

Decision of 10 November 1951 (566th meeting): Instruction to the United Nations Representative for India and Pakistan to continue his efforts to obtain agreement on a plan for demilitarizing Jammu and Kashmir, and to report to the Security Council within six weeks

By letter dated 15 October 1951⁵⁶⁵ the United Nations Representative for India and Pakistan transmitted his first report to the Security Council.

At the 566th meeting on 10 November, the representatives of the United Kingdom and the United States submitted a joint draft resolution which was adopted⁵⁶⁶ at the same meeting by 9 votes in favour, none against, with 2 abstentions.⁵⁶⁷ The resolution read as follows:

"The Security Council,

"Having received and noted the report of Dr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Dr. Graham's address to the Council on 18 October,

"Noting with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,

"1. Notes with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations;

"2. Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir;

"3. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

"4. Instructs the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

By letter dated 18 December 1951, the United Nations Representative transmitted his second report⁵⁶⁸ in accordance with the resolution.

⁵⁶⁵ S/2375 and S/2375/Corr.1, O.R., 6th year, Special Suppl. No. 2, pp. 1-38.

⁵⁶⁶ S/2392.

⁵⁶⁷ 566th meeting: p. 19.

⁵⁶⁸ S/2448, O.R., 7th year, Special Suppl. No. 1, pp. 1-37.

⁵⁶⁹ S/694, O.R., 3rd year, Suppl. for Jan., Feb., Mar. 1948, pp. 31-34.

THE CZECHOSLOVAK QUESTION

INITIAL PROCEEDINGS

By letter dated 12 March 1948,⁵⁶⁹ Chile requested the Secretary-General, under Article 35 (1), to refer to the Security Council the communication of 10 March 1948 from Mr. Papanek, "permanent representative of Czechoslovakia", alleging that the political independence of Czechoslovakia had been violated by the threat of the use of force by the USSR in violation of Article 2 (4). The representative of Chile requested that the Council, in accordance with Article 34, should investigate the reported events which constituted "a threat to international peace and security".

At the 268th meeting on 17 March 1948 the Council included the question in the agenda.⁵⁷⁰ In the debate on the adoption of the agenda, the representatives of the United Kingdom and the United States stressed⁵⁷¹ that the question before the Council was essentially the complaint of recourse by the USSR to the threat of the use of force, contrary to Article 2 (4).⁵⁷² The representative of the USSR repudiated the allegation.⁵⁷³

The Council considered the Czechoslovak question at its 268th, 272nd, 273rd, 276th, 278th, 281st, 288th, 300th, 303rd and 305th meetings between 17 March and 26 May.

Decision of 24 May 1948 (303rd meeting): Rejection of draft resolution submitted by the representative of Chile and sponsored by the representative of Argentina

At the 281st meeting on 12 April 1948, the representative of Chile* submitted a proposal⁵⁷⁴ providing for the Security Council "to appoint a sub-committee of . . . members" and instruct "this sub-committee to receive or to hear . . . evidence, statements and testimonies and to report to the Security Council at the earliest possible time".

At the 288th meeting on 29 April, the representative of Argentina proposed that a vote be taken upon the proposal made by the representative of Chile and that the sub-committee should consist of three members.⁵⁷⁵

At the 303rd meeting on 24 May, the proposal was not adopted. There were 9 votes in favour and 2 against (1 vote against being that of a permanent member).⁵⁷⁶

At the same meeting, the representative of Argentina submitted a draft resolution (S/782) to entrust

⁵⁷⁰ 268th meeting: pp. 101-102. For consideration of the inclusion of the question in the agenda, see chapter II, Case 32; on the claim of domestic jurisdiction, see chapter XII, Case 16.

⁵⁷¹ 268th meeting: pp. 94, 99.

⁵⁷² In the discussion at the 281st and 288th meetings, the representatives of the United States and Belgium referred in similar terms to Article 2 (4) in connexion with the question before the Council. See 281st meeting: pp. 25-26; 288th meeting: p. 18.

⁵⁷³ 281st meeting: pp. 3-4.

⁵⁷⁴ 281st meeting: p. 2. For text, see chapter X, Case 17.

⁵⁷⁵ 288th meeting: p. 15.

⁵⁷⁶ 303rd meeting: pp. 28-29. For consideration of voting procedure and of the relation of Article 34 to the proposal, see chapter IV, Case 49; chapter V, Case 67; chapter X, Case 17.

the Committee of Experts with the task of obtaining further testimonial evidence.

The Czechoslovak question remained on the list of matters of which the Security Council is seized.

THE QUESTION OF THE FREE TERRITORY OF TRIESTE

Letter dated 28 July 1948 from the representative of Yugoslavia to the Secretary-General transmitting a Note from the Government of the Federal People's Republic of Yugoslavia concerning the Free Territory of Trieste (S/927)

INITIAL PROCEEDINGS

By letter dated 28 July 1948, Yugoslavia brought to the attention of the Security Council the "consistent acts of violations of the clauses of the Treaty of Peace with Italy regarding the Free Territory of Trieste on the part of the Allied Military Command",⁵⁷⁷ by which "a situation is created likely to endanger the maintenance of international peace and security", and requested the Council "to assure the respect by the Governments of the United States of America and the United Kingdom of their international obligations, thus guaranteeing the independence of the Free Territory of Trieste".⁵⁷⁸

At the 344th meeting on 4 August 1948 the Security Council included the question in the agenda.⁵⁷⁹

The Security Council considered the question at its 344th to 346th, 348th, 350th, 353rd and 354th meetings between 4 August and 19 August 1948.

