

being absent.<sup>75</sup> The Polish proposal was rejected by 2 votes in favour, 8 against, with 1 member absent.<sup>76</sup>

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

### THE SPANISH QUESTION

#### INITIAL PROCEEDINGS

By letter dated 9 April 1946,<sup>77</sup> the representative of Poland, after referring to General Assembly resolution 32 (I) of 9 February 1946, stated:

"Since then a series of developments has made it clear that the activities of the Franco Government have already caused international friction and endangered international peace and security."

". . .

"In view of the foregoing, the situation in Spain must be considered not as an internal affair of that country but as a concern of all the United Nations. Article 2 of the Charter in paragraph 6 provides that the United Nations Organization shall insure that States not Members of the United Nations act in accordance with the principles of the Organization so far as may be necessary for the maintenance of international peace and security. The situation in Spain makes the application of this provision imperative.

"The Polish delegation, therefore, under Articles 4 and 35 of the Charter, requests the Security Council to place on its agenda the situation arising from the existence and activities of the Franco régime in Spain for consideration and for adoption of such measures as are provided for in the Charter."

At its 32nd meeting on 15 April 1946, the Council included the question in the agenda.<sup>78</sup>

The Council considered the Spanish question at its 34th to 39th and 44th to 49th meetings between 17 April and 26 June 1946.<sup>79</sup>

At the 34th meeting on 17 April 1946, the representative of Poland contended that the situation due to the existence and activities of the Fascist régime in Spain was of the nature referred to in Article 34, and that it was the duty of the Organization to take appropriate steps in accordance with Article 2, paragraph 6. The representative of Poland submitted a draft resolution<sup>80</sup> that the Security Council call upon Members of the United Nations to sever diplomatic relations with the Franco Government "in accordance with the authority vested in it under Articles 39 and 41 of the Charter".

*Decision of 29 April 1946 (39th meeting): Establishment of a sub-committee to conduct inquiries*

At the 35th meeting on 18 April 1946, the representative of Australia submitted an amendment to the Polish draft resolution providing for a committee "to make further inquiries" in accordance with Article 34.<sup>81</sup>

<sup>75</sup> 43rd meeting: p. 305.

<sup>76</sup> 43rd meeting: p. 305.

<sup>77</sup> S/34, O.R., *Suppl. No. 2, 1st year, 1st series*, p. 55.

<sup>78</sup> 32nd meeting: p. 122.

<sup>79</sup> For consideration of the question of domestic jurisdiction in connexion with the Spanish question, see chapter XII, Case 2.

<sup>80</sup> 34th meeting: p. 167. For text, see chapter XI, Case 1.

<sup>81</sup> 35th meeting: p. 198. For consideration of the relevance of Article 34, see chapter X, Case 8; and for considerations of domestic jurisdiction in connexion with the establishment of the sub-committee, see chapter XII, Case 2.

At the 37th meeting on 25 April, the Australian amendment was replaced by a draft resolution<sup>82</sup> which was re-submitted in revised form accepted by the representatives of Australia, France and Poland at the 38th meeting on 26 April 1946.<sup>83</sup>

At the 39th meeting on 29 April, the draft resolution was adopted with further amendments by 10 votes in favour, none against, and 1 abstention.<sup>84</sup> The resolution, as adopted, read:<sup>85</sup>

"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 régime 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 régime,

"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."

#### REPORT OF THE SUB-COMMITTEE ON THE SPANISH QUESTION

The report of the Sub-Committee on the Spanish question, dated 1 June 1946, included conclusions and recommendations, as well as reservations by two of its members.<sup>86</sup>

After an Introduction and Parts II and III concerning "Relevant Facts" and "Franco Spain and the United Nations", respectively, the Sub-Committee's report in Part IV dealt with "Jurisdiction of the Security Council and its power to take action under Chapter VII of the Charter". It was stated that "in the opinion of the Sub-Committee the Security Council cannot, on the present evidence, make the determination required by Article 39". In Part V on "Other measures available to the United Nations", the Sub-Committee reported that "the present situation in Spain . . . is a situation the continuance of which is in fact likely to endanger the maintenance of international peace and security."<sup>87</sup>

<sup>82</sup> 37th meeting: p. 216.

