend such a step to the General Assembly. He declared to vote in favour of the resolution presented by the Representative of Poland.

The Representative of U.S.S.R. supported the Polish proposal and regarded the step taken by the Representative of Poland as logical and the Polish proposal for the severance of diplomatic relations with Franco as correct.

The President speaking as the Representative of Mexico, agreed absolutely with the Representative of France and supported the motion originally presented by the Representative of Poland.

The Representative of China declared that the position of the Chinese Government durin; the entire debate on the Spanish question had been first, a strict stand by the Charter; and secondly, the necessity of establishing the facts and the conditions under which the provisions of the Charter would and should be applied. The conclusion of the fact finding Sub-Committee did not warrant the Security Council taking action under Chapter VII, and unless new facts or evidence was produced, the situation had not altered. Much as he should like to take action step by step against the Franco Government, he felt that the Council, at present, was unable to take the step or arrive at a Polish resolution.

The Polish resolution was defeated by seven negative votes to four affirmative votes.

The Representative of Poland then urged the Council

Spain, and all the international problems it presented, but to keep it continuously under observation and on the list of matters of which the Council was seized.

He added that by the vote which was taken at the last meeting, almost all the Members recognized that the Franco regime was a matter of international concern and warranted some action by the United Nations. He therefore submitted the draft of a new resolution in order to take the matter up again whenever conditions warranted it. The text was read as follows:

"The Security Council takes notice of the report of the Sub-Committee on the Spanish question appointed on 29 April 1946. The investigation of the Sub-Committee confirms fully the facts which have led to the condemnation of the Franco regime by the Conference in San Francisco and Potsdam, by the General Assembly in London, and by the Security Council in its resolution of April 29th 1946. The investigation also establishes beyond any doubt that Franco's Fascist regime is a serious danger to the maintenance of international peace and security. The Security Council, therefore, decides to keep the situation in Spain under continuous observation and keep the question on the list of matters of which it is seized, in order to be able to take such measures as may be necessary in the interests of peace and security.

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

The Representative of Australia considered this new resolution was very different from the one that had just been rejected and there were certain aspects of it that he thought the Council should understand.

He refuted the suggestion of the Representative of Poland that this resolution would mean positive action. All that it would do was to fix a date when the matter could be considered again. There were many ways in which that could be done. Any State of the United Nations could bring it forward.

Another aspect of the matter was that if this matter were brought up as late as September in the Security Council, one result might be to deprive the Assembly of the right to discuss the

He pointed out that the third sentence of the Polish proposal was not the phraseology of the Sub-Committee's report, which in paragraph 27 stated that the situation "though not an existing threat within the meaning of Article 39, was a situation, the continuance of which is in effect likely to endanger the maintenance of international peace and security."

The Representative of Poland assured the Representative of Australia that it was not the intention of his resolution to prevent the General Assembly from discussing the matter, or from passing any recommendations. What his resolution did provide was that up to 1 September the matter was on the Agenda. There was nothing to prevent the Security Council, if it so wished, from taking the matter off its Agenda in order to let the General Assembly make recommendations.

As to the third sentence of the proposed resolution he did not say that the report said so, but that was the conclusion which he arrived at from the investigations.

The Representative of the U.K. stated that he had already made quite clear to the Council on previous occasions that his Government was very anxious that this Spanish question should be referred to the General Assembly for its consideration. He reminded the Council that on previous occasions he had very considerable doubts about some of the juridical aspects of the whole and considered that an authoritative ruling on those points could be obtained at the Assembly.

With the general line of the Polish resolution he had no quarrel at all. If it was desired to keep the matter on the Council's Agenda until the Assembly met he was perfectly willing that that should be done. But there was a danger that the Assembly might be debarred from making any recommendations on this matter unless it was taken off the Security Council's Agenda.

He suggested an insertion to the second paragraph of the Polish resolution, to say, "The Security Council, therefore, decides to keep the situation in Spain under continuous ob-

the General Assembly next September" - "to keep the question on the list of matters of which it is seized, in order to be able to take such measures as may be necessary in the interests of peace and security."

If that were accepted, he would like also to suppress the first sentence of the third paragraph of the resolution.

The Representative of U.S.S.R. stated that the draft resolution of the Representative of Poland was insufficient from the point of view of the contents and the measures which it contemplated. However, since the Security Council proved to be incapable of taking at the present time any better decision and any practical and concrete steps towards the removal of the menace to peace, he was prepared to agree to the draft resolution, bearing in mind that the decision to retain this question on the agenda would be a perfectly correct and logical one, independently of what subsequent action might be taken on the Spanish question.

With regard to the amendment proposed by the Representative of the U.K., it seemed to him that it completely did away with the fundamental meaning and fundamental contents of the resolutions proposed by the Representative of Poland. He considered it would be incorrect at the present time to agree on the one hand that the Spanish question should remain on the agenda, and on the other to state that when the Security Council returned to this question it should transfer the question to the General Assembly. The one position precludes the other and the one contradicts the other.

The Representative of France declared that, as he understood the Polish resolution, it seemed to him that the right of the Assembly to deal with the question was not questioned. He could not agree with the Representative of U.S.S.R. that it did not have any value left after the amendments proposed, because it seemed to him that this resolution would mean that the Security Council would keep a watch over this situation.

The Representative of the U.S.A. declared that he could not accept the proposal of the Representative of Poland unless in

was adopted which made it unequivocally clear that the Assembly was entirely free to be seized of this question when it convened in September.

(a) Drafting Committee

The Representative of Poland then suggested that a Drafting Committee be appointed to prepare a text which would be agreeable to the Council. This was agreed upon, and the President appointed the Representatives of Australia, Poland and the United Kingdom as members of the Committee.

