

# ARTICLE 33

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## TEXT OF ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

## INTRODUCTORY NOTE

1. This study of Article 33 follows previous Repertory treatment in limiting the material it presents to the question of the relationship between the obligation of the parties to seek peaceful settlement of a dispute or situation and the intervention in the question of the Security Council or the General Assembly. The case histories that follow should be read together with those in the study of Article 36, in which stress is laid on the continuing responsibility of the parties to achieve a settlement as a condition of effective action by the United Nations. The practice of the Security Council and that of the General Assembly are dealt with separately in the present study.

2. The General Survey contains a résumé of the decisions of the Security Council and the General Assembly bearing on Article 33. Brief mention is also made of instances of reference to Article 33 in communications to the Security Council.

3. During the period under review, discussion in the Security Council bearing on the application or interpretation of Article 33 occurred for the most part in the context of proposals to adjourn consideration of a question already on the agenda while the parties were endeavouring to settle their difficulties by one of the means enumerated in paragraph 1 of Article 33. In the General Assembly, emphasis was placed on the relation between the action of the General Assembly and the general obligation stated in Article 33 (1). The General Assembly also referred to Article 33 in a resolution of a general character.

## I. GENERAL SURVEY

## A. Action by the Security Council

4. During consideration by the Security Council of the questions enumerated below there was repeated reference to the obligation of the parties concerned to seek first to settle their differences by direct negotiations. In each instance the Council, following statements by members of the Council marked by emphasis on this obligation, decided to adjourn. In some instances the Council at the same time indicated its continuing concern with a matter, either by explicit announcement by the President that the matter remained on the agenda of the Council, or by a decision that consideration of the question should be deferred to a specific date.

5. On the following occasions, the Security Council, after adopting the agenda and without discussing the substance of the question, adjourned initial consideration of the complaint.

(a) In the case of the complaint by Sudan 1/ against Egypt, dated 20 February 1958, the Council at its 812th meeting, on 21 February 1958, after receiving indications that the two Governments were prepared to initiate negotiations for the settlement of their difficulties at an agreed time, decided to adjourn the meeting.

(b) In the case of cross-complaints submitted by Tunisia 2/ on 13 February and France 3/ on 14 February 1958, the Council at its 811th meeting, on 18 February 1958, decided to adjourn after being informed of the acceptance by both parties of an offer of good offices by the United Kingdom and the United States. 4/

(c) In the case of the complaint of Lebanon, 5/ dated 27 May 1958, of intervention by the United Arab Republic in the internal affairs of Lebanon, the Council decided at the 818th meeting, on 27 May 1958, to adjourn the meeting to enable the League of Arab States, of which both parties were members, to consider and settle the complaint. The adjournment was twice extended, the second time at the 822nd meeting of the Council, on 5 June 1958.

6. The provisions of Article 33 were cited in connexion with the complaint 6/ submitted to the Security Council by France and the United Kingdom on 23 September 1956 concerning the "Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888" and the complaint submitted by Egypt 7/ on 24 September 1956 concerning "Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations". In their initial communications, 8/ the parties indicated the prior efforts they had made to seek a peaceful solution, without, however, expressly referring to Article 33. At the 734th meeting, on 26 September 1956, prior to the adoption of the agenda, the representatives of France 9/ and the United Kingdom 10/ recounted the efforts they had made to negotiate a settlement of the situation with Egypt before bringing it to the Security Council. The Council decided to include the complaints in its agenda. 11/

1/ See paras. 12-18 below.

2/ S C, 13th yr., Suppl. for Jan.-Mar., p. 13, S/3952.

3/ Ibid., p. 15, S/3954.

4/ In connexion with renewed complaints by Tunisia (S C, 13th yr., Suppl. for Apr.-June, p. 37, S/4013) dated 29 May 1958 regarding "acts of armed aggression committed ... by the French military forces stationed in its territory and in Algeria", and by France (ibid., p. 42, S/4015) against Tunisia for disrupting the modus vivendi with regard to the stationing of French troops at certain points on Tunisian territory, the Council at the 821st meeting, on 4 June 1958, following an announcement by the parties concerned that they had reached an agreement to settle their difficulties by direct negotiations, decided to adjourn the meeting to a later date.

5/ See paras. 28-33 below.

6/ S C, 11th yr., Suppl. for July-Sept., p. 47, S/3654; p. 28, S/3645.

7/ Ibid., p. 48, S/3656; p. 38, S/3650.

8/ Ibid., p. 28, S/3645; p. 38, S/3650.

9/ S C, 11th yr., 734th mtg., paras. 27 and 28.

10/ Ibid., paras. 13-16.

11/ Ibid., paras. 122 and 123.

