

**Chapter VIII**

**CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S  
RESPONSIBILITY FOR THE MAINTENANCE OF  
INTERNATIONAL PEACE AND SECURITY**

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## INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material presented in chapters VIII-XII of this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII indicates the chain of proceedings on the substance of each of the questions included in the Report of the Security Council to the General Assembly under the heading: "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security". The range of questions covers broadly those which may be deemed to fall under Chapters VI and VII of the Charter. In chapters X, XI and XII of the *Repertoire* is presented ancillary material from the Official Records bearing on relevant Articles of the Charter. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

Chapter VIII, as an outline of the proceedings of the Council in respect of the questions included in its agenda, constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council<sup>1</sup> and with regard to the Palestine question<sup>2</sup> and the India-Pakistan question,<sup>3</sup> which were included in the Council's agenda before the period under review, in the order of resumption of their consideration by the Council. In respect of each question, there is given at the outset a summary of the case presented to the Council,

<sup>1</sup> For a tabulation of the data on submission, see chapter X, part. III.

<sup>2</sup> *Repertoire of the Practice of the Security Council 1946-1951*, pp. 325-344; *Repertoire of the Practice of the Security Council, Supplement, 1952-1955*, pp. 110-118.

<sup>3</sup> *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 344-352; *Repertoire of the Practice of the Security Council, Supplement, 1952-1955*, pp. 107-109.

together with a summary of the contentions made in rebuttal.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by types of measures has been included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings adopted in the compilation of this table nor to the inclusion of particular measures under the individual headings. At the end of the table, under a new heading, have been added measures adopted by the Council, in three separate instances, to convene an emergency special session of the General Assembly in accordance with General Assembly resolution 377 A (V).

Much of the activity of the Council in connexion with Chapters VI and VII of the Charter has taken place through the instrumentality of subsidiary organs established to operate in the area of the dispute. As previously, no attempt has been made to reproduce within the *Repertoire* material relating to the organization and procedures of such subsidiary bodies save where questions relating to their organization and procedure have constituted an aspect of the proceedings of the Council itself.

### Part I

## ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

### NOTE

The entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision in the S/ series documents.

### I. Preliminary measures for the elucidation of fact

- A. Hearing of interested governments and authorities.  
(For invitations extended to interested governments and authorities, see chapter III.)

**II. Determination of the nature of the question**

- A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 1.

**III. Injunctions to governments and authorities involved in hostilities**

- A. Precautionary action.

(i) India-Pakistan question :

Decision of 2 December 1957 (S/3922), para. 1.

(ii) Lebanon question :

Decision : President's statement of 22 July 1958.

- B. Establishment and maintenance of an armistice.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 4.

Decision of 4 June 1956 (S/3605), para. 6.

Decision of 22 January 1958 (S/3942), paras. 5-6.

**IV. Measures in connexion with injunctions to be taken by the governments and authorities directly involved in hostilities**

- A. Withdrawal of fighting personnel.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3a.

- B. Demilitarization of an area.

India-Pakistan question :

Decision of 2 December 1957 (S/3922), preamble, para. 6.

- C. Freedom of movement and safe conduct of supervision personnel.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3b.

Decision of 4 June 1956 (S/3605), para. 3.

- D. Co-operation in preventing infiltration and incidents.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 2, 6.

- E. Exchange of military prisoners.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 8.

- F. Establishment of local arrangements for the prevention of incidents and the prompt detection of any violation of the armistice agreements.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3c.

- G. Co-operation of the parties to prevent recurrences of incidents.

Palestine question :

Decision : President's statement of 15 December 1958.

**\*\*V. Measures in connexion with injunctions to be taken by other governments and authorities****VI. Measures for settlement**

- A. Procedures of pacific settlement noted, advised or recommended.

(i) Sudan question :

Decision : President's statement of 21 February 1958.

(ii) Tunisian question (II) :

Decision : President's statement of 4 June 1958.

- B. Provisions bearing on issues of substance, including terms of settlement.

1. Determination of accession of territory by plebiscite.

India-Pakistan question :

Decision of 24 January 1957 (S/3779), para. 2.

Decision of 2 December 1957 (S/3922), preamble, para. 4.

2. Election of a constituent assembly.

India-Pakistan question :

Decision of 24 January 1957 (S/3779), para. 3.

3. Requirements to be met in any settlement.

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 :

Decision of 13 October 1956 (S/3675), para. 2.

**VII. Measures to promote the implementation of resolutions of the Security Council**

- A. Notice of possible consideration of further measures under the Charter.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 5.

- B. Establishment or employment of subsidiary organs.

1. To make recommendations to the parties.

India-Pakistan question :

Decision of 2 December 1957 (S/3922), paras. 2-3.

2. To assure against illegal infiltration.

Lebanon question :

Decision of 11 June 1958 (S/4023), operative paras. 1-2.

- C. Intercession by the President.

India-Pakistan question :

Decision of 21 February 1957 (S/3793), para. 1.

- D. Endorsement of decisions of subsidiary organs.

Palestine question :

Decision of 22 January 1958 (S/3942), para. 3.

- E. Reaffirmation of previous decisions.

