



UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/5105  
28 March 1962

ORIGINAL: ENGLISH

---

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

Pursuant to rule 11 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to submit the following statement on matters of which the Security Council is seized and on the stage reached in their consideration on 24 March 1962.

1. The Iranian question (see S/4098)
2. Special agreements under Article 43 and the organization of the armed forces made available to the Security Council (see S/4098)
3. Rules of procedure of the Security Council (see S/4098)
4. Statute and rules of procedure of the Military Staff Committee (see S/4098)
5. The general regulation and reduction of armaments and information on the armed forces of the United Nations (see S/4098)
6. Appointment of a governor for the Free Territory of Trieste (see S/4098)
7. The Egyptian question (see S/4098)
8. The Indonesian question (see S/4098)
9. Voting procedure in the Security Council (see S/4098)
10. Reports on the strategic Trust Territory of the Pacific Islands pursuant to the resolution of the Security Council of 7 March 1949 (see S/4098)
11. Applications for membership (see S/4098, S/4220, S/4528, S/4546, S/4550, S/4572, S/4956, S/4970, S/5012 and S/5037)
12. The Palestine question (see S/4098, S/4140, S/4220, S/4786 and S/4794)
13. The India-Pakistan question (see S/4098 and S/5076)
14. The Czechoslovak question (see S/4098)
15. The question of the Free Territory of Trieste (see S/4098)
16. The Hyderabad question (see S/4098)

17. Identic notifications dated 29 September 1948 from the Governments of the French Republic, the United Kingdom and the United States of America to the Secretary-General (see S/4098)
18. International control of atomic energy (see S/4098)
19. Complaint of armed invasion of Taiwan (Formosa) (see S/4098)
20. Complaint of bombing by air forces of the territory of China (see S/4098)
21. Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case (see S/4098)
22. Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons (see S/4098)
23. Question of a request for investigation of alleged bacterial warfare (see S/4098)
24. Letter dated 29 May 1954 from the acting representative of Thailand to the United Nations addressed to the President of the Security Council (see S/4098)
25. Cablegram dated 19 June 1954 from the Minister of External Relations of Guatemala addressed to the President of the Security Council (see S/4098)
26. Letter dated 3 September 1954 from the representative of the United States of America addressed to the President of the Security Council (see S/4098)
27. Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China. Letter dated 30 January 1955 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan and other islands of China (see S/4098)
28. Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888 (see S/4098)

29. Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations (see S/4098)
30. The situation in Hungary (see S/4098)
31. Military assistance rendered by the Egyptian Government to the rebels in Algeria (see S/4098)
32. Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (see S/4098)
33. Letter dated 13 February 1958 from the Permanent Representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Saket-Sidi-Youssef" (see S/4098)
34. Letter dated 14 February 1958 from the Permanent Representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from the Tunisian territory directed against the integrity of French territory and the safety of persons and property of French nationals" (see S/4098)
35. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (see S/4098)
36. Complaint of the representative of the USSR in a letter to the President of the Security Council dated 18 April 1958 entitled: "Urgent measures to put an end to flights by United States military aircraft with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union" (see S/4098)
37. Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect to acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria" (see S/4098)
38. Letter dated 29 May 1958 from the representative of France to the President of the Security Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958" (see item 34 above); and (b) "The situation arising out of the disruption, by Tunisia, of the modus vivendi which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory" (see S/4098)

39. Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning: "Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by United Arab Republic" (see S/4698)
40. Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted by a note from the permanent mission of Laos to the United Nations, 4 September 1959 (see S/4220)
41. Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen addressed to the President of the Security Council (see S/4528)
42. Cable dated 18 May 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council (see S/4528)
43. Letter dated 25 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council (see S/4528)
44. Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council (see S/4528)
45. Letter dated 13 July 1960 from the Secretary-General of the United Nations to the President of the Security Council (see S/4528 and Corr.1, S/4596, S/4600, S/4631, S/4670, S/4696, S/4737, S/4754, S/4990, S/5008 and S/5076)
46. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (see S/4528)
47. Letter dated 31 December 1960 addressed to the President of the Security Council by the Minister for External Relations of Cuba (see S/4617)
48. Letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council (see S/4738 and S/4772)

49. Letter dated 31 May 1961 from the representatives of Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia (see S/4837)
50. Complaint by Kuwait in respect of the situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security (S/4845 and S/4844).  
Complaint by the Government of the Republic of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security (S/4847) (see S/4858)
51. Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia (S/4861). Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/4862) (see S/4867 and S/4907)
52. Letter dated 21 November 1961 from the Permanent Representative of Cuba addressed to the President of the Security Council (see S/5008 and S/5012)
53. Letter dated 18 December 1961 from the Permanent Representative of Portugal addressed to the President of the Security Council (see S/5042)
54. Letter dated 8 March 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council (see S/5099)

The Security Council continued its consideration of this question at its 995th through 998th meetings, held between 20 and 23 March 1962.

At the 998th meeting, the representative of the USSR requested, in accordance with the provisions of rule 38 of the provisional rules of procedure, that a draft resolution submitted by Cuba (S/5095) should be put to the vote. Under the terms of that draft resolution, the Security Council would decide to request

the International Court of Justice to give an advisory opinion, as a matter of priority, on the following questions:

- "1. Is the Organization of American States, under the terms of its Charter, a regional agency within the meaning of Chapter VIII of the United Nations Charter and do its activities have to be compatible with the Purposes and Principles of the United Nations?
- "2. Under the United Nations Charter, does the Organization of American States have the right as a regional agency to take the enforcement action provided in Article 53 of the United Nations Charter without the authorization of the Security Council?
- "3. Can the expression 'enforcement action' in Article 53 of the United Nations Charter be considered to include the measures provided for in Article 41 of the United Nations Charter? Is the list of these measures in Article 41 exhaustive?
- "4. Does the Charter of the Organization of American States provide for any procedure for expelling a State member of the Organization, in particular because of its social system?
- "5. Can the provisions of the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance be considered to take precedence over the obligations of Member States under the United Nations Charter?
- "6. Is one of the main principles of the United Nations Charter that membership in the United Nations is open to States which meet the requirements of Article 4 of the Charter, irrespective of their system?
- "7. In the light of the replies to the foregoing questions are, or are not, the resolutions adopted at Punta del Este at the Eighth Meeting of Consultation of American Ministers of Foreign Affairs relating to the expulsion of a State member of the regional agency because of its social system and the taking of other enforcement action against it, without the authorization of the Security Council, consistent with the provisions of the United Nations Charter, the Charter of the Organization of American States and the Treaty of Rio?"

At the request of the representative of Ghana, and with the consent of the sponsor, the third question contained in the draft resolution was voted upon separately, and was rejected by a vote of 4 in favour and 7 against. The representatives of the USSR and Cuba then indicated that they would not press for a vote on the remainder of the draft resolution. Under rule 35 of the provisional rules of procedure, the representative of the United States objected to the withdrawal of the remainder of the draft resolution.

The President ruled that since a vote had already been taken on one of the paragraphs of the draft resolution, the time had passed when, under rule 35, anyone had a right to withdraw the draft resolution, and accordingly he would put the remainder of the draft resolution to the vote.

The ruling of the President was challenged by the representative of the USSR, and was upheld by a vote of 7 in favour to 2 against, with 2 abstentions.

The remainder of the draft resolution was then put to the vote and rejected by 2 votes in favour to 7 against, with 1 abstention, and the representative of Ghana not participating.

The President then declared that the consideration of the matter having thus been terminated, he would adjourn the meeting.

-----