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

"WHEREAS the Security Council on 29th April 1946, appointed a Sub-Committee to investigate the situation in Spain,

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

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

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

The Representative of Australia, the Representative,

pointed out the differences between the text of the above-mentioned resolution and the text of the Polish resolution by saying that the first paragraph of the resolution was simply formal; the second repeated the Polish text; and the third paragraph substituted the actual results of the investigation by the Sub-Committee for

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Polish text, which departed from the finding of the Sub-Committee. The essence of the resolution was the same as that of the Polish delegation in that it did keep the situation in Spain on the agenda of the Council; it kept the situation under continuous observation and maintained the question on the list of matters of which it was seized. The resolution differed from the Polish one because that fixed 1 September 1946 as the date before which the matter must come up for consideration by the Council. Some of the members felt at the last meeting that that might preclude the General Assembly's exercising its full right to discuss and recommend in relation to this situation, and, therefore, in the new proposal the words "without prejudice to the rights of the General Assembly under the Charter ..." The Representative of Australia added that these words were not inserted to alter the legal powers of the Assembly or the legal powers of the Security Council. The ... in as a reminder that this matter would inevitably ... Assembly, and therefore that at the proper time the Security Council should remove the matter from its agenda so that the General Assembly could not only discuss the question but also make any recommendation in relation to it.

The Representative of Poland explained that the essential differences were two-fold: one was the passage in the third paragraph of the resolution which repeated certain conclusions of the report of the investigating Sub-Committee and in which he had difficulty in accepting the legal arguments and interpretation of the report. The other more important difference was the omission of the passage in his resolution: "The Security Council will take up the matter again not later than 1 September 1946." This special provision was exceedingly important because it gave the Spanish people a time by which to remove the Franco regime, and also stated quite clearly that if the Franco regime were not removed by a certain date, then the Council would take certain steps and would again consider the matter in order to determine what appropriate practical measures should be taken. The Representative of Poland also explained that it was not his intention to keep the General Assembly from discussing

of the Council, and if the Council wished, it could, by simple majority vote, remove it from the agenda to make it possible for the General Assembly to take whatever action it might think fit.

The Representative of U.S.S.R. considered the resolution put forward by the drafting committee to be, from the point of view of its contents and the measures it contemplated. The third paragraph of the resolution, which said that the situation in Spain was only one that was likely to endanger the maintenance of peace and security, left out of account the seriousness of the situation already existing in Spain and underrated the consequences to which the existence of Franco's fascist regime in Spain might lead. As to the point regarding the rights of the General Assembly, the Representative of U.S.S.R. argued that if it was a question of the rights of the General Assembly as laid down by the Charter, there was no need for the repetition in the resolution. If, however, the inclusion of the statement was aimed at achieving a decision to the effect that the General Assembly should have the right to examine the Spanish question and make recommendations thereon, irrespective of whether or not there was a decision of the Security Council to transfer the examination of the question to the General Assembly, then the proposal was incorrect, and in such a form was contrary to the Charter. The Representative of U.S.S.R. declared that he would be prepared to agree to the last point of the resolution on condition that the text be supplemented with a statement to the effect that the Security Council, while retaining the Spanish question on the agenda, would revert to the examination of the question not later than 1 September 1946. As regards the second paragraph, referring to the resolution of the Potsdam Conference, the San Francisco Conference and the first session of the General Assembly, this point would be useless without adding what was contained in the Polish resolution; namely, that the situation in Spain constituted a threat to peace and security.

The Representative of U.S.S.R. also felt that the new Polish proposal should be voted upon first and the proposal of the Representative of the U.S.A. and Australia should be voted on afterwards, as the latter was an independent proposal.

The President, however, considered the draft resolution as an amendment.

In complying with a request from a representative to clarify the point relative to the Rules of Procedure, the Assistant Secretary-General stated that the Rules of Procedure provided that different drafts of a resolution should be put to the vote in order of their presentation. The Rules also stated that if there was an amendment to the original resolution, this amendment ought to be put to the vote first. If there were two or more amendments, the President should rule on the order in which these amendments ought to be put to the vote. If there were disagreements with the ruling of the President, the Council should decide which amendment or draft resolution should be put to the vote first.

The President declared that, in his opinion, the text was an amendment, but he did not want to impose his personal point of view. He therefore submitted to the Council the draft resolution of the Drafting Committee as an amendment to the original proposal presented by the Representative of Poland.

The Representative of Australia pointed out that under the Rules of Procedure if a representative raised a point of order the President should immediately submit his ruling to the Security Council for immediate decision and it should stand, unless overruled. He took it that the matter in question was whether the President's decision should be overruled. Otherwise it stood.

It was decided by a majority vote to be an amendment, with the Representatives of U.S.S.R. and Poland dissenting.

(b) Question of Procedure or Substance

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

The President announced that the amended resolution was carried.

The Representative of U.S.S.R. objected to the President's statement by saying that the resolution was not of a procedural character but a question of substance. Therefore, the resolution was not adopted because one of the permanent members voted against it.

The Representative of U.S.S.R. agreed that the part of the resolution relating to the maintenance on the agenda of the Council of the Spanish question was procedural, but other parts of the resolution were matters of substance. If the resolution was voted upon as a whole, then he would vote against its adoption.

The Representative of U.S.S.R. added that if there was any objection to his interpretation of the case, he would ask the Council to decide whether this resolution was of a procedural or substantive character.

The Representative of France also found that the first part of the resolution was a matter of substance and the part consisting of a decision to keep the question on the agenda of the Council was of a procedural character.

The President maintained that the main question was that the item be kept on the agenda. It was a question of procedure.

The Representative of the Netherlands held that the first section of the resolution gave a sort of preamble - recitals, and these recitals simply stated facts. Therefore, he believed that this was also a matter of procedure.

The Representative of Australia agreed with the Representative of the Netherlands that the first part of the resolution was merely a recital. Regarding the point whether the vote extended to questions as to whether this was a matter of procedure or of substance, the Representative of Australia argued that the statement by the four sponsoring Governments at San Francisco did not govern the interpretation of the Charter. It was not contained in the Charter, and so did not bind the Security Council.

The President's ruling that the above amendment was a procedural question was put to vote. The results were eight for the ruling; two against the ruling (France and U.S.S.R.); one abstention (Poland).

As two permanent members had voted against the President's ruling, the amended resolution was therefore not carried.

The Representative of U.S.S.R. declared that the resolution was not adopted on account of his objections, supported also by another member of the Security Council. He argued that all the permanent members of the Security Council were bound by the declaration of the four Powers at San Francisco, to which France adhered. Consequently, the five permanent members of the Security Council plus one non-permanent member considered the resolution was not adopted, because all the permanent members were bound by the above-mentioned declaration.

