

cease and desist from rendering any further assistance to the guerrillas and to co-operate with Greece in the settlement of their disputes by peaceful means, and to direct the Subsidiary Group to report to the Council on the compliance of Albania, Bulgaria and Yugoslavia.

At the 188th meeting on 19 August 1947, the Australian draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).¹⁶¹

At the same meeting, the United States draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).¹⁶²

Decision of 15 September 1947 (202nd meeting): Rejection of draft resolution submitted by the representative of the United States

At the 202nd meeting on 15 September, the representative of the United States submitted a draft resolution¹⁶³ to request the General Assembly to consider the dispute between Greece on the one hand, and Albania, Yugoslavia and Bulgaria on the other, and to make any appropriate recommendations.

At the same meeting, the draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).¹⁶⁴

Decision of 15 September 1947 (202nd meeting): Removal of the Greek question from the list of matters of which the Council is seized

At the 202nd meeting, the representative of the United States submitted a draft resolution¹⁶⁵ to remove the dispute between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, from the list of matters of which the Council is seized, and to instruct the Secretary-General to place all records and documents in the case at the disposal of the General Assembly.

At the same meeting, the draft resolution was adopted by 9 votes in favour and 2 against.¹⁶⁶

The resolution¹⁶⁷ read as follows:

"The Security Council

"(a) Resolves that the dispute between Greece on the one hand, and Albania, Yugoslavia and Bulgaria on the other, be taken off the list of matters of which the Council is seized; and

"(b) Requests that the Secretary-General be instructed to place all records and documents in the case at the disposal of the General Assembly"

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

¹⁶¹ 188th meeting: p. 2094.

¹⁶² 188th meeting: pp. 2098-2099. For related discussion in connexion with Articles 39 and 40, see chapter XI, Case 3.

¹⁶³ S/552, 202nd meeting: p. 2369. For discussion in connexion with Article 12, see chapter VI, Case 2 (i).

¹⁶⁴ 202nd meeting: pp. 2399-2400.

¹⁶⁵ 202nd meeting: p. 2401.

¹⁶⁶ 202nd meeting: p. 2405.

¹⁶⁷ S/555, 202nd meeting: p. 2401.

THE QUESTION OF THE STATUTE OF THE FREE TERRITORY OF TRIESTE

Letter from the Chairman of the Council of Foreign Ministers to the Secretary-General, received 20 December 1946, concerning the Statute of Trieste¹⁶⁸

INITIAL PROCEEDINGS

By letter dated 12 December 1946, the Chairman of the Council of Foreign Ministers, the Secretary of State of the United States, transmitted the relevant Articles and Annexes of the Draft Peace Treaty with Italy which established a Free Territory of Trieste "whose independence and integrity would be ensured by the Security Council of the United Nations" and stated that the four Foreign Ministers "are desirous that the texts submitted on the terms of the Treaty for approval by the Security Council be decided on by the latter before 15 January as the signing of the Treaty of peace with Italy is to occur at the beginning of February".

At the 89th meeting on 7 January 1947, the Council included the question in the agenda.¹⁶⁹

The Council considered the question at its 89th and 91st meetings on 7 and 10 January 1947.

Decision of 10 January 1947 (91st meeting): Approval of the three Annexes to the Draft Peace Treaty with Italy and acceptance of the responsibilities thereunder

At the 89th meeting, the representative of the United States submitted a draft resolution¹⁷⁰ which, after revision at the 91st meeting, was adopted at that meeting by ten votes in favour, none against, and one abstention.¹⁷¹

The resolution, as adopted, read:¹⁷²

"The Security Council, having received and examined the Annexes to the proposed Peace Treaty with Italy relating to the creation and government of the free Territory of Trieste (including an arrangement for the Free Port), hereby records its approval of the three following documents:

"1. The instrument for the provisional régime of the Free Territory of Trieste;

"2. The permanent Statute for the Free Territory of Trieste;

¹⁶⁸ S/224/Rev.1, O.R., 2nd year, Suppl. No. 1, annex 2.

¹⁶⁹ 89th meeting: p. 4.

¹⁷⁰ 89th meeting: p. 12. For consideration of the powers of the Council in connexion with this decision, see chapter XII, Cases 22 and 26.

¹⁷¹ 91st meeting: p. 61.

¹⁷² 91st meeting p. 60.

These responsibilities concerned the provisional régime and the permanent statute of the Free Territory of Trieste, and the Free Port of Trieste (O.R., 2nd year, Suppl. No. 1, pp. 12-28a). Under the permanent Statute the Security Council's assurance of "the integrity and independence" of the Free Territory included responsibility for ensuring the observance of the Statute and the protection of the basic human rights of the inhabitants, and responsibility for the maintenance of public order and security (annex VI, Article 2). The Governor, as the Council's representative, was to be responsible only to the Security Council (annex VI, Articles 17, 25) and legislative or administrative difficulties were to be referred by him to the Council (annex VI, Articles 19, 20). Under the instrument for the Free Port, disagreements on the appointment of a Director of the Free Port were also to be referred to the Security Council (annex VIII, Article 18).

"3. The instrument for the Free Port of Trieste; and its acceptance of the responsibilities devolving upon it under the same."

