

the People's Republic of China, taking part in the discussion under rule 39 of the rules of procedure, submitted a draft resolution<sup>634</sup> which in part called for "the withdrawal from Korea of the armed forces of the United States of America and all other countries, and to leave the people of North and South Korea to settle the domestic affairs of Korea themselves so that a peaceful solution of the Korean question might be achieved".<sup>635</sup> The draft resolution was sponsored by the representative of the USSR.

At the 530th meeting on 30 November, the draft resolution was rejected by 1 vote in favour, 9 against, with 1 member not participating in the voting.<sup>636</sup>

*Decision of 31 January 1951 (531st meeting): Removal of the item from the list of matters of which the Council is seized*

At the 531st meeting on 31 January 1951, the representative of the United Kingdom, recalling his letter of 29 January 1951<sup>637</sup> to the President of the Council, stated that, in order to avoid any technical doubts that might arise regarding an infringement of Article 12 of the Charter, he proposed that the item be taken off the agenda of the Council. At the same meeting, he submitted a draft resolution<sup>638</sup> which was adopted unanimously.<sup>639</sup> The resolution read as follows:

*"The Security Council,*

*"Resolves to remove the item 'Complaint of aggression upon the Republic of Korea' from the list of matters of which the Council is seized."*

#### COMPLAINT OF ARMED INVASION OF TAIWAN (FORMOSA)

##### INITIAL PROCEEDINGS

By cablegram dated 24 August 1950,<sup>640</sup> the Minister for Foreign Affairs of the People's Republic of China stated that, on 27 June 1950, the President of the United States had announced the decision of his Government to prevent with armed forces the liberation of Taiwan by the Chinese People's Liberation Army. The United States 7th Fleet had moved toward the Straits of Taiwan and contingents of the United States Air Forces had arrived on Taiwan, in open encroachment on the territory of the People's Republic of China. That action was a direct armed aggression on the territory of China and a total violation of the United Nations Charter. The Foreign Minister proposed to the Security Council, as the organ charged with the maintenance of international peace and security and the upholding of the dignity of the Charter, that it was its duty to condemn the United States Government for its "criminal" act and to take immediate measures to bring about the complete withdrawal of all United States armed invading forces from Taiwan and from other territories belonging to China.

In his statement to the Council, at the 527th meeting on 28 November 1950, the representative of the People's Republic of China contended that Taiwan was an integral part of the territory of China, of which the Central People's Government was the "sole legal Government". The occupation of Taiwan by United States armed forces constituted "an act of open, direct armed aggression against China by the Government of the United States".

At the same meeting, the representative of the People's Republic submitted a draft resolution<sup>641</sup> whereby the Council would recognize the occupation of Taiwan by United States armed forces as "open and direct aggression against Chinese territory" and would condemn the United States Government accordingly; and would demand the withdrawal of United States forces from Taiwan and from Korea.

By letter dated 25 August,<sup>642</sup> the representative of the United States replied, in part, that:

1. The United States had not encroached on the territory of China, nor taken aggressive action against China.

2. The action of the United States had been an impartial, neutralizing action, addressed both to the forces in Formosa and on the mainland. It was an action designed to keep the peace and therefore was in full accord with the Charter of the United Nations. The United States had no designs on Formosa and the action was not inspired by any desire to acquire a special position.

3. The action of the United States was expressly stated to be without prejudice to the future political status of the island.

4. The United States would welcome United Nations consideration of the case of Formosa and would approve full United Nations investigation at Headquarters or on the spot.

At the 492nd meeting on 29 August 1950, the question was included in the agenda under the title "Complaint of Armed Invasion of Taiwan (Formosa)".<sup>643</sup> The question was considered at the 490th, 493rd, 503rd-507th and 525th-530th meetings,<sup>644</sup> held between 25 August and 30 November 1950.

*Decision of 29 September 1950 (506th meeting): To defer consideration of the question and to invite a representative of the People's Republic of China to attend the Council discussions on the question*

At the 504th meeting on 27 September 1950, the representative of Ecuador submitted a draft resolution,<sup>645</sup> in the form of an amendment to a pending Chinese proposal that the item be deleted from the agenda. Under the Ecuadorean amendment, the Coun-

<sup>634</sup> S/1921, 527th meeting: p. 25.

<sup>635</sup> For other parts of this draft resolution, see below: "Complaint of Armed Invasion of Taiwan (Formosa)".

<sup>636</sup> 530th meeting: p. 22.

<sup>637</sup> S/1992, O.R., 6th year, Suppl. for Jan., Feb. and March 1951, pp. 10-11. For other observations, see chapter VI, Case 4.

<sup>638</sup> S/1995, 531st meeting: p. 8.

<sup>639</sup> 531st meeting: pp. 11-12.

<sup>640</sup> S/1715, 490th meeting: p. 9-10.

<sup>641</sup> S/1921, 530th meeting: p. 22.

<sup>642</sup> S/1716, 490th meeting: pp. 6-9.

<sup>643</sup> In the debate on the adoption of the agenda, the representative of the USSR contended that the complaint was raised under Article 2 (4) of the Charter (492nd meeting, p. 9). On inclusion in the agenda, see chapter II, Case 24.

<sup>644</sup> At the 525th-530th meetings, the item was considered jointly with the "Complaint of aggression upon the Republic of Korea".