## B. Action by the General Assembly

7. The consideration of the question of Cyprus by the General Assembly led to two decisions bearing on the injunction contained in paragraph 1 of Article 33. At the eleventh session 12/ the General Assembly adopted resolution 1013 (XI), expressing the earnest desire that a solution would be found in accord with the principles of the Charter, and the hope that negotiations would be resumed and continued to this end. No resolution on this matter was adopted by the General Assembly at its twelfth session. 13/ At the thirteenth session 14/ the General Assembly adopted resolution 1287 (XIII), expressing confidence that continued efforts would be made by the parties to reach a solution in accordance with the Charter.

8. During the consideration at the twelfth session of the General Assembly 15/ of the item, "Complaint about threats to the security of Syria and to international peace", a draft resolution was submitted, referring to efforts consistent with Article 33 which were being made. The draft resolution was not put to the vote.

9. In operative paragraph 3 of resolution 1301 (XIII), 16/ "Measures aimed at the implementation and promotion of peaceful and neighbourly relations among States", the General Assembly urged "all Member States, while making full use of Article 33 of the Charter, to resort to the Organization for the peaceful solution of problems which interfere with friendly and neighbourly relations among States or threaten international peace".

10. References to Article 33 were made during consideration of the following questions:

(a) The agenda item, "Treatment of people of Indian origin in the Union of South Africa", which was included in the agenda of the eleventh, 17/ twelfth 18/ and thirteenth 19/ sessions. The General Assembly, in resolutions 1015 (XI), 1179 (XII) and 1302 (XIII), urged the parties concerned to enter into negotiations and appealed to the Union of South Africa to co-operate to this end. During the consideration of the question at the three sessions of the General Assembly, it was generally contended that the matter should be solved by negotiations between the parties. Several representatives referred 20/ to Article 33 in their statements.

(b) During consideration of the question of West Irian (West New Guinea) at the eleventh 21/ and twelfth 22/ sessions of the General Assembly, some representatives

12/ See paras. 35-43 below.

13/ See paras. 44-51 below.

14/ See paras. 52-68 below.

15/ See paras. 69-77 below.

16/ Adopted on 10 December 1958 by 77 votes to none, with 1 abstention (G A (XIII), Plen., 783rd mtg., para. 39).

17/ G A (XI), agenda item 24.

18/ G A (XII), agenda item 61.

19/ G A (XIII), agenda item 62.

20/ G A (XI), Spec. Pol. Com., 9th mtg., para. 34; 10th mtg., paras. 8 and 9; G A (XII), Spec. Pol. Com., 63rd mtg., para. 46.

21/ G A (XI), agenda item 63.

22/ G A (XII), agenda item 62.

referred 23/ to Article 33 in their statements. No resolutions on this matter were adopted by the General Assembly at these two sessions.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. In the Security Council

The question of the extent to which parties to a dispute are obligated to seek a pacific settlement before recourse to the Security Council

11. During the period under review, consideration of the obligation of the parties to seek a pacific settlement of their differences arose in the context of endeavour by the Security Council to encourage the parties to settle the matter by direct negotiations, or by recourse to a regional organization.

#### *1. Decision of 21 February 1958 in connexion with the complaint of Sudan*

12. At its 812th meeting, on 21 February 1958, the Security Council had before it a request 24/ submitted by the Government of Sudan to discuss the grave situation existing on the Egyptian-Sudan border, as a result of the massed concentration of Egyptian troops moving towards the Sudanese frontiers, which had followed receipt of a note from the Government of Egypt demanding the handing over to Egypt of two areas of Sudanese territory north of latitude 22.

13. The representative of Sudan declared that his Government had done everything in its power to avoid bringing the complaint to the United Nations. Within the short time at its disposal, it had exhausted all possibilities and all means of reaching a peaceful and equitable solution. He further noted that the Government of Egypt had rejected a request of the Government of Sudan to defer discussion of Egypt's claim until after the Sudanese elections, which were to take place on 27 February 1958.

14. The representative of Egypt stated that the Government of Sudan had decided to submit the question to the Security Council before the other peaceful means referred to in the Charter, particularly in Article 33, had been exhausted; among them he mentioned the League of Arab States as clearly covered by the expression "resort to regional agencies or arrangements" in Article 33. He said that the Egyptian Minister for Foreign Affairs, on learning of the memorandum communicated to the Secretary-General of the League of Arab States by the Minister for Foreign Affairs of Sudan, had emphasized Egypt's good intentions towards the Sudan. The representative of Egypt informed the Secretary-General of the United Nations, who had expressed anxiety about the situation, that the Egyptian Government would adopt a peaceful and good-neighbourly attitude towards Sudan.

15. He noted that on that very day, 21 February 1958, the Government of Egypt had published a communication postponing the settlement of the frontier question until after the Sudanese elections, and that negotiations were to begin for settling all undecided questions after the new Sudanese Government was chosen.

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23/ G A (XI), 1st Com., 860th mtg., para. 7; 862nd mtg., paras. 2, 40 and 61; G A (XII), 1st Com., 911th mtg., paras. 7 and 10; 912th mtg., para. 66; G A (XII), Plen., 724th mtg., para. 111.

24/ S C, 13th yr., Suppl. for Jan.-Mar., p. 21, S/3963.