<sup>83</sup> 38th meeting: p. 239.

<sup>84</sup> 39th meeting: p. 245.

<sup>85</sup> 39th meeting: p. 244.

<sup>86</sup> S/75, O.R., *Special Suppl., 1st year, 1st series*, Rev. ed. On the character of the sub-committee, see chapter V, Case 65.

<sup>87</sup> O.R., *Special Suppl., 1st year, 1st series*, Rev. ed., pp. 1-10.

The Sub-Committee, in Part VI, "Conclusions and recommendations addressed to the Security Council", stated,<sup>88</sup> *inter alia*, that "the Security Council is . . . empowered by paragraph 1 of Article 36 to recommend appropriate procedures or methods of adjustment" and it recommended, *inter alia*, that, unless certain conditions were satisfied, the General Assembly pass a resolution recommending that each Member of the United Nations terminate forthwith diplomatic relations with the Franco régime.

*Decision of 18 June 1946 (47th meeting): Rejection of draft resolution submitted by the Chairman of the Sub-Committee*

At the 45th meeting on 13 June 1946, the Chairman of the Sub-Committee submitted a draft resolution for the adoption of the Sub-Committee's recommendations, subject to one addition.<sup>89</sup>

At the 46th meeting on 17 June, the representative of the United Kingdom submitted an amendment.<sup>90</sup>

At the 47th meeting on 18 June, the United Kingdom amendment was rejected, by 2 votes in favour, 6 against, with 3 abstentions.<sup>91</sup> After separate votes had been taken on each of the three recommendations, the draft resolution as a whole was not adopted. There were 9 votes in favour, 1 against (that of a permanent member) and 1 abstention.<sup>92</sup>

*Decision of 24 June 1946 (48th meeting): Rejection of the draft resolution submitted by the representative of Poland*

At the 48th meeting on 24 June 1946, the representative of Poland presented the draft resolution submitted by him at the 34th meeting with the reference to Articles 39 and 41 of the Charter deleted.

At the same meeting, the Polish draft resolution was rejected by 4 votes in favour and 7 against.<sup>93</sup>

*Decision of 26 June 1946 (49th meeting): To keep the situation in Spain under observation*

(i) At the 48th meeting on 24 June 1946, the representative of Poland submitted a draft resolution<sup>94</sup> to "keep the situation in Spain under continuous observation and keep the question on the list of matters . . ."

After consideration of the draft resolution in relation to recommendation by the General Assembly on the question at the next session, a drafting committee composed of the representatives of Australia, Poland and the United Kingdom was appointed to examine the new Polish draft resolution.<sup>95</sup>

(ii) At the 49th meeting on 26 June, the representatives of Australia and the United Kingdom sub-

mitted an amended text,<sup>96</sup> the representative of Poland dissenting.

At the same meeting, the Security Council upheld<sup>97</sup> the President's (Mexico) ruling that this text be considered as an amendment to the Polish draft resolution. This amended resolution was not adopted.<sup>98</sup> There were 9 votes in favour, 2 against (one being that of a permanent member).

(iii) Also at the 49th meeting, the representative of the USSR submitted amended texts.<sup>99</sup> After an amendment submitted by the representative of the USSR had been rejected, the following resolution was adopted:<sup>100</sup>

"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 régime 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 mentioned above,

"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."

*Decision of 26 June 1946 (49th meeting): Rejection of draft resolution submitted by the representative of Australia*

At the 49th meeting on 26 June 1946, the representative of Australia submitted a draft resolution providing that<sup>101</sup>

"...in the opinion of the Security Council, the carrying of the resolution on the Spanish question, dated 26 June, does not in any way prejudice the rights of the General Assembly under the Charter."