The Representative of Australia stated that, in spite of the decision to adopt the proposal recommended by the Drafting Committee by nine votes to two; in spite of the fact that the President's ruling that it was a procedural matter was upheld by the Council with only one dissenting vote, the President ruled, as a result of that one dissenting vote, that it was not a question of procedure. He did not think this situation should be allowed to pass unnoticed. It was no use having an overwhelming majority if any representative of a permanent member, simply by saying that he thought that the interpretation was different, could make his view prevail. As regards the sponsoring powers' declaration at San Francisco, the Representative of Australia declared that that ruling was not accepted by any authority at San Francisco; not accepted by any Committee, not accepted by any Commission, and not accepted by the Conference in open session, and protests against its accuracy were made.

(c) Decision of the Council

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

"WHEREAS the Security Council on 29th April 1946, appointed a Sub-Committee to investigate the situation in Spain
AND WHEREAS the investigation of the Sub-Committee has fully confirmed the facts which led to the condemnation of the Franco regime by the Potsdam and San Francisco Conferences, the General Assembly at the first part of its first session, and by the Security Council by resolution of the date above mentioned.

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

6. The Australian Resolution

The Representative of Australia then proposed the following resolution:

"That in the opinion of the Security Council, the carrying of the resolution on the Spanish Question dated 28 June does not in any way prejudice the rights of the General Assembly under the Charter."

The Representative of Australia explained that his resolution was a separate one and it did not affect what had been carried.

The Representative of U.S.S.R. did not consider it necessary to adopt an amendment, on the lines of the Australian proposal, to the text which had been approved by the Security Council. He thought that attempts to give a better definition of the rights and functions of the General Assembly than was given in the Charter were doomed to failure. Probably there was an idea of taking advantage in some way of this statement later in order to place the Spanish question before the General Assembly for consideration, even if there was no corresponding decision on the part of the Security Council. If the Representatives of Australia and U.S.S.R. had any doubt as to whether the Security Council, in examining the

Spanish question, would act in strict conformity with the duties and functions assigned to the Council by the Charter, then he would be prepared to agree to incorporate in the Resolution a point to the effect that, in connection with the examination of the Spanish question the Security Council would act in accordance with the powers and rights assigned to it by the Charter.

The Representative of U.S.A. supported the Australian resolution and stated that his objective was to prevent the Assembly from being blocked by action of the Security Council from making any recommendation which it saw fit in the Spanish case.

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

The Council remains seized of the Spanish question.

PART II

MILITARY STAFF COMMITTEE

At its second meeting the Security Council adopted the following Directive to the Military Staff Committee:

"1. THE SECURITY COUNCIL REQUESTS the permanent members of the Security Council to direct their Chiefs of Staff to meet, or to appoint representatives who shall meet, at (place) on (date);

"2. THE SECURITY COUNCIL DIRECTS that the Chiefs of Staff or their representatives, when so assembled, shall constitute the Military Staff Committee referred to above; and

"3. THE SECURITY COUNCIL DIRECTS the Military Staff Committee thereupon, as its first task, to draw up proposals for its organization (including the appropriate secretarial staff) and procedure, and to submit these proposals to the Security Council."

The Security Council has decided to include in this Report the following information which it has received from the Military Staff Committee.

Committee Meetings

The Military Staff Committee first met in London on the 3rd February, 1946, and adjourned on the 14th February pending the move of the Security Council to New York. The Military Staff Committee met again in the Henry Hudson Hotel, New York, on the 25th March, the same date as the Security Council assembled at the interim site at Hunter College and has since been functioning continuously.

Draft Statute and Draft Rules of Procedure

The Military Staff Committee has submitted to the Security Council a draft Statute and Rules of Procedure for the Committee which have been referred to the Committee of Experts for examination. The Draft Statute and the Draft Rules of Procedure are also matters which have been taken up in correspondence between the Secretary-General and the Military Staff Committee. The Military Staff Committee has not yet arrived at an unanimous opinion on all the questions touched upon in the Secretary-General's letter.

Amendments and additions to the Draft Statute and Draft Rules of Procedure of the Military Staff Committee will be presented on certain questions raised by the Secretary-General before the Military Staff Committee. Pending final approval the original terms formulated in London have been adopted provisionally.

Examination of Article 43

The Security Council at its twenty-third meeting on 16 February 1946, directed the Military Staff Committee, as its first task, to examine from the military point of view the provisions of Article 43 of the Charter and to submit the results of the study and any recommendations to the Security Council in due course.

The text of the Directive is as follows:

"that the Security Council should request the Military Staff Committee to meet at the temporary headquarters of United Nations simultaneously with the first meeting of the Security Council at the temporary headquarters in New York and that the Council should direct the Military Staff Committee as its first task to examine from the military point of view the provisions in Article 43 of the Charter and submit the results of the study and any recommendations to the Council in due course."

The Military Staff Committee decided that as a first step towards the accomplishment of its task it should formulate recommendations to the Security Council as to the Basic Principles which should govern the organization of the United Nations Forces, further action to be postponed until its report to the Security Council had been approved. Accordingly, the Military Staff Committee formed a Sub-committee to formulate recommendations."

The Sub-committee first met on 28th March and four Delegations submitted their views to this Sub-committee by 3rd April. On 15 July 1946, the Soviet Delegation was still studying the problem and was not ready, at that time, to submit its views.

The various delegations are continuing to study this matter and therefore the Military Staff Committee is not yet ready to submit its recommendations concerning the basic principles of the organization of the United Nations Forces.

Standard Form of Agreement

The Military Staff Committee also paid attention to the possibility of preparing a standard form of agreement between the Security Council and the Member Nations of the United Nations concerning the provision of security Forces. A Sub-committee has been set up which is about to commence studying this question.

PART III

ORGANIZATIONAL WORK OF THE SECURITY COUNCIL

A. Election of Officers of the United Nations

1. Nomination of the Secretary-General

At its fourth meeting (private) on 30 January 1946, pursuant to Article 97, the Security Council decided to recommend to the General Assembly that Mr. Trygve Lie be appointed Secretary-General of the United Nations.