16. Some members of the Security Council welcomed the indication of the willingness of both Governments to settle the question, and expressed the hope that the status quo would be maintained, that the conflict would not be allowed to spread and that by friendly negotiations through peaceful means of their own choice in the spirit of the Charter, the Governments would seek a peaceful solution of their difficulties. Having noted the statements of the representatives of Egypt and Sudan, the Council did not need to take more formal action. It would remain seized of the question and could meet again at short notice if the situation should deteriorate.

17. The view was also expressed that the acceptance by Egypt of the Sudanese request concerning postponement of the settlement of the question till after the Sudanese elections seemed to be substantially what the Government of Sudan had requested. Thus Article 33 of the Charter applied; there had been a return to the procedure of negotiation.

18. It was held that States should make every effort to settle their differences through the means outlined in Article 33. It was a responsibility and a duty incumbent on all Members to seek solutions through the means suggested in the Article. The procedure of settling disputed questions by means of negotiations was in full accord with the provisions of the Charter on the pacific settlement of disputes. 25/

#### Decision

At the 812th meeting, on 21 February 1958, the President (USSR), summing up the opinions of the members of the Security Council, stated: 26/

"The Security Council has heard the statements of the representatives of the Sudan and Egypt and notes the Egyptian representative's assurances that his Government has decided to postpone the settlement of the frontier question until the elections are over.

"Of course, the question put forward by the Sudan remains before the Council. With this we can end our meeting, bearing it in mind that the next meeting, should one prove necessary, will be convened, as usual, on consultations between members of the Security Council and the parties concerned."

#### *2. Decisions of 18 February 1958 and 4 June 1958 in connexion with the complaints of Tunisia and France*

19. At the 811th meeting of the Security Council, on 18 February 1958, following inclusion in the agenda of a complaint by Tunisia and a counter-complaint by France, announcement was made that the Governments of France and Tunisia had accepted an offer of good offices extended to them by the Governments of the United Kingdom and the United States. This acceptance was described as an indication of the desire of the complainant Governments to reach a peaceful solution of their differences in accordance with their responsibility under Article 33. The offers as well as their acceptances were declared to be in full accord with the spirit of Article 33 of the Charter, which enjoined Members of the United Nations to seek a solution of their difficulties by peaceful means of their own choice, using the help of friends when appropriate. In

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25/ For texts of relevant statements, see S C, 13th yr., 812th mtg.: Canada, paras. 67-69; Egypt, paras. 38, 39, 43-47; France, paras. 65 and 66; Iraq, para. 62; Japan, para. 58; Sudan, paras. 5-9, 30-33; USSR, paras. 71-73; United Kingdom, paras. 60 and 61; United States, paras. 51-55.

26/ S C, 13th yr., 812th mtg., paras. 79-81.

this context the hope was expressed that neither Government would do anything to make the existing position more difficult at a time when offers of good offices had been made and accepted and when the Security Council had been brought in to deal with certain aspects of the problem. Gratification was expressed by other members of the Council at the acceptance of the tender of good offices which was described as consonant with the obligations of Article 33. 27/

20. The representative of Japan moved the adjournment of the meeting in accordance with rule 33 of the Council's provisional rules of procedure. 28/ The motion was adopted without objection. 29/

21. At its 819th meeting, on 2 June 1958, the Security Council had before it two letters: 30/ one was from the representative of Tunisia, complaining of acts of armed aggression committed against it after 19 May 1958 by the French military forces stationed in its territory and in Algeria; and one was from the representative of France, concerning the complaint brought by France against Tunisia on 14 February 1958 and the situation arising out of the disruption by Tunisia of the modus vivendi which had been established after February 1958 with regard to the stationing of French troops at certain points on Tunisian territory.

22. The representative of Tunisia informed the Council that on 15 March 1958 the Good Offices Mission had proposed a compromise agreement to his Government on procedure for evacuating the French troops in Tunisia; this had been accepted by his Government on the same day and formally accepted by the French Government on 14 April 1958. A governmental crisis in France, which followed shortly after the acceptance, had, however, delayed implementation of the agreement. For this reason, the Good Offices Mission was suspended. Following this, French forces in Tunisia had failed to respect the security regulations which Tunisia had made in respect of the forces on 8 February 1958. The Government of Tunisia had tried direct negotiations, but without success; it had accepted the Good Offices Mission and had shown itself as patient and as conciliatory as could be expected. It had no alternative but to appeal to the Security Council, as the body responsible for the maintenance of international peace and security, to take, in accordance with Article 39 of the Charter, all appropriate measures provided for in Articles 40 and 41 and in subsequent Articles to assist it in obtaining the withdrawal of French troops stationed in Tunisia against its wishes. The representative of Tunisia further requested the Council to take provisional security measures under Article 40 of the Charter, principally in relation to compliance by French troops in Tunisia with the preventive security measures of 8 February.