Decisions of 19 August 1948 (354th meeting): Rejection of draft resolutions submitted by the representatives of Yugoslavia and the Ukrainian SSR

At the 344th meeting on 4 August 1948, the representative of the United States stated that the charges made by the representative of Yugoslavia were "utterly devoid of substance".⁵⁸⁰

At the 348th meeting on 13 August 1948, the representative of Yugoslavia submitted a draft resolution to declare that certain agreements concluded between the Allied Military Command and the Republic of Italy were "incompatible with the status of the Free Territory of Trieste" and to render them "null and void".⁵⁸¹

At the 353rd meeting on 19 August 1948, the representative of the Ukrainian SSR submitted a draft resolution that it was "urgently necessary to settle the question of the appointment of a Governor of the Free Territory of Trieste".⁵⁸²

At the 354th meeting on 19 August 1948, the draft resolution submitted by the representative of Yugoslavia was rejected by two votes in favour, none against, with nine abstentions.⁵⁸³

At the same meeting, the draft resolution submitted by the representative of the Ukrainian SSR was rejected by 4 votes in favour, none against, with 6

abstentions, and 1 member not participating in the voting.⁵⁸⁴

THE HYDERABAD QUESTION

INITIAL PROCEEDINGS

By cablegram dated 21 August 1948,⁵⁸⁵ Hyderabad informed the Security Council, under Article 35 (2), that a grave dispute had arisen between Hyderabad and India, which, unless settled in accordance with international law and justice, was likely to endanger the maintenance of international peace and security. The letter stated that "Hyderabad, a State not a Member of the United Nations, accepts for the purposes of the dispute the obligations of pacific settlement provided in the Charter of the United Nations". By subsequent communications dated 12 and 13 September, Hyderabad informed the Council of the imminence and subsequently of the occurrence of invasion.⁵⁸⁶

At the 357th meeting on 16 September 1948, the Security Council included the question in the agenda.⁵⁸⁷

The Security Council considered the question, or made reference to it, at its 357th, 359th, 360th, 382nd, 383rd, 384th, 425th and 426th meetings between 16 September 1948 and 24 May 1949.

At the 357th meeting on 16 September 1948, the representative of Hyderabad* urged that the situation demanded immediate action by the Security Council, not only under Chapter VI of the Charter, but also under Articles 39 and 40.⁵⁸⁸

By cablegram dated 22 September 1948⁵⁸⁹ the Nizam of Hyderabad informed the Secretary-General that he had withdrawn the complaint, and that the delegation to the Security Council, which had been sent at the instance of his former Ministry, had ceased to have any authority to represent him or his State.

At the 359th and 360th meetings on 20 and 28 September 1948, discussion centered on three questions: (a) the validity of the credentials of the Hyderabad delegation; (b) whether the withdrawal of the case by the Nizam of Hyderabad had been made voluntarily or under duress; and (c) what attitude the Council should adopt if the State and Government of Hyderabad were to disappear completely.

By letter dated 6 October 1948,⁵⁹⁰ the head of the Indian delegation informed the Council that the complaint, "which Hyderabad never had the right to make, now stood expressly withdrawn", and there existed no longer any reason for his Government to maintain a delegation in Paris for dealing with the question.

At the resumption of the discussion during the 425th and 426th meetings held on 19 and 24 May 1949, the representative of Pakistan suggested that, with regard to the question of the competence of the Council to deal with the matter, an advisory opinion of the International Court of Justice under Article 96 of the Charter might be sought.⁵⁹¹ He further suggested that, as a provisional measure envisaged under

⁵⁷⁷ O.R., 3rd year, Suppl. for Aug. 1948, p. 79.

⁵⁷⁸ O.R., 3rd year, Suppl. for Aug. 1948, p. 84.

⁵⁷⁹ 344th meeting: p. 1.

⁵⁸⁰ 344th meeting: pp. 8-9.

⁵⁸¹ 348th meeting: p. 14.

⁵⁸² 353rd meeting: pp. 18-19.

⁵⁸³ 354th meeting: p. 36.

⁵⁸⁴ 354th meeting: p. 37.

⁵⁸⁵ S/986, O.R., 3rd year, Suppl. for Sept. 1948, p. 5.

⁵⁸⁶ S/998, S/1000, O.R., 3rd year, Suppl. for Sept. 1948, pp. 6-7.

⁵⁸⁷ For consideration of the inclusion of the item in the agenda, see chapter II, Case 33.

⁵⁸⁸ 357th meeting: pp. 12-13.

⁵⁸⁹ S/1011, O.R., 3rd year, Suppl. for Sept. 1948, p. 7.

⁵⁹⁰ S/1089, 382nd meeting: pp. 27-28.

⁵⁹¹ 426th meeting: pp. 28-30.