At the twentieth plenary meeting of its first session on 1 February 1946, the General Assembly, upon this recommendation, appointed Mr. Trygve Lie as Secretary-General.

2. Election of Members of the International Court of Justice

In accordance with the Statute of the International Court of Justice, the Council, at its ninth meeting on 6 February 1946 and the General Assembly, at the twenty-third, twenty-fourth and twenty-fifth plenary meetings of its first session on 6 February 1946, elected the following members of the International Court of Justice:

Mr. Alejandro Alvarez (Chile)	
Dr. José Philadelpho de Barros Azevedo (Brazil)	
Professor Jules Basdevant (France)	nine-year term
Dr. José Gustavo Guerrero (El Salvador)	
Sir Arnold Duncan McNair (U.K.)	
Dr. Isidro Fabela Alfaro (Mexico)	
The Hon. Green H. Hackworth (U.S.A.)	six-year term
Dr. Helge Klaestad (Norway)	
Professor Sergei Borisovich Krylov (U.S.S.R.)	
Dr. Charles de Visscher (Belgium)	

H.E. Abdel Hamid Badawi Pasha (Egypt)

Dr. Mo Hsu (China)

Mr. John E. Read (Canada)

three-year term

Mr. Bohdan Winiarski (Poland)

Dr. Molovan-Zoricic (Yugoslavia)

At the ninth meeting it was agreed, on the motion of the Representative of U.K., that the Council should propose to the Assembly that both the Assembly and the Council as separate bodies, or the Assembly alone, should ask the International Court of Justice for an advisory opinion on the interpretation of the word "meeting" as used in Articles 11 and 12 of the Statute of the International Court of Justice.

B. Atomic Energy Commission

The Security Council at its fiftieth meeting on 10 July 1946 approved the rules of procedure of the Atomic Energy Commission in accordance with paragraph 4 of the resolution of 24 January 1946 of the General Assembly.

C. Committee of Experts

1. Drafting of Rules of Procedure

At its first meeting held in London 17 January 1946, the Security Council appointed a Committee of Experts to be composed of a representative of each of the eleven members of the Council, for the purpose of revising the Provisional Rules of Procedure which the Council had adopted upon recommendation of the Preparatory Commission.

The Security Council amended and completed these original Rules of Procedure in accordance with the various reports submitted to it by the Committee of Experts at its twenty-third, thirty-first, forty-first, forty-second, forty-fourth and forty-eighth meetings on 16 February, 9 April, 22, 23 May, 12 and 29 June 1946. The Provisional Rules of Procedure that have been adopted up to the date of this report are reproduced in Document S/96.

The principal considerations which prompted the Committee of Experts to revise several points in the Rules of Procedure are as follows:

(a) Chapter I, Meetings

Conscious of the importance of the requirement of the Charter that the Security Council shall be so organized as to be able to function continuously, the Committee of Experts sought to draw up rules which, by reason of the proposed frequency of meetings and of facility in the calling of meetings, may be deemed to give effect to this provision.

(b) Chapter II, Agenda

The Committee discussed at great length the various methods by which the Security Council might be seized of a question. Finally, the procedure outlined in Rules 6 to 11 was adopted.

(c) Chapter III, Representation and Credentials

No rules relating to credentials were submitted by the Preparatory Commission. Upon the recommendation of the Committee

of Experts, a new chapter relating to the presentation and examination of credentials was added to the Rules of Procedure.

(d) Chapter IV, Presidency

To the two rules, in which the Preparatory Commission had provided for the rotation of the Presidency of the Security Council and had outlined the duties of its President, the Committee added a provision to assure the replacement of the President in office in the eventuality that the President would prefer to step down from the Presidency for the consideration of a particular question. Although the Committee did not believe it necessary to draft a rule of procedure to cover the case when the President in office is unable to preside for a personal reason, it felt after examination of this question that the Presidency should still attach to the member State which the President represents and should be assumed by a qualified member of the delegation of the same State.

(e) Chapter V, Secretariat

The Committee added two provisions to the Chapter drafted on this subject by the Preparatory Commission:

The first (Rule 22) recognizes that the Secretary-General may make oral or written statements to the Council regarding any matter submitted to it for consideration. The same is true for his deputy whenever he acts on his behalf. Although this text, adopted by the Security Council, does not mention committees, commissions, or other subsidiary organs of the Council, the Committee of Experts unanimously agreed that the Secretary-General or his deputy should have the same power in relation to those organs which he enjoys in relation to the Security Council, unless the Council should decide otherwise.

The second provision (Rule 23), likewise adopted by the Security Council, states that the Secretary-General may be appointed by the Security Council as rapporteur. The Committee unanimously agreed, however, even though it was not stipulated in

the Rule itself, that such an appointment should clearly be subject to the consent of the Secretary-General in each case.

(f) Chapter II, Conduct of Business

The Chapter which the Preparatory Commission devoted to the conduct of business contained only two rules. The Committee of Experts was of the opinion that this Chapter should contain some detailed provisions concerning the conduct of business, especially with respect to the order of speakers, points and motions of order, and the manner and order in which resolutions and amendments are to be introduced and voted. The Committee also provided that the Security Council might appoint a rapporteur for a specified question. It was of the opinion that, in principle, only the Representatives on the Security Council and the Secretary-General might be appointed as rapporteur, although it did not expressly state this in Rule 28, which was adopted by the Council. It was agreed by the Committee, however, that it would not be advisable to exclude the possibility that the Council might, in exceptional circumstances, appoint as rapporteur another person whose duties especially qualified him for the task.

Two other important rules were added to this Chapter (Rules 37 and 38): these refer to the participation of Members of the United Nations, not members of the Security Council, in the discussions of the Council.

In the course of the discussion on this Chapter, the Committee considered the question of establishing a quorum, but since certain delegates had pointed out that the adoption of a special rule on this subject might raise difficulties, the Committee took no decision in the matter. The Committee also took up the question of the closure of debate. Since this involved the very important problem of the limitation of the right of each Representative to give full expression to his point of view, it was decided to postpone further examination of the question to a later date.