23. The representative of France contested the version of the facts presented by the representative of Tunisia, to whose Government he attributed responsibility for the incidents. He stated that the French Government could not accept the Tunisian point of view that the compromise agreement of 15 March was a dead letter because of the failure of the French Government to ratify it, since it was at variance with the definition of good offices and also with the facts. The basic purpose of the procedure of good offices was not to find a direct solution of the dispute in which it was being employed; that was precisely what distinguished it from mediation or arbitration, in

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27/ For texts of relevant statements, see S C, 13th yr., 811th mtg.: President (USSR), para. 44; Japan, para. 53; Panama, para. 32; Sweden, para. 14; United Kingdom, paras. 10-12; United States, paras. 6-9.

28/ S/96/Rev.4 (United Nations Publication, Sales No.: 52.I.18).

29/ S C, 13th yr., 811th mtg., para. 55.

30/ S C, 13th yr., Suppl. for Apr.-June, p. 37, S/4013; ibid., p. 42, S/4015.

which a settlement was either proposed to, or imposed upon, the parties to a dispute. The scope of a good offices mission was more restricted: it consisted in finding an area of agreement as a basis for the resumption of direct negotiations between the countries concerned. This appeared to be the manner in which the United Kingdom and the United States had always interpreted their good offices procedure. The representative of France stated further that in the previous few days it had been possible to resume direct negotiations despite the tension caused by the actions of the Tunisian authorities.

24. At the 820th meeting, on 2 June 1958, the representative of France requested the Council to adjourn, after calling on Tunisia, in conformity with Article 33 of the Charter, to proceed with the negotiations then in progress with France and to return to the status before 15 May.

25. One representative expressed the view that though the situation was serious, it was known that the Governments of France and Tunisia had been in touch with each other in an attempt to solve the problems underlying the incidents of which they were complaining. Every opportunity should be given for these confidential exchanges between France and Tunisia to succeed. Apart from any further hearing of the parties, therefore, the Council's wisest course would be not to proceed further with consideration of the matter for the time being. It was not necessary to add that the Council looked to all concerned on the spot not to disturb the existing arrangements and to exercise the utmost restraint.

26. Another representative, expressing the belief that both France and Tunisia would abide by their Charter obligations, particularly those set forth in the preamble and in Articles 1 and 2, observed that the Charter placed a direct responsibility upon all States to seek to settle their differences in the first instance by peaceful means through direct negotiations. The situation described to the Council by the French and Tunisian representatives was susceptible of such a settlement. The Good Offices Mission had found substantial agreement between the two Governments on many matters germane to the complaint before the Council. The continuation of direct negotiations was also encouraging. In the meantime nothing should take place that might interrupt such a process of pacific settlement or prejudge the intentions of both Governments. It was therefore important for the Council to seek to ensure that nothing happened in the Council to impair the prospect for a satisfactory solution of the outstanding problems between the two countries. 31/

27. At the 821st meeting, on 4 June 1958, the representative of France informed 32/ the Council that the Government of France had sent a message to the Government of Tunisia expressing its intention to settle with the latter the outstanding difficulties between the two countries and to agree on conditions for good relations in the future, and that the Government of Tunisia had replied in a co-operative manner. Accordingly, he proposed 33/ a two-week postponement of the debate to allow these conversations to take place. The representative of Tunisia preferred 34/ a fixed date for the adjournment.

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31/ For texts of relevant statements, see S C, 13th yr., 819th mtg.: France, paras. 91-93; Tunisia, paras. 14, 15, 17, 63-67; 820th mtg.: France, para. 58; United Kingdom, paras. 96-98; United States, paras. 99-102.

32/ S C, 13th yr., 821st mtg., paras. 45 and 46.

33/ S C, 13th yr., 821st mtg., para. 51.

34/ Ibid., para. 57.



Decision

The Council decided 35/ to adjourn until 18 June 1958.

3. *Decision of 5 June 1958 in connexion with the  
complaint of Lebanon*

28. At its 818th meeting, on 27 May 1958, the Security Council had before it a complaint 36/ submitted by the Government of Lebanon in respect of a situation arising from intervention by the United Arab Republic in the internal affairs of Lebanon, the continuance of which was likely to endanger the maintenance of international peace.

29. After the adoption of the agenda, the representative of Iraq stated that the League of Arab States was expected to meet on 31 May 1958 to discuss this question. He therefore proposed 37/ the adjournment of the meeting until 3 June, at which time it would be known whether the question could be resolved outside the Council. It was understood that the Council would be ready to meet at short notice at the request of the representative of Lebanon.

30. The representative of Lebanon stated that his Government would welcome the adoption of the proposal by the representative of Iraq. The Lebanon complaint would thus remain before the Council, which would meet again on 3 June if the League of Arab States were unable to put an end to intervention by the United Arab Republic in the internal affairs of Lebanon.

31. The President (Canada) said that a proposal for adjournment to give the League of Arab States an opportunity to consider the issue at stake, in the hope that a peaceful solution might be achieved on a regional basis, seemed to fit into the general pattern of United Nations procedure.