The draft resolution was not adopted. There were 9 votes in favour, 2 against (one being that of a permanent member).<sup>102</sup>

*Decision of 4 November 1946 (79th meeting): Removal of the question from the list of matters of which the Council is seized*

At the 79th meeting on 4 November 1946, the draft resolution submitted by the representative of Poland, as amended by the addition of a sentence at the end, suggested by the President (United Kingdom) and accepted by the representative of Poland, was adopted unanimously.<sup>103</sup> The resolution as adopted read:

"The Security Council resolves that the situation in Spain is to be taken off the list of matters of which the Council is seized, and that all records and documents of the case be put at the disposal of the General Assembly.

<sup>96</sup> 49th meeting: p. 401. For text, see chapter X, Case 9.

<sup>97</sup> 49th meeting: p. 413.

<sup>98</sup> 49th meeting: p. 413.

<sup>99</sup> 49th meeting: p. 434.

<sup>100</sup> 49th meeting: pp. 441-442.

<sup>101</sup> 49th meeting: p. 444.

<sup>102</sup> 49th meeting: p. 446. For discussion, see chapter VI, Case 1 (iii).

<sup>103</sup> 79th meeting: p. 498. For discussion, see chapter VI, Case 1 (iv).

<sup>88</sup> O.R., *Special Suppl., 1st year, 1st series*, Rev.ed., pp. 10-11. For consideration of the Report in relation to Chapter VI of the Charter, see chapter X, Case 22; and in relation to Chapter VII of the Charter, see chapter XI, Cases 1 and 16.

<sup>89</sup> 45th meeting: p. 326. For consideration of this draft resolution in relation to Article 24, see chapter XII, Case 21; in relation to Article 12, see chapter VI, Case 1 (i); and in relation to Chapter VI of the Charter, see chapter X, Case 22.

<sup>90</sup> 46th meeting: pp. 348-349.

<sup>91</sup> 47th meeting: p. 378.

<sup>92</sup> 47th meeting: p. 379.

<sup>93</sup> 48th meeting: p. 388.

<sup>94</sup> 48th meeting: p. 389. For text, see chapter X, Case 9; for discussion in relation to Article 12, see chapter VI, Case 1 (ii).

<sup>95</sup> 48th meeting: p. 400.

"The Security Council requests the Secretary-General to notify the General Assembly of this decision."

The question was accordingly removed from the list of matters of which the Security Council is seized.

**THE GREEK QUESTION: UKRAINIAN SSR COMMUNICATION DATED 24 AUGUST 1946**

**INITIAL PROCEEDINGS**

By telegram dated 24 August 1946,<sup>104</sup> the Ukrainian SSR brought to the attention of the Security Council, under Article 35 (i), "as being of the nature covered by Article 34 . . . the situation in the Balkans which has resulted from the policy of the Greek Government, and which endangers the maintenance of international peace and security . . ." The principal factor "conducive to the situation in the Balkans, as created by this policy of the present Greek Government" was the "presence of British troops in Greece and the direct intervention of British military representatives in the internal affairs" of Greece. The Council was requested to adopt measures without delay "in order to eliminate this threat to peace".

After discussion at the 54th, 57th, 58th and 59th meetings, the Security Council included the question in the agenda at the 59th meeting on 3 September 1946.<sup>105</sup>

The Council considered the question at the 60th to 62nd, and the 64th to 70th meetings, between 4 and 20 September 1946.

*Decision of 20 September 1946 (70th meeting): Postponement of vote on draft resolution submitted by the representative of Australia*

At the 67th meeting on 16 September 1946, the representative of Australia submitted a draft resolution that the Council pass to the next item on the agenda.<sup>106</sup>

At the 70th meeting on 20 September, at the suggestion of the President (USSR) and with the agreement of the representative of Australia, the Security Council decided to vote on the Australian draft resolution after the other draft resolutions directly related to the question under consideration had been voted upon.<sup>107</sup>

*Decisions of 20 September 1946 (70th meeting): Rejection of draft resolutions submitted respectively by the representatives of the USSR, the Netherlands, the United States and Poland<sup>108</sup>*

*(i) USSR draft resolution*

At the 67th meeting on 16 September 1946, the representative of the USSR submitted a draft resolution<sup>109</sup> to establish that "a situation envisaged by Article 34 of the Charter" had been created in Greece; to call upon the Greek Government to take certain

measures; and "to retain on the agenda of the Security Council the question of the menacing situation . . ."