The Committee on Experts made reference to consideration of Rules of Procedure governing the conditions under which States which are not Members of the organization may participate in the discussions of the Security Council, and the rights which might be granted to them in such circumstances.

(g) Chapter VII, Voting

This Chapter contains only one rule, that recommended by the Preparatory Commission, which confines itself to a reference to pertinent articles of the Charter and of the International Court of Justice.

There was a full and free exchange of views on this subject in the Committee. It was the view of certain of its members that the Chapter on Voting should contain detailed provisions covering both the mechanics of the vote and the majorities by which the various decisions of the Council should be taken. But since the Committee was not able to draft additional rules of procedure on this subject, it was decided to defer further consideration of the problem to a later date.

(h) Chapter VIII, Languages

The Rules of Procedure recommended by the Preparatory Commission and adopted by the Security Council in London provided that the practice of the San Francisco Conference should be followed in this matter. This practice was embodied in the Rules of Procedure of the General Assembly, which served as a basis for the Committee of Experts in the drafting of the rules which would take into account the special needs of the Security Council.

(i) Chapter IX, Publicity of Meetings, Records

The rules relating to the publicity of meetings and to records, which were in separate chapters of the Provisional Rules of Procedure recommended by the Preparatory Commission, have been brought together into a single chapter. The Committee feels that these matters were in fact closely allied. Various provisions reaffirm

the principle that verbatim records of public meetings should be kept. The Committee was of the opinion that, in principle, the formal approval of records is the prerogative of the Security Council itself, but that it would be appropriate for the Council to delegate this power to the President except when a major difficulty necessitates an exchange of views within the Council itself.

(j) Chapter X, Admission of New Members

With regard to this question, the Committee of Experts adopted the most important of the rules contained in the Provisional rules of Procedure drafted by the Preparatory Commission. It believed it would be useful to provide that, unless the Security Council decides otherwise, the President shall refer an application for membership to a committee on which all the members of the Council would be represented. Although the Australian Delegation had reserved its position on the rules recommended by the Committee of Experts concerning the admission of new Members, they were adopted by the Security Council.

(k) Annex

The Council adopted a provisional procedure, outlined in an annex to its Rules of Procedure, for dealing with communications from private individuals and non-governmental bodies relating to matters of which the Security Council is seized.

(l) Security Council Reports

While substantial agreement was reached on the rule of annual reports by the Security Council to the General Assembly, the Committee did not reach unanimous agreement on the appropriate language for the rule.

2. Consideration of the letter addressed by the Secretary-General to the President of the Security Council regarding the Iranian Case.

The Committee of Experts had been requested by the Security Council at its thirty-third meeting on 16 April 1946 to study the letter addressed by the Secretary-General to the President of the Council regarding the question of the retention of the Iranian

case on the agenda of the Security Council (S/39). The Committee examined this question but was unable to formulate a common opinion; the report which it submitted to the Council (S/42) at its thirty-sixth meeting on 23 April 1946 summarized the arguments advanced during the discussion in the Committee.

D Admission of New Members to the United Nations

1. Consideration by the Security Council of Procedural Questions concerning Applications for Admission

(a) Chapter X of the Provisional Rules of Procedure

At the forty-first and forty-second meetings of the Council on 16 and 17 May 1946, the Committee of Experts recommended additional provisional rules of procedure including additions to Chapter X on Admission of New Members. The recommended rules were as follows:

"Rule 55

"Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall be accompanied by a declaration of its readiness to accept the obligations contained in the Charter.

Rule 56

"The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

Rule 57

"The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership.

"In order to assure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendations not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

"In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph."

The Representative of Australia opposed the adoption of these rules and reserved the decision of the Australian Government on this matter. He argued that the General Assembly was the only body which, acting on behalf of the Organization, could make the final and binding decision on the subject of admission; that membership in the United Nations involved obligations far wider than the obligations in respect to security, and fitness for membership must be judged in regard to the total obligations under the Charter; that the Security Council's recommendation could only concern matters in relation to security; and that, in general, the initiative in regard to the admission of new members rested with the General Assembly. Adoption of the proposed rules would mean that the Security Council would establish a procedure for the Organization as a whole and not merely for the Security Council itself. Therefore, he suggested that before any rules upon the subject were finally adopted, the Security Council should confer with the General Assembly and he drew attention to the fact that there was in existence a body representative of the General Assembly, namely a permanent sub-Committee on rules established by the Sixth Committee of the General Assembly, with which the Security Council might confer. The Australian Delegation suggested, as a possible procedure for the Organization, considered as a whole, that applications for membership should be first placed before the General Assembly, which would decide whether or not to transmit them to the Security Council; the Security Council would make its report to the General Assembly and the General Assembly would then take the final decision, it being clear, of course, that no applicant could be admitted unless recommended by the Security Council. He therefore made the following proposal:

"That the consideration of Chapter X of the proposed rules of procedure be deferred; that the President of the Security Council be asked to discuss with the President of the General Assembly the best method of consultation between the appropriate representative of the General Assembly and the Security Council with a view to bringing about the adoption by both the General Assembly and the Security Council early in September 1946, of rules appropriate to each organ regarding the admission of new members."

The Representative of U.K. supported the adoption of the rules recommended by the Committee of Experts and stated that although the Assembly granted final admission to a new Member, the recommendation of the Council was required; its responsibility was therefore not limited, nor should its recommendation concern only matters in relation to security. He thought that referring an application to the Assembly first would introduce a complication of double discussion. He saw no provision in the rules whereby the meetings of the Committee must necessarily be in private.

The Representative of China stated that he was in full accord with the views of the Representative of U.K. and added that Rule 106 of the General Assembly made it evident that the Assembly interpreted Article 4 of the Charter in the sense that the decision of the General Assembly regarding the admission of a proposed Member, while not prejudiced on the merits of the case by the recommendation of the Security Council, was nevertheless subsequent to such a recommendation being made by the Council. The Representative of Australia later commented that his memory of the actual circumstances in which Rule 106 was drafted and his reading of the rule as it stood was that it deliberately left the question unsolved. The Representative of Mexico stated that Article 4 (2) of the Charter made the power of the General Assembly to decide on the question of admission of new Members dependent upon the recommendation of the Security Council. He thought that in order to expedite the admission of new Members, it was advisable to permit the Security Council to consider the applications in advance of the General Assembly.

