

**SECURITY
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SUMMARY STATEMENT BY THE SECRETARY-GENERAL OF MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED AND OF THE STAGE REACHED IN THEIR CONSIDERATION

Pursuant to Rule 11 of the Provisional Rules of Procedure of the Security Council, I submit the following Summary Statement of matters of which the Security Council is seized and of the stage reached in their consideration on 30 August 1946.

1. The Iranian Question

The Iranian application, dated 19 January 1946 (page 13, Security Council Journal No. 2), was considered at the third and fifth meetings of the Council in London. At the fifth meeting, a resolution was unanimously adopted requesting the parties to inform the Council of any results achieved in negotiations between them. The Council in the meanwhile retained the right at any time to request information on the progress of the negotiations.

By letter dated 18 March 1946 addressed to the President of the Council (S/15), the Iranian Ambassador made further application to the Council. The Iranian question was further considered at the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth meetings, and after various procedural decisions, it was resolved by nine votes (the Representative of the U.S.S.R. being absent and the Representative of Australia abstaining) that

"the Council defer further proceedings on the Iranian application 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." (Pages 458-459, Security Council Journal No. 24).

By letter dated 6 April 1946 addressed to the President of the Council (S/30), the Representative of the U.S.S.R. proposed that the Iranian question be removed from the agenda of the Council.

By letter dated 9 April 1946 addressed to the Secretary-General (S/33), the Iranian Ambassador opposed this proposal.

By letter dated 15 April 1946 addressed to the President of the Council (S/37), the Iranian Ambassador communicated the text of a telegram from his Government stating that it withdrew its complaint from the Council.

At the thirty-third meeting, the Secretary-General submitted a memorandum to the President of the Council (S/39) concerning the legal effect of the above letters from the Representative of the U.S.S.R. and the Iranian Ambassador. The Council referred this memorandum to the Committee of Experts. The Representative of France submitted a draft resolution providing

"that the Security Council request 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." (Page 522, Security Council Journal No. 27).

After discussion, it was agreed that no further action on the Iranian question could be taken until the report from the Committee of Experts was received.

At the thirty-sixth meeting, the Council considered the Report of the Chairman of the Committee of Experts (S/42). The Council continued its discussion of the issues raised in the above letters from the Representative

of the U.S.S.R. and the Iranian Ambassador. The Representative of the U.S.S.R. associated himself with the above Resolution proposed by the Representative of France. This Resolution received three votes (France, Poland and the U.S.S.R.) and was declared lost.

The Representative of the U.S.S.R. said that the decision of the Council to retain the Iranian question on its agenda was contrary to the Charter. Accordingly, the Soviet delegation did not consider it possible to take any further part in the discussion of the Iranian question in the Council.

By letter dated 6 May 1946 addressed to the President of the Council (S/53), the Iranian Ambassador, pursuant to the Council's Resolution of 4 April, reported on the withdrawal of Soviet troops.

At the fortieth meeting the Council adopted by ten votes (the Representative of the U.S.S.R. being absent) the following Resolution proposed by the Representative of the United States:

"RESOLVED: That 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, the Council defer further proceedings of 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 to do so; and that in case it is unable to obtain such information by 20 May, it report on that date 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 whether any further proceedings are required." (Page 635, Security Council Journal No. 33).

By letters dated 20 May and 21 May 1946, addressed to the President of the Council (S/56 and S/68), the Iranian Ambassador, in compliance with the Council's Resolutions of 4 April and 8 May 1946, submitted reports of additional information with respect to the matters brought to the Council's attention by the Iranian Government.

At the forty-third meeting the Council adopted the following Resolution submitted by The Netherlands Representative:

"The discussion of the Iranian consideration is adjourned until a date in the near future, the Council to be called together at the request of any of its members." (Page 711, Security Council Journal No. 36).

2. The Spanish Situation

By letters dated 8 April and 9 April 1946 addressed to the Secretary-General (S/32 and S/34), the Polish Ambassador, 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.

At the thirty-fourth and thirty-fifth meetings the Council considered this application and resolutions submitted by the Polish and Australian Representatives.

At the thirty-seventh and thirty-eighth meetings the Council considered the resolutions and amendments submitted by several representatives. At the thirty-ninth meeting the Australian resolution as amended was adopted by ten votes, the Representative of the U.S.S.R. abstaining. By this resolution the Council appointed a Sub-Committee of five of its members and instructed this Sub-Committee to report before the end of May. It was agreed that the Sub-Committee should be formed of the Representatives of Australia (Chairman), Brazil, China, France and Poland. Dr. Lange 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.

The Sub-Committee held nineteen meetings and completed its report on 31 May.

At the forty-fourth meeting the Chairman of the Sub-Committee submitted to the Council the Sub-Committee's Report (document S/75) and a supplementary memorandum containing its factual findings concerning the Spanish Situation (document S/76). He moved that the Council adopt the recommendations of the Sub-Committee, as set out in paragraph 31 of the above report.

At the forty-fifth meeting the Representative of Australia stated that the members of the Sub-Committees had agreed that a modification to their recommendations should be included in the formal resolution to be placed before the Council. He then moved the following resolution:

"WHEREAS the Sub-Committee on Spain made the three following recommendations in Paragraph 31 (a), (b) and (c) of its report to the Security Council:

(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 the 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 forthwith 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.

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

At the forty-sixth meeting the Representative of the United Kingdom submitted an amendment to the above resolution, substituting for the last paragraph:

"It is hereby resolved that the Security Council adopt the three

recommendations of the Sub-Committee set out above, subject to the deletion of paragraph (b) after the words 'reports of this Sub-Committee' and the addition of the words 'together with the minutes of the discussion of the case by the Security Council.'