At the 70th meeting on 20 September 1946, the USSR draft resolution was rejected by 2 votes in favour, 9 votes against.<sup>110</sup>

*(ii) Netherlands draft resolution*

At the 69th meeting on 18 September 1946, the representative of the Netherlands submitted a draft resolution<sup>111</sup> to invite the Secretary-General to notify the Governments of Albania, Bulgaria, Greece and Yugoslavia that the Council, "without pronouncing any opinion on the question of responsibility, earnestly hopes that these Governments . . . will do their utmost . . . to stop" the frontier incidents "by giving appropriate instructions to their national authorities and by making sure that these instructions are rigidly enforced".

The Netherlands draft resolution was voted upon at the 70th meeting and was rejected by 6 votes in favour, 3 against and 2 abstentions.<sup>112</sup>

*(iii) United States draft resolution*

At the 70th meeting on 20 September, the representative of the United States submitted a draft resolution<sup>113</sup> under which the Council, acting under Article 34, would establish a commission of three individuals to investigate in the area concerned the facts relating to the incidents along the frontier between Greece on the one hand, and Albania, Bulgaria and Yugoslavia on the other.

The United States draft resolution was voted upon at the same meeting and was not adopted. There were 8 votes in favour, 2 against (1 vote against being that of a permanent member) and 1 abstention.<sup>114</sup>

*(iv) Polish draft resolution*

Following the rejection of the USSR, Netherlands and United States draft resolutions at the 70th meeting, the representative of Poland submitted a draft resolution<sup>115</sup> to keep the situation under observation and to retain it on the list of matters of which the Council is seized.

At the same meeting the Polish draft resolution was rejected by 2 votes in favour and 9 votes against.<sup>116</sup>

Following statements at the 70th meeting by the President of the Council (USSR),<sup>117</sup> the Secretary-General<sup>118</sup> and the representative of France,<sup>119</sup> the representative of Australia withdrew his draft resolution.<sup>120</sup>

The question was removed from the list of matters of which the Council is seized.

<sup>104</sup> 70th meeting: pp. 407-409.

<sup>105</sup> 69th meeting: p. 390.

<sup>106</sup> 70th meeting: pp. 409-410.

<sup>107</sup> 70th meeting: p. 396. For text, see chapter X, Case 10.

<sup>108</sup> 70th meeting: p. 412.

<sup>109</sup> 70th meeting: p. 413. For text, see chapter X, Case 10.

<sup>110</sup> 70th meeting: p. 417.

<sup>111</sup> 70th meeting: p. 420.

<sup>112</sup> 70th meeting: p. 421.

<sup>113</sup> 70th meeting: p. 422.

<sup>114</sup> 70th meeting: p. 422. For discussion preceding the withdrawal of the Australian draft resolution, see chapter II, Case 57.

<sup>104</sup> S/137, O.R., 1st year, 2nd series, Suppl. No. 5, pp. 149-151.

<sup>105</sup> For consideration of inclusion of the question in the agenda, see chapter II, Cases 17 and 28.

<sup>106</sup> 67th meeting: p. 329. For consideration of the Australian draft resolution, see chapter II, Case 57.

<sup>107</sup> 70th meeting: pp. 405-407.

<sup>108</sup> For constitutional considerations advanced in connexion with the draft resolutions, see chapter X, Case 10; in connexion with Article 2 (7), see chapter XII, Case 3.

<sup>109</sup> 67th meeting: pp. 334-335.