The Representative of Mexico recalled that the Mexican Delegation to the San Francisco Conference, as well as most of the Latin American Delegations, advocated the principle of universal membership in the United Nations, and also strove to widen and enhance the role of the General Assembly. The Australian reservation might be expected to draw the support of the Delegation of Mexico. Much

as the Mexican Representative would have liked to enclose it, he was unable to do so, as the practical effect of the adoption of a procedure different to the one proposed by the Committee of Experts, might cause undue delay in the handling of applications for admission of new Members. He did not think that the text submitted by the Experts Committee involved an encroachment by the Security Council on the powers of the General Assembly, whose important part in the United Nations Organization the Government of Mexico was ever anxious to protect and even increase.

The Representative of U.S.S.R. supported the recommendation of the Committee of Experts. He stressed the words "upon the recommendation of the Security Council" in Article 4 (2), and drew the conclusion that the General Assembly could not take a decision without the recommendation of the Security Council; he therefore felt that it would be purposeless for the General Assembly to consider an application before recommendation by the Council.

The resolution proposed by the Representative of Australia received one vote and was rejected. Rules 55 - 57 were then adopted by ten votes.

(b) Resolution adopted by the Security Council

At the Forty-second meeting of the Council on 17 May 1946, the following resolution was submitted by the Representative of U.S.A.:

"The Security Council, taking into account the fact that under Article 4 of the Charter, membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter, and in the judgment of the organization are able and willing to carry out these obligations, and taking into account the fact that the General Assembly which acts to admit applicant States to membership on the recommendation of the Security Council will meet for the second part of its first session on 3 September 1946;

"resolves that applications for membership which have been or may be received by the Secretary-General should be considered by the Security Council at a meeting or meetings to be held during August 1946, for this specific purpose; that applications for membership which have been received by the Secretary-General not later than 15 July shall be

referred to a committee composed of a representative of each of the members of the Council for examination and report to the Security Council not later than 1 August 1946."

The Representative of U.S.A. pointed out that the resolution was entirely consistent with the general rules and was intended to supplement them to meet the immediate situation. He said that at the outset it was important that all applications be referred to a committee from the standpoint of thoroughness and orderly procedure and that all applications must be considered at the same time.

The Representative of Poland stated that he would like to make sure that this resolution was not an attempt to postpone the Albanian application which the Council had placed on its agenda in London, and with this reservation was ready to support the resolution.

The Representative of U.S.S.R. felt that this resolution duplicated the Rules of Procedure and was, therefore, unnecessary, but said he would not vote against it.

The Representative of Australia thought that paragraph two introduced a new element by appearing to set a closing date for applications, and the Representative of Poland agreed. The Representative of U.S.A. felt that Rule 57 took care of any such situation, but agreed to replace the words "not later than" by the word "before", a change which the Representative of Australia felt made it quite clear that a barrier was not being put up. The resolution was then adopted unanimously.

2. Applications for Admission

At the date of this report, Albania, Siam, the Mongolian People's Republic, Afghanistan and Trans-Jordan have applied for admission as Members of the United Nations.

(a) Application of the People's Republic of Albania

By letter received on 25 January 1946 and addressed to the Executive Secretary of the United Nations, the Vice-Premier of Yugoslavia, requested that the Security Council recommend to the

General Assembly the admission of the People's Republic of Albania. The letter enclosed a telegram from the President of the People's Republic of Albania, addressed to the President and Vice-Presidents of the General Assembly, renewing the application made to the President of the Preparatory Commission on 10 December 1945, for the admission of Albania as a Member of the United Nations. In the telegram, the President called attention to the immense sacrifice made by the Albanian people during the long and arduous struggle against the Axis powers, and he declared on behalf of his Government that his country was prepared to assume all the obligations arising from the Charter of the United Nations.

At the Council's third meeting on 28 January 1946, it was agreed without objection that this application be placed on the agenda.

By letter dated 9 February 1946 addressed to the Secretary-General (S/8), the Yugoslav Deputy Minister for Foreign Affairs requested that his delegation be allowed to be heard at the meeting of the Security Council at which the Albanian application would be examined.

By letter dated 12 February 1946 addressed to the President of the Security Council (S/9), the Greek Minister for Foreign Affairs stated that in view of the fact that Albania had joined the Axis powers by sending fifteen battalions against Greece in 1941, the Greek Government felt that the admission of Albania should be postponed until the next session of the Assembly, in the hope that meanwhile normal relations would be established between the two countries. He further stated that the admission of Albania specially affected the interests of Greece and asked the Security Council to invite Greece to participate, in accordance with Article 31 of the Charter, in the discussions of the Security Council regarding this matter.

At the Council's eighteenth meeting on 17 February 1946, it was agreed to receive the letter from the Greek Foreign Minister, but the question of consideration of the letter was deferred. At the same meeting, the following resolution submitted by the Representative of U.S.A. was adopted by seven votes:

"I move that this item be kept on our agenda, but disposition be deferred pending further study until the Security Council convenes at the temporary headquarters."

(b) Application of Siam

By letter dated 20 May 1946 and addressed to the Secretary-General (S/73), the Siamese Minister for Foreign Affairs expressed the earnest desire of his country and people to join in the United Nations. He called attention to the fact that Siam was an original and faithful member of, and fervent believer in, the former League of Nations and that during the Japanese occupation an attempt was made to form a Siamese Government-in-Exile with the ultimate aim of participating in the United Nations. He stated that he entrusted Mr. Konthi Suphamongkhon with the mission of inquiring into the possibility of the rapid inclusion of Siam's name in the list of Members of the organization, and declared that Siam and the Siamese people were ready to assume their full responsibility in carrying out the obligations as set forth in the Charter of the United Nations.

In a letter of 9 July 1946 to the Siamese Representative in New York, the Acting Secretary-General inquired whether the Siamese Government desired that the letter of 20 May be submitted to the Membership Committee of the Security Council. The Siamese Representative requested in a reply of 11 July that the letter of 20 May not be submitted to the Membership Committee until he had received further instructions from Bangkok.