32. It was stated that by adjournment the Council would afford the two countries, both Members of the United Nations, an opportunity to settle their differences amicably within the regional organization to which both belonged, as contemplated in Article 33 of the Charter. It was the duty of the Council, in accordance with Article 36, to take into consideration the peaceful means freely chosen by the parties -- in the present instance, the Pact of the League of Arab States, which they had signed in 1945. 38/

Decision

The Council decided 39/ to adjourn until 3 June 1958. The adjournment was subsequently extended 40/ until 5 June 1958.

33. At the 822nd meeting, on 5 June 1958, the President (China) proposed 41/ that the Council should adjourn for an additional twenty-four hours, since the League of Arab States was at that very time considering the question submitted by Lebanon.

35/ Ibid., para. 58.

36/ S C, 13th yr., Suppl. for Apr.-June, p. 33, S/4007.

37/ S C, 13th yr., 818th mtg., para. 8.

38/ For texts of relevant statements, see S C, 13th yr., 818th mtg.: President (Canada), para. 17; Colombia, paras. 21, 26 and 27; Lebanon, para. 12; Panama, para. 34.

39/ S C, 13th yr., 818th mtg., para. 41.

40/ See letter dated 2 June 1958 from the representative of Lebanon to the President of the Security Council (S C, 13th yr., Suppl. for Apr.-June, p. 44, S/4018).

41/ S C, 13th yr., 822nd mtg., para. 1.

Decision

The proposal was adopted. 42/

## B. In the General Assembly

1. *The question of the obligation of the parties under Article 33 (1) in relation to the intervention of the General Assembly*

34. The obligation of the parties to have prior resort to peaceful means of settlement chosen by them was discussed at the sessions of the General Assembly in connexion with several questions.

## a. THE QUESTION OF CYPRUS

i. Resolution 1013 (XI)

35. At its eleventh session, the General Assembly had before it a request by Greece 43/ to consider the item, "Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus", and a request by the United Kingdom 44/ to consider the item, "Support from Greece for terrorism in Cyprus". At its 578th plenary meeting, on 15 November 1959, the General Assembly combined the two items, which were included in the agenda under the title, "Question of Cyprus".

36. At the 848th meeting of the First Committee, on 18 February 1957, three draft resolutions were submitted. Under the draft resolution submitted by Greece, 45/ the General Assembly would express the wish that the people of Cyprus should be given the opportunity to determine their own future by the application of their right to self-determination. The draft resolution submitted by the United Kingdom 46/ would have the General Assembly call upon the Government of Greece to take effective measures to prevent support or encouragement from Greece for terrorism in Cyprus. Under the second resolution, submitted by Greece, 47/ the General Assembly would establish a fact-finding committee to investigate the facts concerning the Greek and United Kingdom complaints through direct observation.

37. At the 853rd meeting, on 21 February 1957, Panama submitted a draft resolution 48/ whereby the General Assembly would set up a committee to make an on-the-spot study of the current situation in Cyprus.

38. At the 855th meeting, on 22 February 1957, India submitted a draft resolution 49/ which read:

"The General Assembly,

"Having considered the question of Cyprus,

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42/ Ibid., para. 5.

43/ G A (XI), Annexes, vol. II, a.1. 55, A/3120 and Add.1.

44/ Ibid., p. 4, A/3204 and Add.1.

45/ Ibid., p. 16, A/C.1/L.168.

46/ Ibid., p. 16, A/C.1/L.169.

47/ Ibid., p. 16, A/C.1/L.170.

48/ Ibid., p. 17, A/C.1/L.171.

49/ Ibid., p. 17, A/3559, paras. 11 and 15, A/C.1/L.172.

"Believing that the solution of this problem requires an atmosphere of peace and freedom of expression,

"Expresses the earnest desire that a peaceful, democratic and just solution will be found in accord with the purposes and principles of the Charter of the United Nations, and the hope that negotiations will be resumed and continued to this end."

39. At the 856th meeting, on 22 February 1957, the First Committee decided to give priority in voting to the Indian draft resolution, which was approved 50/ by 76 votes to none, with 2 abstentions.

40. In the course of the consideration of the item by the First Committee, the representative of Greece stated 51/ that the question had not been included in the agenda of the tenth session of the General Assembly because it had been considered that by avoiding public debate the General Assembly would afford the promised negotiations between Greece and the United Kingdom every chance of success.

41. The representative of Turkey declared 52/ that the General Assembly should encourage the resumption of negotiations between the parties directly concerned, with a view to arriving at a peaceful solution of the question, while refraining from formulating concrete solutions which could come about only through negotiations by Greece, Turkey and the United Kingdom, the countries directly concerned. The representative of the United Kingdom was also of the opinion 53/ that the question should be settled by the parties concerned.