THE CORFU CHANNEL QUESTION

INITIAL PROCEEDINGS

By letter dated 10 January 1947,¹⁷³ enclosing copies of an exchange of notes between the United Kingdom and the People's Republic of Albania regarding an incident in the Corfu Channel in which two British warships had been mined on 22 October 1946, the United Kingdom submitted this question as a dispute under Article 35.

At its 95th meeting on 20 January 1947, the Security Council included the question in the agenda.¹⁷⁴

The Security Council considered the question at its 95th, 107th, 109th, 111th, 114th, 120th to 122nd, 125th and 127th meetings between 20 January and 9 April 1947.¹⁷⁵

At the 107th meeting on 18 February 1947, the representative of the United Kingdom requested that the Council, taking into consideration the failure of attempts at settlement through diplomatic correspondence, should recommend under Article 36 a settlement of the dispute by direct negotiation between the two Governments, on the basis of a finding by the Council that an unnotified mine field had been laid in the Corfu Straits by the Albanian Government or with its connivance. He also requested that the Council should retain the dispute on its agenda until both the parties certified that it had been settled to their satisfaction, and that the Council should remind all States that it was incumbent on them to see that their territorial waters were free from mines.¹⁷⁶

At the 109th meeting on 19 February, the representative of Albania stated that the Albanian Government had not laid, or known who had laid, the mines and that the British warships had violated Albanian sovereignty over its territorial waters with a view to provoking incidents.¹⁷⁷

Decision of 27 February 1947 (114th meeting): Appointment of a sub-committee

At the 111th meeting on 24 February 1947, the representative of Australia submitted a draft resolution for the appointment of a sub-committee of three members to make a report on the facts of the case.¹⁷⁸

At the 114th meeting on 27 February, the representative of China suggested, and the representative of Australia accepted,¹⁷⁹ an amendment to the draft resolution.

At the same meeting the draft resolution, as amended, was adopted by eight votes, with three abstentions.¹⁸⁰ The resolution, as adopted, read:

"As a preliminary step in the consideration of the incidents in the Corfu Channel which are the sub-

ject of a dispute between the United Kingdom and Albania,

"The Security Council

"Resolves:

"To appoint a sub-committee of three members to examine all the available evidence concerning the above-mentioned incidents and to make a report to the Security Council, not later than 10 March 1947, on the facts of the case as disclosed by such evidence.

"The sub-committee is empowered to request further information as it deems necessary from the parties to the dispute, and the representatives of the United Kingdom and Albania are requested to give every assistance to the sub-committee in its work."

Decision of 25 March 1947 (122nd meeting): Rejection of draft resolution submitted by the representative of the United Kingdom

At the 120th meeting on 20 March 1947, the Chairman of the sub-committee submitted¹⁸¹ its report.¹⁸²

At the same meeting, the representative of the United Kingdom submitted a draft resolution.¹⁸³ At the 121st and 122nd meetings on 21 and 25 March 1947, the representatives of the United States and France submitted amendments which the representative of the United Kingdom accepted.

The draft resolution as amended provided that the Security Council should find that an "unnotified mine field" had been laid which "could not have been laid without the knowledge of the Albanian authorities"; should recommend that the two Governments "settle the dispute on the basis of the Council's finding" and that either party might apply to the Council for further consideration in the event of failure to settle; and should resolve "to retain this dispute on its agenda until both parties certify that it has been settled to their satisfaction".

At the 122nd meeting on 25 March, the United Kingdom draft resolution, as amended, was not adopted. There were 7 votes in favour, 2 against (1 vote being that of a permanent member), 1 abstention, and 1 member not participating in the vote.¹⁸⁴

Decision of 9 April 1947 (127th meeting): Recommendation that the two Governments refer the dispute to the International Court of Justice

At the 125th meeting on 3 April 1947, the representative of the United Kingdom submitted a draft resolution¹⁸⁵ to recommend that the two Governments refer the dispute to the International Court of Justice.

At the 127th meeting on 9 April 1947, the United Kingdom draft resolution was adopted by 8 votes in favour, none against, with two abstentions and 1 member not participating in the vote.¹⁸⁶ The resolution, as adopted, read:¹⁸⁷

"The Security Council,

"Having considered statements of representatives of the United Kingdom and of Albania concerning a

¹⁷³ S/247, O.R., 2nd year, Suppl. No. 3.

¹⁷⁴ 95th meeting: p. 117.

¹⁷⁵ For observations on the bearing of Article 33, see chapter X, Case 3; and of Article 36 (3), see chapter X, Case 23.

¹⁷⁶ 107th meeting: pp. 306-307.

¹⁷⁷ 109th meeting: pp. 326, 334.

¹⁷⁸ 111th meeting: pp. 364-365.

¹⁷⁹ 114th meeting: p. 418 and p. 422.

¹⁸⁰ 114th meeting: p. 432. For discussion on the character of the sub-committee, see chapter V, Case 66.

¹⁸¹ 120th meeting: p. 544.

¹⁸² S/300, O.R., 2nd year, Suppl. No. 10.

¹⁸³ 120th meeting: p. 567. For text, see chapter X, Case 23.

¹⁸⁴ 122nd meeting: p. 609. For discussion regarding retention on the agenda, see chapter II, Case 58.

¹⁸⁵ 125th meeting: pp. 685-686.

¹⁸⁶ 127th meeting: p. 727.

¹⁸⁷ 127th meeting: pp. 726-727.