(c) Application of the Mongolian People's Republic

By telegram dated 24 June 1946 addressed to the Secretary-General, the Prime Minister and Foreign Minister of the Mongolian People's Republic requested the admission of the Mongolian

People's Republic as a Member of the United Nations. We draw attention to the fact that the people of the Mongolian People's Republic took part in the struggle against the Fascist States on the side of the United Nations. They had declared war against Japan on 10 August 1945 and had taken part in military operations against that country. In the name of the Mongolian People's Republic, the Prime Minister and Foreign Minister declared that his country was prepared to undertake all the obligations arising out of the United Nations Charter and to observe all provisions of the Charter.

(d) Application of Afghanistan

By telegram dated 2 July 1946 addressed to the Secretary-General, the Prime Minister of Afghanistan transmitted the application for the admission of Afghanistan to membership in the United Nations. He stated that Afghanistan had long shown itself to be a peace-loving State constantly devoted to the ideals of international cooperation and declared that his country was prepared to accept the obligations contained in the Charter.

(e) Application of Trans-Jordan

By letter dated 26 June 1946 addressed to the Secretary-General, the Minister for Foreign Affairs of the Hashemite Kingdom of Trans-Jordan requested, on behalf of His Government, admission to membership in the United Nations, and stated that, being a peace-loving nation, his country was prepared to undertake the obligations embodied in the Charter of the United Nations.

PART IV

COMMUNICATIONS

A Matters Brought to the Attention of the Security Council but not Dealt with Above

1. The Polish Army in Italy

By letter dated 15 February 1946 addressed to the Secretary-General (S/15), the Representative of U.S.S.R. drew the attention of the members of the Security Council to the facts set forth in an enclosed memorandum of the Government of the Federated People's Republic of Yugoslavia on the question of the Polish emigre army in Italy. The letter stated that the Yugoslav Government regarded the events referred to in its memorandum as a possible future threat to peace, calm and order on the Yugoslav-Italian frontier and had requested the Government of U.S.S.R. to bring the matter to the knowledge of the members of the Security Council.

The Yugoslav memorandum presented information on a continuing movement of units of the Polish Army in Italy, under the command of General Anders, towards the north and northeast so as to approach closer to the frontier of Yugoslavia. It was noted that the state of mind of these units was hostile to the Yugoslav Government as evidenced by the aggressive and ostensibly threatening tone of newspapers and other publications, and that this Army was recruiting troops from Yugoslav Quisling groups and supporting these groups in Italy.

By letter dated 17 February 1946 addressed to the Secretary-General (S/12), the Minister for Foreign Affairs of U.K. stated that the above letter of the U.S.S.R. Government had been the first communication received by his Government concerning movements of the Polish forces in Italy and that he felt the proper course of the Yugoslav Government should have been to bring the matter to his notice through the diplomatic channel. The letter further stated that Polish troops in Italy were widely distributed and that those in the area mentioned in the Yugoslav memorandum were performing guard

duties only; none were, or would be, employed east of the Province of Udine, and as their guard duties diminished, they would be moved south of the River Po and east of Bologna. It was noted that all recruiting had been forbidden for several months and that there was no information to confirm the statement that the Polish forces were in close touch with Yugoslav dissident elements.

This question was not placed on the Council's agenda.

2. Franco-Siamese Relations

In a memorandum submitted to the Secretary-General on 31 May 1946 (S/72), the Siamese Chargé d'affaires in Washington, D.C., stated that he was bringing incidents occurring on the Siam-Indo-China border to the knowledge of the United Nations, hoping to serve the general interests in making every effort for the maintenance of peaceful and friendly relations between the nations of the world. The memorandum noted the deterioration of relations between Siam and France since the termination of the war in the Pacific and the declaration by the French Government that they considered that a state of hostility existed between the two countries; as proof of a desire to maintain friendly relations with France, the Siamese Government had continued to welcome and aid French refugees, to allow French nationals complete freedom, and had opened negotiations with a view to bringing about a satisfactory solution to the question of territories retroceded to Siam in 1941.

In spite of these marks of good will, the memorandum continued, a tense situation had all along prevailed on the border area where the Mekong River separates the two countries. The memorandum cited incidents developed since the end of the last war, classified into the following five categories:

- (a) arbitrary arrest of Siamese nationals;
- (b) wanton fusillade;
- (c) plunder and looting

- (d) violation of Siamese territory;
- (e) arbitrary control of the Mekong River traffic, search of Siamese boats and confiscation of properties belonging to Siamese nationals.

It was stated that in a recent case, the Siamese Government considered it advisable to seek the good offices of the British and American Governments in persuading the French Government, and thereby the French authorities in Indo-China, to discontinue the use of force in a question which could be solved through normal and peaceful procedure; however, the French authorities in the border region continued to create trouble.

This question was not placed on the Council's agenda.

At the sixth meeting of the Security Council on 1 February 1946 the President drew attention to the number of communications which had been received from non-governmental bodies and individuals in reference to matters on the agenda. The Council adopted his suggestion that the Committee of Experts be requested to recommend a procedure to be followed in dealing with these communications.

At its thirty-first meeting on 9 April 1946 the Council adopted provisionally the recommendation of the Committee of Experts that a list of all communications from private individuals and non-governmental bodies relating to matters of which the Council was seized should be circulated to all Representatives on the Council and that a copy of any communication on this list should be given by the Secretariat to any Representative at his request.

Pursuant to the above recommendation, the Secretariat has circulated seven documents listing communications received from private individuals and non-governmental bodies concerning the Iranian and Spanish questions.