At the forty-seventh meeting two representatives voted in favour of the amendment submitted by the Representative of the United Kingdom and six against; three representatives abstained and the amendment was declared lost. The recommendations of the Sub-Committee were voted as follows: Paragraph (a) - affirmative 10; negative 1; Paragraph (b) and (c) and the whole recommendation - affirmative 9; negative 1; with one representative abstaining. The recommendations were declared lost since the opposing vote was that of the Representative of the U.S.S.R. a permanent member.

The Representative of Poland then submitted a Resolution calling upon all Members of the United Nations who maintain diplomatic relations with the France government to sever such relations immediately. At the forty-eighth meeting this Resolution was lost, four Representatives voting for it and seven against it. The Representative of Poland then proposed a draft resolution providing that the Security Council keep the Spanish question on the list of matters of which it is seized and that it take up the matter again not later than 1 September 1946. Since agreement was not reached on this Resolution, the President appointed the Representatives of Australia, Poland and the United Kingdom as a drafting committee to try to prepare a text acceptable to the Council.

At the forty-ninth meeting the drafting committee submitted the following amended Resolution which had been agreed upon by the Representatives of Australia and the United Kingdom but which was not supported by the Representative of Poland:

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

"AND WHEREAS the investigation of the Sub-Committee has fully confirmed the facts which led to the condemnation of the Franco regime

by the Potsdam and San Francisco Conferences, the General Assembly at the first part of its first session and by the Security Council by resolution of the date above-mentioned

"AND WHEREAS the Sub-Committee was of opinion that the situation in Spain is one of 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."

Seven Representatives voted for the above Resolution and two against it. The President ruled that the Resolution had been carried, but the Representative of the U.S.S.R. pointed out that the Resolution was a substantive question and had not received the concurring vote of the U.S.S.R., a permanent member, as required under Article 27 (3). The Ruling of the President that the Resolution was a question of procedure was put to a vote and eight Representatives voted in favour of the ruling, two against it with one Representative abstaining. The President drew the conclusion that since the five permanent members did not concur that the Resolution was a matter of procedure, the Representatives of France and the U.S.S.R. having voted against this ruling, the Resolution was not adopted. The Representative of the U.S.S.R. introduced several amendments to the above Resolution submitted by the drafting committee, in the form of an amended text which was voted upon by paragraphs.

The paragraph, "The Security Council will take up the matter again not later than 1 September 1946, in order to determine what appropriate practical measures provided by the Charter should be taken," was rejected,

with three Representatives voting for this amendment, seven against it, and one abstaining.

The following paragraphs were accepted without objection:

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

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

"THE SECURITY COUNCIL DECIDES to keep the situation in Spain under continuous observation and 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 interest of peace and security. Any member of the Security Council has a right to bring the matter up before the Security Council at any time."

The Representative of Australia then introduced a Resolution providing that the carrying of the above Resolution "does not in any way prejudice the rights of the General Assembly under the Charter." Eight Representatives voted for this Resolution and two against. It was not carried because of the dissenting vote of the Representative of the U.S.S.R., a permanent member, who considered that resolution also as a matter of substance and not a procedural one. So the Council continues to be seized of the Spanish question.

3. Special Agreements Under Article 43 of the Charter

At its second meeting the Council adopted the provisional agenda for its first meetings recommended by the Preparatory Commission. It deferred consideration of Item 10 of the Provisional agenda:

"Discussion of the best means of arriving at the conclusion of the Special agreements referred to in Article 43 of the Charter."

The Question is being examined by the Military Staff Committee.

4. Rules of Procedure of the Security Council

meetings, the Committee of Experts drafted provisional Rules of Procedure and recommendations concerning communications from private individuals and non-governmental bodies.

After minor amendments the Council adopted these Rules of Procedure and recommendations at its thirty-first meeting. It was agreed that the Committee of Experts should formulate additional Provisional Rules of Procedure for submission to the Council.

Additional Rules of Procedure drafted by the Committee of Experts were adopted by the Council at its forty-first, forty-second, forty-fourth and forty-eighth meetings. A resolution concerning the admission of new members was submitted by the Australian Representative at the forty-second meeting; it secured one vote and was declared lost. The entire body of Provisional Rules of Procedure adopted by the Council through the forty-eighth meeting is reproduced as document S/96.

5. Statute and Rules of Procedure of the Military Staff Committee

At the twenty-third meeting it was agreed to postpone consideration of the Report of the Military Staff Committee concerning its Statute and Rules of Procedure (document S/10). The Committee of Experts was instructed to examine the Report. It was agreed that pending the approval of the Council of the Report of the Military Staff Committee, the Military Staff Committee was authorized to carry on its business along the lines suggested in its report.

At the twenty-fifth meeting consideration of the Report was further postponed pending examination by the Committee of Experts. The Committee of Experts has been engaged in consideration of the Provisional Rules of Procedure for the Security Council and has not yet examined the Report of the Military Staff Committee.

6. Definition of Conditions under which the International Court of Justice shall be open to States not Parties to the Statute

By letter dated 1 May 1946, addressed to the Secretary-General, the President of the Court of International Justice brought the attention of the Council to Article 35, Paragraph 2, of the Statute of the International Court of Justice, which specifies that "the conditions under which the Court shall be open to other States shall be regulated by the Security Council." He requested that the Court be informed of any decisions the Council saw fit to take in the matter of access to the Court by States not Parties to the Statute of the Court. At its fiftieth meeting the Council referred this letter, together with a memorandum of the Secretary-General in regard to this letter, to the Committee of Experts and instructed the Committee to prepare a draft resolution for the Council.