42. Several representatives stated that the parties themselves should seek conciliation by whatever means they considered appropriate. In accordance with paragraph 1 of Article 33, the General Assembly should try to facilitate conciliation by expressing its hope and conviction that a solution in the spirit of Articles 1 and 2 of the Charter would be found. Another representative said that during the preceding year, his Government had tried to facilitate negotiations between the parties, and it persisted in the belief that a satisfactory solution depended upon the willingness of the parties to reach a settlement by means of negotiations. The General Assembly might therefore adopt a resolution prescribing the restoration of peace and the cessation of violence as essential conditions of a negotiated settlement satisfactory to the island's Greek and Turkish communities and to the Governments of Greece, Turkey and the United Kingdom. Views were further expressed that the General Assembly should recommend to the parties concerned resumption of peaceful negotiations by such means as they thought fit for the settlement of the question in conformity with the Purposes and Principles of the Charter.

43. Some representatives contended that United Nations intervention in the question of Cyprus appeared undesirable at that stage, because the possibility existed of reaching an agreement by means of direct negotiations between the parties concerned. The General Assembly should make it clear that the question of Cyprus was a matter to be settled without the intervention of the United Nations, which could not play a useful role with regard to the issue. Any action by the United Nations might complicate,

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50/ G A (XI), 1st Com., 856th mtg., para. 32.

51/ Ibid., 847th mtg., paras. 28, 32 and 53.

52/ Ibid., 848th mtg., para. 66.

53/ Ibid., 850th mtg., para. 7.

rather than ease, matters, and no resolution should therefore be adopted by the General Assembly. 54/

#### Decision

At the 660th plenary meeting, on 26 February 1957, the General Assembly adopted, 55/ by 57 votes to none, with 1 abstention, the draft resolution submitted by the First Committee, which became resolution 1013 (XI).

#### ii. Consideration by the General Assembly during the twelfth session

44. The question 56/ was again considered at the twelfth session of the General Assembly under the title, "The Cyprus Question".

45. At the 927th meeting, Greece submitted a draft resolution 57/ providing, in its operative part, that the General Assembly would express the wish that the people of Cyprus should be given the opportunity to determine their own future by the application of their right to self-determination.

46. At the 933rd meeting, on 12 December 1957, Canada, Chile, Denmark and Norway submitted a joint amendment 58/ to replace the operative paragraph of the Greek draft resolution; by this text, the General Assembly would express its earnest hope that further negotiations and discussions between those concerned would be undertaken promptly in a spirit of co-operation, with a view to finding a peaceful, democratic and just solution, in conformity with the Purposes and Principles of the Charter.

47. At the same meeting Greece also submitted a sub-amendment 59/ to the four-Power draft resolution, replacing the operative paragraph by one in which the General Assembly would express its earnest hope that further negotiations and discussions would be undertaken in a spirit of co-operation, with a view to having the right of self-determination applied in the case of the people of Cyprus.

48. At the 934th meeting of the First Committee, the Greek sub-amendment to the four-Power amendment was approved 60/ by 33 votes to 18, with 27 abstentions. The draft resolution was approved 61/ by 33 votes to 20, with 25 abstentions.

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- 54/ For texts of relevant statements, see G A (XI), 1st Com., 849th mtg.: Australia, paras. 23 and 33; Ceylon, paras. 38 and 42; 850th mtg.: Philippines, para. 29; United Kingdom, para. 7; 851st mtg.: Iraq, para. 52; Spain, para. 39; United States, paras. 2-6; 852nd mtg.: Afghanistan, para. 39; Norway, para. 26; Pakistan, para. 34; 853rd mtg.: Australia, para. 52; 854th mtg.: China, para. 8; Thailand, para. 5; Venezuela, para. 20; 855th mtg.: Ecuador, para. 57; Guatemala, para. 48; Tunisia, para. 27; 856th mtg.: Italy, paras. 5-8; Japan, para. 18; Nepal, para. 17; Turkey, para. 39; United Kingdom, para. 36; Yugoslavia, para. 49.
- 55/ G A (XI), Plen., vol. II, 660th mtg., para. 4.
- 56/ G A (XII), Annexes, a.i. 58, A/3616 and Add.1.
- 57/ Ibid., p. 8, A/3794, para. 5, A/C.1/L.197.
- 58/ Ibid., para. 6, A/C.1/L.199.
- 59/ Ibid., para. 7, A/C.1/L.200.
- 60/ G A (XII), 1st Com., 934th mtg., para. 31.
- 61/ Ibid., para. 33.

49. During the consideration of the question in the First Committee, several representatives stated that a settlement of the question of Cyprus must be worked out by the parties directly concerned. In the absence of agreement among them, the United Nations could not resolve the problem. The avenues for a peaceful settlement laid down in Article 33 of the Charter had not all been closed, since some progress had been made towards improving the circumstances in which one or more of those avenues might be traversed. It would be a mistake for the General Assembly to endorse any specific solution. Those directly concerned should seek to create an atmosphere more conducive to further negotiations.