APPENDIX E

LIST OF REPRESENTATIVES AND ALTERNATE REPRESENTATIVES
ACCREDITED TO THE SECURITY COUNCIL

The following Representatives and Alternate Representatives were accredited to the Security Council during the period covered by this report:

<u>Australia</u>	- Dr. Herbert V. Evatt - Mr. N.J.O. Makin - Lt. Col. W.R. Hodgson - Mr. Paul Hasluck
<u>Brazil</u>	- Sr. C. de Freitas-Valle - Sr. Pedro Leao Vallero - Sr. Henrique R. Valle - Sr. Orlando Leite Ribeiro
<u>China</u>	- Dr. V.K. Wellington Koo - Dr. Quo Tai-chi - Dr. Ping-sheung Foo
<u>Egypt</u>	- Abdel Ramid Badawi Pasha - Hafez Afifi Pasha - Abdel Fattah Amr Pasha - Mammoud Riaz - Mahmoud Pasha Hassan - Mahmoud Bey Fawzi
<u>France</u>	- M. Georges Bidault - M. Paul-Boncour - M. A. Farodi - M. Vincent Auriol - M. Massigli - M. Henri Bonnet
<u>Mexico</u>	- Dr. Francisco Castillo Najera - Dr. Alfonso de Rosenzweig Diaz - Dr. Luis Padilla Nervo - Dr. R. Cordova - Sr. Rafael de la Colina
<u>Netherlands</u>	- Dr. E.N. van Kleffens - Jonkheer Michiels van Verduynen - Dr. Alexander Loudon
<u>Poland</u>	- Mr. Zygmunt Modzelewski - Dr. Oscar Lange - Mr. Jerzy Michalowski
<u>U.S.S.R.</u>	- Mr. Andrey A. Vyazimsky - Mr. Andrey A. Gromyko
<u>U.K.</u>	- Mr. Ernest Bevin - Mr. P.J. Noel-Baker - Sir Alexander Cadogan
<u>U.S.A.</u>	- Mr. James Byrnes - Mr. Edward R. Stettinius, Jr. - Mr. Herschel V. Johnson

APPENDIX III

LIST OF PRESIDENTS OF THE SECURITY COUNCIL

The following Presidents of the Security Council held office during the period covered by this report:

Australia	- Mr. N.J.O. Makin	-17 January - 16 February
Brazil	- Mr. C. de Freitas-Valle	-17 February - 16 March
China	- Dr. Quo Tai-chi	-17 March - 16 April
Egypt	- Hafez Afifi Pasha	-17 April - 16 May
France	- M.A. Parodi	-17 May - 16 June
Mexico	- Dr. Francisco Castillo Najera	-17 June - 16 July

LISTS OF REPRESENTATIVES, CHAIRMEN AND PRINCIPAL SECRETARIES
OF THE MILITARY STAFF COMMITTEE

The following is a list of senior representatives of each service accredited to the Military Staff Committee during the period covered by this report:

CHINESE DELEGATION

	<u>Period of Service</u>
General Shang Chen	From 3 February
Captain Chow Ying-tsung	3 February to 25 March and From 5 June
Rear Admiral Liu Ten Fu	25 March to 5 June
Air Colonel Huang Pun-young	3 February to 25 March
Air Major Gen. Mow Pong Tsu	25 March to 5 June
	From 19 June
Lieut. Colonel Wang Ko Tsan	From 5 June

FRENCH DELEGATION

Vice Admiral R. Fenard	3 February to 1 May
Air Marshal M. Valin	From 25 March
Major General P. Billot	From 25 March
Rear Admiral R. Moullec	From 1 May

U.S.S.R. DELEGATION

Lieut. General A. Ph. Vasiliev))
Vice Admiral V.L. Bogdenko) From 3 February
Lieut. General A.R. Sharapov)

U. K. DELEGATION

Admiral Sir Henry Moore)
General Sir Edwin L. Morris) From 3 February
Air Chief Marshal Sir Guy Garrod)	

U.S.A. DELEGATION

General George C. Kenney)
Admiral Richmond K. Turner) From 3 February
Lieut. General M.B. Ridgway)

The following Chairmen and Principal Secretaries have served at the meetings of the Committee held during the period covered by this report:

First Meeting - 4 February 1946	-Admiral Sir Henry Moore(U.K.)	-Chairman
	Captain R.D. Coleridge, R.N.	-Principal Secretary
Second Meeting - 13 February 1946	-General Shang Chen (China)	-Chairman
	Captain Chow Ying-tsung, C.M.	-Principal Secretary
Third Meeting - 14 February 1946	-Vice-Admiral R. Texier(France)	-Chairman
	Commissaire en Chef J. Deprez	-Principal Secretary
Fourth Meeting - 25 March 1946	-General Shang Chen (China)	-Chairman
	Captain Chow Ying-tsung (China)	-Principal Secretary
Fifth Meeting - 27 March 1946	-General Shang Chen (China)	-Chairman
	Captain Chow Ying-tsung (China)	-Principal Secretary
Sixth Meeting - 10 April 1946	-General Shang Chen (China)	-Chairman
	Captain Chow Ying-tsung (China)	-Principal Secretary
Seventh Meeting - 24 April 1946	-General Shang Chen (China)	-Chairman
	Captain Chow Ying-tsung (China)	-Principal Secretary
Eighth Meeting - 8 May 1946	-Air Marshal M. Valin (France)	-Chairman
	Commissaire en Chef J. Deprez	-Principal Secretary
Ninth Meeting - 22 May 1946	-Air Marshal M. Valin (France)	-Chairman
	Commissaire en Chef J. Deprez	-Principal Secretary
Tenth Meeting - 5 June 1946	-Lieut. General A.Ph. Vasiliev	-Chairman
	(U.S.S.R.)	
	Colonel V.M. Studenov	-Principal Secretary
Eleventh Meeting - 19 June 1946	-Lieut. General A.Ph. Vasiliev	-Chairman
	(U.S.S.R.)	
	Colonel V.M. Studenov	-Principal Secretary
Twelfth Meeting - 2 July 1946	-Admiral Sir Henry Moore(U.K.)	-Chairman
	Captain R.D. Coleridge, R.N.	-Principal Secretary
Thirteenth Meeting - 9 July 1946	-Admiral Sir Henry Moore(U.K.)	-Chairman
	Captain R.D. Coleridge, R.N.	-Principal Secretary
	(U.K.)	

ANNEX

(The copies of the full text of Governmental communications and documents referred to in Part I have been distributed to the members of the Security Council. They will be reproduced in full when this Report is circulated to the members of the General Assembly.)