(i) Palestine question :

Decision of 19 January 1956 (S/3538), preamble, para. 1.

Decision of 4 April 1956 (S/3575), preamble, paras. 1-2.

Decision of 4 June 1956 (S/3605), preamble, para. 1.

(ii) India-Pakistan question :

Decision of 24 January 1957 (S/3779), paras. 2-3.

Decision of 21 February 1957 (S/3793), preamble.

Decision of 2 December 1957 (S/3922), preamble, para. 7.

- F. Finding of a violation of a Security Council cease-fire injunction and of the obligation of a party.

Palestine question :

Decision of 19 January 1956 (S/3538), paras. 3-4.

- G. Call upon the parties to co-operate fully with subsidiary organs.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 9.

Decision of 4 June 1956 (S/3605), para. 2.

- H. Request to the Secretary-General to undertake a survey of the various aspects of enforcement of and compliance with armistice agreements.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 2.

- I. Expression of censure of retaliatory action and condemnation of attack by armed forces.

Palestine question :

Decision of 19 January 1956 (S/3538), preamble, para. 4, operative paras. 1-4.

- J. Request to the Secretary-General to arrange with the parties for adoption of measures which would reduce existing tension along armistice lines.  
Palestine question :  
Decision of 4 April 1956 (S/3575), para. 3.
- K. Expression of concern over non-implementation of specific measures requested by the Security Council.  
Palestine question :  
Decision of 4 April 1956 (S/3575), preamble, para. 3.  
Decision of 4 June 1956 (S. 3605), preamble, para. 5.
- L. Noting assurances given by the parties unconditionally to observe cease fire.  
Palestine question :  
Decision of 4 June 1956 (S/3605), preamble, para. 3.
- M. Noting progress made toward the adoption of measures requested by the Security Council.  
Palestine question :  
Decision of 4 June 1956 (S/3605), preamble, para. 4.
- N. Endorsement of views of the Secretary-General :  
Palestine question :  
Decision of 4 June 1956 (S. 3605), para. 4.
- O. Invitation to the parties to co-operate with the President in examination of proposals for the settlement.  
India-Pakistan question :  
Decision of 21 February 1957 (S/3793), para. 2.
- P. Request to the Secretary-General and to the United Nations Representative for India and Pakistan to render to the President such assistance as he might request.  
India-Pakistan question :  
Decision of 21 February 1957 (S/3793), para. 3.
- Q. Directive to the Chief of Staff of the United Nations Truce Organization in Palestine to regulate activities within the zone between the armistice demarcation lines.  
Palestine question :  
Decision of 22 January 1958 (S, 3942), para. 1.
- R. Directive to the Chief of Staff to conduct survey of property records.  
Palestine question :  
Decision of 22 January 1958 (S/3942), para. 2.
- S. Noting of the intention of the Secretary-General to take up the situation for consideration.  
Palestine question :  
Decision : President's statement of 15 December 1958.
- VIII. Measures to ensure further consideration and to ascertain compliance**
- A. Request for information on the progress of settlement.  
1. From the Secretary-General.
- Palestine question :  
Decision of 4 April 1956 (S/3575), para. 5.  
Decision of 4 June 1956 (S/3605), para. 7.
2. From the subsidiary organs.  
(i) Palestine question :  
Decision of 19 January 1956 (S/3538), para. 7.  
Decision of 4 June 1956 (S/3605), para. 5.  
Decision : President's statement of 28 May 1957.  
Decision : President's statement of 6 September 1957.  
Decision of 22 January 1958 (S/3942), para. 7.  
(ii) India-Pakistan question :  
Decision of 2 December 1957 (S/3922), para. 4.  
(iii) Lebanon question :  
Decision of 11 June 1958 (S/4023), operative para. 3.
3. From the President.  
India-Pakistan question :  
Decision of 21 February 1957 (S/3793), para. 1.
- B. Provision by express decision to consider the matter further.  
India-Pakistan question :  
Decision of 24 January 1957 (S/3779), para. 4.
- C. Statement by the President that the Council would remain seized of the question.  
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 :  
Decision : President's statement of 21 May 1957.
- IX. Measures in connexion with the inability of the Security Council to exercise its responsibility for the maintenance of international peace and security**
- A. Convocation of an emergency special session of the General Assembly under the provisions of General Assembly resolution 377 (V) of 3 November 1950.  
(i) Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (S/3712) :  
Decision of 31 October 1956 (S/3721).  
(ii) The situation in Hungary :  
Decision of 4 November 1956 (S/3733).  
(iii) Lebanon question :  
Decision of 7 August 1958 (S/4083).

## Part II

### THE PALESTINE QUESTION

*Decision of 19 January 1956 (715th meeting) :*

- (i) *Condemning the attack of 11 December 1955 by Israel armed forces in the area east of Lake Tiberias as a flagrant violation of the cease-fire provisions of the Security Council resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligation under the Charter ;*

- (ii) *Calling upon Israel to comply with its obligations in the future, in default of which the Council would consider further measures under the Charter to maintain or restore peace ;*
- (iii) *Calling upon the parties to comply with their obligations under the General Armistice Agreement, and requesting the Chief of Staff to pursue his suggestions for improving the situation in the area ;*