50. It was also contended that two courses were open to the General Assembly. It could adopt a resolution similar to that adopted at the eleventh session, calling on all parties to resume the interrupted negotiations with a view to a peaceful solution of the question. Alternatively, it could adopt a text providing for direct action. In that event the General Assembly would have to appoint a commission to conduct a local inquiry, consult with the people and adopt a plan. This course was, however, not practicable; in effect only the first course was feasible.

51. It was further contended that the problem could not be solved by the United Nations in the absence of an agreement between the parties. The General Assembly should call for a resumption of negotiations between the parties, which alone could lead to a solution in accord with the Purposes and Principles of the Charter. The General Assembly should do nothing which might impede direct negotiations. 62/

#### Decision

At the 731st plenary meeting, on 14 December 1957, the General Assembly rejected 63/ by 31 votes in favour and 23 against, with 24 abstentions, the draft resolution recommended by the First Committee.

#### iii. Resolution 1287 (XIII)

52. The "Question of Cyprus" 64/ was considered again, at the thirteenth session of the General Assembly.

53. At the 996th meeting of the First Committee, on 25 November 1958, the United Kingdom submitted a draft resolution 65/ according to which the General Assembly, recognizing the efforts which the United Kingdom had made, by means of international negotiations, to find a solution to the problem acceptable to all the parties concerned, would invite the Government of the United Kingdom to continue its efforts to arrive at such a solution and would invite the other parties to co-operate to this end.

62/ For texts of relevant statements, see G A (XII), 1st Com., 929th mtg.: Ceylon, paras. 14 and 16; Colombia, para. 58; United States, paras. 40 and 41; Yugoslavia, para. 36; 930th mtg.: Afghanistan, para. 30; Bolivia, para. 24; Czechoslovakia, para. 2; France, para. 39; Nepal, para. 66; 931st mtg.: Iran, para. 65; Sudan, para. 33; 933rd mtg.: Canada, para. 12; China, para. 4; 934th mtg.: India, para. 41; United States, para. 42.

63/ G A (XII), Plen., 731st mtg., para. 138.

64/ G A (XIII), Annexes, a.i. 68, A/3874 and Add.1.

65/ Ibid., p. 15, A/4029 and Add.1, para. 5, A/C.1/L.221.

54. At the same meeting, Greece submitted a draft resolution 66/ by which the General Assembly would invite the Government of the United Kingdom to assist Cypriots in instituting a status of independence and would decide to set up a committee of good offices to work and co-operate with all concerned to implement the resolution and report to the General Assembly.
55. At the 997th meeting of the First Committee, on 25 November 1958, Turkey submitted a draft resolution 67/ whereby the General Assembly would recommend that the three Governments concerned should resume and continue their efforts with a view to reaching a friendly solution in application of the principle of equal rights and self-determination.
56. At the 1000th meeting, on 28 November 1958, Colombia submitted a draft resolution 68/ by which the General Assembly would recommend that all parties concerned should resume and continue their negotiations in order to find a peaceful, just and democratic solution of the problem in conformity with the Purposes and Principles of the Charter, and would set up an observation group to promote these negotiations after an on-the-spot study of the situation.
57. At the 1002nd meeting, on 1 December, Iran submitted a draft resolution 69/ under which, as subsequently revised, 70/ the General Assembly, believing that a conference of the three Governments and representatives of the Cypriots, to discuss interim arrangements and a final solution, offered the best hope of peaceful progress towards an agreed solution, would urge that such a conference should be convened.
58. At the 1003rd meeting, on 1 December, a ten-Power 71/ draft resolution 72/ was submitted whereby the General Assembly would request the United Kingdom to continue negotiations with a view to promoting self-government for Cyprus.
59. At the 1005th meeting, on 2 December, Belgium submitted a draft resolution 73/ by which the General Assembly would recommend that all concerned should resume and continue their efforts with a view to reaching a friendly solution in accordance with the Purposes and Principles of the Charter.
60. At the 1009th meeting, on 4 December 1958, amendments 74/ were submitted by Greece to the revised draft resolution submitted by Iran, and sub-amendments 75/ were submitted by Turkey to the Greek amendments.
61. At the 1010th meeting, on 4 December 1958, the First Committee decided to give priority in the voting to the Iranian revised draft resolution. After the vote on the Greek amendments and the Turkish sub-amendments, the Iranian revised draft resolution

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66/ Ibid., para. 6, A/C.1/L.222.

67/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 7, A/C.1/L.223.

68/ Ibid., para. 8, A/C.1/L.225.

69/ Ibid., p. 14, A/C.1/L.226/Rev.1.

70/ Ibid., p. 15, A/4029 and Add.1, para. 9, A/C.1/L.226/Rev.2.

71/ Ceylon, Haiti, Iceland, India, Ireland, Nepal, Panama, Sudan and United Arab Republic, subsequently joined by Ethiopia.

72/ G A (XIII), Annexes, a.i. 68, p. 15, A/C.1/L.228 and Add.1; A/4029 and Add.1, para. 10, A/C.1/L.228/Rev.1.