<sup>645</sup> S/1817/Rev.1, 504th meeting: pp. 12-13. For discussion in relation to Article 12, see chapter VI, Case 3; and in relation to Article 34, see chapter X, Case 18.

cil would defer consideration of the question and would invite a representative of the People's Republic of China to attend when the question was discussed. The Council also had before it a USSR draft resolution,<sup>646</sup> reintroduced at the 503rd meeting on 26 September 1950, to invite a representative of the People's Republic of China to participate forthwith in the discussion on the question.

At the 505th meeting on 28 September, the Council voted first on the Chinese proposal, which was rejected by 2 votes in favour, 6 against, and 3 abstentions. The Council then rejected the USSR draft resolution, as amended by the United Kingdom, by 6 votes in favour, 3 against, and 2 abstentions. Finally, the Council voted on the Ecuadorean proposal, the operative part of which was rejected by 6 votes in favour, 4 against and 1 abstention. The Council member who abstained later explained his vote and stated that his vote should be considered as favourable to the operative part of the draft resolution. Objections to this procedure having been made, the Council meeting adjourned.<sup>647</sup>

At the 506th meeting on 29 September, the representative of Ecuador reintroduced his draft resolution<sup>648</sup> which was put to the vote, paragraph by paragraph. The Council then voted on the draft resolution as a whole, as amended, with the omission of the last paragraph of the preamble, and adopted it by 7 votes in favour, 3 against, and 1 abstention.<sup>649</sup> The resolution read as follows:

*"The Security Council,*

*"Considering that it is its duty to investigate any situation likely to lead to international friction or to give rise to a dispute in order to determine whether the continuance of such dispute or situation may endanger international peace and security, and likewise to determine the existence of any threat to peace; [9 votes to none, with 2 abstentions]*

*"Considering that, in the event of a complaint regarding situations or facts similar to those mentioned above, the Council may hear the complainants; [8 votes to none, with 3 abstentions]*

*"Considering that, in view of the divergency of opinion in the Council regarding the representation of China and without prejudice to this question, it may, in accordance with rule 39 of the rules of procedure, invite representatives of the Central People's Government of the People's Republic of China to provide it with information or assist it in the consideration of these matters; [7 votes to 2, with 2 abstentions]*

*"Having noted the declaration of the People's Republic of China regarding the armed invasion of the Island of Taiwan (Formosa); [7 votes to 1, with 3 abstentions]*

*"Decides:*

*"(a) To defer consideration of this question until the first meeting of the Council held after 15 November 1950;*

*"(b) To invite a representative of the said Government to attend the meetings of the Security Council held after 15 November 1950 during the discussion of that Government's declaration regarding an armed invasion of the Island of Taiwan (Formosa)".<sup>650</sup> [7 votes to 4]*

*Decisions of 30 November 1950 (530th meeting): Rejection of draft resolution submitted by the representative of the USSR and of draft resolution by the People's Republic of China*

On 2 September 1950, the representative of the USSR submitted a draft resolution<sup>651</sup> to condemn the acts of the United States Government as an act of aggression and an intervention in the internal affairs of China, and to propose to the United States Government the immediate withdrawal of all its air, sea and land forces from the island of Taiwan and from other territories belonging to China.

At the 530th meeting on 30 November 1950, the USSR draft resolution and the draft resolution submitted by the People's Republic of China and sponsored by the representative of the USSR were rejected by 1 vote in favour, 9 against and 1 member not participating in the vote.<sup>652</sup>

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

#### COMPLAINT OF BOMBING BY AIR FORCES OF THE TERRITORY OF CHINA

##### INITIAL PROCEEDINGS

By cablegram dated 27 August 1950,<sup>653</sup> the People's Republic of China charged that, on 27 August, military aircraft of the United States forces in Korea had invaded the air of the People's Republic of China and caused material damage. He proposed that the Council condemn the United States forces in Korea for invading China's air, and that the Council "take immediate measures to bring about the complete withdrawal of all the United States aggression forces from Korea" in order to avoid an aggravation of the situation and to facilitate the peaceful settlement of the Korean question by the United Nations.

At the 493rd meeting on 31 August, the Council included the question in the agenda under the title, "Complaint of bombing by air forces of the territory of China".

The Council discussed the question at its 493rd, 497th, 499th and 501st meetings, held between 31 August and 12 September 1950.

*Decision of 12 September 1950 (501st meeting): Rejection of draft resolution submitted by the representative of the United States*

At the 501st meeting on 12 September 1950, the representative of the United States submitted a draft

<sup>650</sup> For discussion regarding participation, see chapter III, Case 54 and Case 65.

<sup>651</sup> S/1757, 530th meeting: p. 21.

<sup>652</sup> 530th meeting: pp. 21-22.

<sup>653</sup> S/1722, O.R., 5th year, Suppl. for June-Aug. 1950, pp. 144-145; see also S/1743, cablegram dated 30 August 1950, O.R., 5th year, Suppl. for June-Aug. 1950, p. 156. On inclusion in the agenda, see chapter II, Case 25.

<sup>646</sup> S/1732, 492nd meeting: p. 15.

<sup>647</sup> 505th meeting: pp. 20-29.

<sup>648</sup> S/1823/Corr.1, 506th meeting: pp. 3-5.

<sup>649</sup> 506th meeting: p. 5. For discussion on the legal effect of this vote, see chapter IV, Case 99.