

VIII. Measures to ensure further consideration and to ascertain compliance

A. Request for information on the progress of settlement.

1. From the parties.

- (i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 9.
- (ii) Palestine question:
Decision: President's statement of 11 November 1954.

**2. From the Secretary-General.

3. From the subsidiary organs.

- (i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 10.
- (ii) Palestine question:
Decision of 24 October 1953 (S/3139/Rev.2) Part C, para. 4.
Decision of 27 November 1953 (S/3128), para. 5.
Decision of 30 March 1955 (3379), para. 4.
Decision of 8 September 1955 (S/3432), para. 6.

**B. Retention of the question by express decision on the list of matters of which the Security Council is seized.

**C. Provision by express decision to consider the matter further.

Part II

THE INDIA-PAKISTAN QUESTION

Decision of 31 January 1952 (572nd meeting): Authorizing the United Nations Representative to continue his efforts and submit his report

At the 570th meeting on 17 January 1952, the Security Council began consideration of the second report dated 18 December 1951 from the United Nations Representative for India and Pakistan,⁵ submitted in accordance with paragraph 4 of the Security Council resolution of 10 November 1951. At that meeting the United Nations Representative, in a statement presenting the report, said:⁶

"... the United Nations Representative deems that there is no substantial change in the positions of the Governments of India and Pakistan in regard to their main points of difference concerning demilitarization of the State of Jammu and Kashmir on the basis of the draft agreement submitted to them on 7 September 1951, which were set forth in paragraph 60 of the first report of the United Nations Representative [S/2375] ...

"...

"The United Nations Representative deems it necessary to emphasize that, from his experience, he believes that any negotiations that could be undertaken by the United Nations to obtain the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949, taking into account the resolutions themselves or following the procedure proposed by the United Nations Representative in the draft plan for agreement submitted to the parties, would find almost unsurmountable obstacles if the circumstances prevailing are the same as now, unless in one way or another agreed solutions are found for the following: (1) a definite period for demilitarization; (2) the scope of demilitarization and quantum of forces that will remain at the end of the period of demilitarization; (3) the day for the formal induction into office of the Plebiscite Administrator."

Consideration of the report, which was continued at the 571st meeting on 30 January 1952, was concluded at the 572nd meeting on 31 January 1952, when the President (France) noted that, with the exception of

the representative of the USSR, the Security Council was agreed that "in keeping with the earlier resolutions, the United Nations Representative of India and Pakistan is authorized, without any new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hopes will be final, within two months". In the absence of objection, this was considered to be the sense of the Security Council.⁷

Decision of 23 December 1952 (611th meeting): Urging the parties to enter into negotiations to reach agreement on quantum of forces to remain at the end of the period of demilitarization

In accordance with the President's statement of 31 January 1952, the United Nations Representative held preliminary consultations with the representatives of the Governments of India and Pakistan in Paris and held separate discussions with the parties during his visit to the Indian sub-continent between 29 February and 25 March. In his third report⁸ submitted to the Security Council on 22 April 1952, he reviewed the progress of the negotiations and recommended:⁹

"(1) That, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India and Pakistan refrain from taking any action which would augment the present military potential of the forces in the State.

"(2) That the Governments of India and Pakistan, taking into account their agreements under the UNCIP resolutions and their acceptances under the twelve proposals, should:

"(a) Continue their determination not to resort to force and to adhere to peaceful procedures; and to follow faithfully their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).

⁵ 572nd meeting: paras. 34-35.

⁶ S/2611 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 1-19.

⁷ S/2611 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 16-17.

⁸ S/2448, O.R., 7th year, Special Suppl. No. 1, pp. 1-37.

⁹ 570th meeting: paras. 56, 58.

"(b) Observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 (twelve proposals, paragraph 3).

"(3) That the Governments of India and Pakistan, as a means of further implementing the resolutions of 13 August 1948 and 5 January 1949, should undertake by 15 July 1952 further to reduce the forces under their control in the State of Jammu and Kashmir.

"(4) That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with a view to:

"(a) Resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

"(b) The general implementation of the UNCIP resolution of 13 August 1948 and 5 January 1949."

By letter dated 29 May 1952,¹⁰ the United Nations Representative informed the President of the Security Council that the negotiations on the question of the State of Jammu and Kashmir had been renewed in agreement with the Governments of India and Pakistan and that he would report at the appropriate moment to the Council on the outcome of this phase of the negotiations. Further, by letter dated 30 July 1952,¹¹ he informed the President of the Security Council that the two Governments had agreed to a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 25 August,

In his fourth report¹² regarding the negotiations, submitted to the Council on 16 September 1952, the United Nations Representative stated¹³ *inter alia*:

"The United Nations Representative holds the view that for reaching an agreement on a plan of demilitarization it is necessary either:

"(a) To establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; or

"(b) To declare that the forces to remain on each side of the cease-fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the Provisional Clause of the revised proposals."

This report was considered by the Security Council at its 605th to 611th meetings between 10 October and 23 December 1952. At the 611th meeting on 23 December 1952, the Council adopted by 9 votes to none, with 1 abstention, the representative of Pakistan not participating in the vote,¹⁴ a joint draft resolution¹⁵

¹⁰ S/2649, O.R., 7th year, Suppl. for April-June 1952, p. 16.

¹¹ S/2727, O.R., 7th year, Suppl. for July-Sept. 1952, p. 25.

¹² S/2783 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 19-48.

¹³ S/2783 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, p. 33.

¹⁴ 611th meeting: para. 111.

¹⁵ S/2839 and Corr. 1, O.R., 7th year, Suppl. for Oct.-Dec. 1952, pp. 54-55.

dated 5 November 1952, submitted by the representatives of the United Kingdom and the United States, as modified by a Netherlands amendment¹⁶ which was accepted by the sponsors of the joint draft resolution. The resolution¹⁷ read as follows:

"The Security Council,

"Recalling its resolutions of 30 March 1951, 30 April 1951, and 10 November 1951,

"Further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

"Having received the third report dated 22 April 1952 and the fourth report dated 16 September 1952 of the United Nations Representative for India and Pakistan;

"Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

"Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

"Notes that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

"Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (S/2783, annex 3) such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, annex 8);

"Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

¹⁶ S/2881, 611th meeting: para. 72.

¹⁷ S/2883, O.R., 7th year, Suppl. for Oct.-Dec. 1952, page 66. In connexion with the consideration of the resolution in the draft stage, see for the discussion in the Security Council of the applicable principles of pacific settlement of disputes chapter X, footnote 63.

"Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution; and further

"Requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

By letter dated 23 January 1953,¹⁸ the United Nations Representative informed the President of the Security Council that the Governments of India and Pakistan had agreed to continue the negotiations and to hold a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 4 February. He stated that the negotiations would be resumed "on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949, bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by the UNCIP" but "without prejudice to a further consideration, should that become necessary" of the United Nations Representative's twelve proposals.

In his fifth report¹⁹ regarding the negotiations, submitted to the Security Council on 27 March 1953, the United Nations Representative stated that, in agreement with the representatives of the Governments of India and Pakistan, he had concluded the ministerial conference on 19 February 1953 since he had felt that there was no ground left at that stage on which to continue the conference.²⁰

QUESTION OF AN APPEAL TO STATES TO ACCEDE TO AND RATIFY THE GENEVA PROTOCOL OF 1925

INITIAL PROCEEDINGS

At the 577th meeting on 18 June 1952, the provisional agenda of the Security Council included the following item relating to a draft resolution submitted²¹ on 14 June 1952 by the representative of the USSR: "Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons". With the addition of the words, "Question of an . . ." at the beginning of the title, the item was included in the agenda.²²

The Security Council considered the question at the 577th to 579th and 581st to 583rd meetings between 18 and 26 June 1952.

At the 577th meeting on 18 June 1952, the President, in his capacity as representative of the USSR, proposed adoption of his previously submitted draft resolution²³ which, stating that differences of opinion existed among statesmen and public figures in various countries concerning the admissibility of using bacterial weapons, and noting that the use of such weapons had been condemned by world public opinion, as expressed in the signing by forty-two States of the Geneva Protocol of

17 June 1925, provided for a decision by the Council to appeal to all States, which had not ratified or acceded to the Protocol, to do so.

At the same meeting, the representative of the United States proposed that the USSR draft resolution should be referred to the Disarmament Commission in accordance with rule 33 of the provisional rules of procedure of the Security Council.²⁴

Decision of 26 June 1952 (583rd meeting): Rejection of the USSR draft resolution

At the 583rd meeting on 26 June 1952, the USSR draft resolution was not adopted. There was 1 vote in favour with 10 abstentions.²⁵

At the same meeting, the representative of the United States, in view of the decision taken by the Council, withdrew his proposal to refer the USSR draft resolution to the Disarmament Commission, noting that the matter was in any case under discussion in the Commission.²⁶

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

QUESTION OF A REQUEST FOR INVESTIGATION OF ALLEGED BACTERIAL WARFARE

INITIAL PROCEEDINGS

At the 579th meeting on 20 June 1952, the representative of the United States requested that the item "Question of a request for investigation of alleged bacterial warfare" be placed on the provisional agenda for the next meeting.²⁷

He requested also that a draft resolution²⁸ be circulated to the members of the Council. Under this draft resolution, the Security Council, noting the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by United Nations forces and the repetition of those charges by the Government of the USSR in organs of the United Nations; recalling that the Unified Command for Korea had immediately denied the charges and had requested an impartial investigation, would: (1) request the International Committee of the Red Cross to investigate the charges and to report the results to the Council as soon as possible; (2) call upon all governments and authorities concerned to accord to that Committee full co-operation, including the right of entry to and free movement in such areas as the Committee might deem necessary in the performance of its task; (3) request the Secretary-General to

¹⁸ S/2910, O.R., 8th year, Suppl. for Jan.-March 1953, p. 26.

¹⁹ S/2967, O.R., 8th year, Special Suppl. No. 1.

²⁰ S/2967, O.R., 8th year, Special Suppl. No. 1, p. 13.

²¹ S/2663. Also 577th meeting: para. 111.

²² 577th meeting: paras. 86-89. For consideration of the phrasing of the item on the agenda, see chapter II, Case 16.

²³ S/2663, 577th meeting: para. 111.

²⁴ 583rd meeting: para. 6.

²⁵ 583rd meeting: para. 23.

²⁶ 579th meeting: paras. 38-39. For preparation of the provisional agenda in connexion with the question, see chapter II, Case 1; for consideration of the inclusion of the question in the agenda, see chapter II, Cases 4 and 5; for consideration of the order of discussion of items on the agenda in connexion with the question, see chapter II, Case 11; for consideration of the question of extending an invitation to the representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea, see chapter III, Case 22.

²⁷ S/2671, O.R., 7th year, Suppl. for April-June 1952, p. 17.