73/ Ibid., A/4029 and Add.1, para. 11, A/C.1/L.229.

74/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 12, A/C.1/L.230.

75/ Ibid., para. 13, A/C.1/L.231.

as amended 76/ was approved 77/ by 31 votes to 22, with 28 abstentions. By this draft resolution, the General Assembly, recalling resolution 1013 (XI) and believing that a conference of the three Governments directly concerned and representatives of the Cypriots -- at which there would be discussion not only of the interim arrangements for the administration of Cyprus but also of a final solution -- with the assistance, if desired, of Governments and persons acceptable to the interested parties, offered the best hope of peaceful progress towards an agreed solution of the Cyprus problem would consider that self-government and free institutions should be developed in accordance with the Charter to meet the legitimate aspirations of the Cypriots and would urge that such a conference should be convened, and that all concerned should co-operate to ensure a successful outcome in accordance with the purposes of the Charter.

62. After the adoption of the revised Iranian draft resolution, the representatives of Greece, Turkey and the United Kingdom withdrew 78/ their draft resolutions. 79/ At the request 80/ of the sponsors, the ten-Power draft resolution 81/ was not put to the vote.

63. The Colombian draft resolution 82/ was not approved; 83/ the vote was 17 in favour, 17 against, with 47 abstentions. The Belgian draft resolution 84/ was rejected 85/ by 22 votes against, 11 in favour, with 48 abstentions.

64. During the course of the discussion in the First Committee, the representative of Greece stated 86/ that after the twelfth session of the General Assembly, negotiations had been proposed by Turkey and the United Kingdom which did not touch the substance of the matter, and the Greek Government therefore left the question to the United Nations, which alone could break the deadlock by adopting a decision on the substance of the matter. The representatives of Turkey 87/ and the United Kingdom 88/ expressed readiness to negotiate a settlement, as required by the Charter in all international disputes.

65. Some representatives, referring to Article 33, contended that only negotiation and conciliation could provide a solution to the problem. The contribution of the United Nations towards this would be to ensure the resumption of negotiations in a manner consistent with Article 33. This Article listed eight methods of settlement which did not involve the United Nations. Until these methods had been tried, the United Nations should not intervene unless all the parties concerned requested it to do so. The United Nations should refrain from expressing its preference for one kind of solution or another, in order not to lessen the chances for understanding which might still

76/ Ibid., para. 9, A/C.1/L.226/Rev.2.

77/ G A (XIII), 1st Com., 1010th mtg., para. 31.

78/ Ibid., paras. 32-34.

79/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 5, A/C.1/L.221; para. 6, A/C.1/L.222; para. 7, A/C.1/L.223.

80/ G A (XIII), 1st Com., 1010th mtg., para. 41.

81/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 10, A/C.1/L.228/Rev.1.

82/ Ibid., para. 8, A/L.225.

83/ G A (XIII), 1st Com., 1010th mtg., para. 40.

84/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 11, A/C.1/L.229.

85/ G A (XIII), 1st Com., 1010th mtg., para. 43.

86/ Ibid., 996th mtg., para. 18; 998th mtg., para. 21.

87/ Ibid., 997th mtg., paras. 8 and 23-25.

88/ Ibid., 996th mtg., paras. 56 and 57.

exist. The United Nations was not always the best place to settle a dispute; negotiations were still the best way.

66. One representative stated that negotiations under the auspices of the United Nations, in the course of which the parties would be able to utilize the good offices of other countries acceptable to them and to set up fact-finding groups or conciliation machinery, had every chance of success. The General Assembly should invite the parties to engage in the fullest possible measures of negotiation, including recourse to these methods for the settlement of disputes. The General Assembly, however, could not set up a committee for good offices because good offices must not be imposed. To be successful, good offices must be accepted voluntarily.

67. Several representatives contended that the General Assembly should recommend that the parties concerned should resume negotiations with the participation of the two Cypriot communities, with a view to reaching an agreed and friendly solution in conformity with the Purposes and Principles of the Charter. Such a course would fulfil the function of the General Assembly as a centre within which international relations could be harmonized. It would be a mistake for the General Assembly to recommend any particular formula for settlement; it should take no other action than to call for further negotiations.

68. Some representatives thought that though the General Assembly could not impose a solution on the parties, it should not merely recommend negotiations, but should also indicate the direction, the nature and the purpose of such negotiations. It was not when negotiations were progressing, but when they failed that the role and usefulness of the United Nations became evident. In such circumstances, it was necessary for the General Assembly to establish a basis on which negotiations should take place. 89/

#### Decision

At the 782nd plenary meeting, on 5 December 1958, the General Assembly, without voting on the draft resolution 90/ submitted by the First Committee, adopted 91/ without objection a draft resolution 92/ submitted by Mexico, which became resolution 1287 (XIII); it read:

"The General Assembly,

"Having considered the question of Cyprus,

"Recalling its resolution 1013 (XI) of 26 February 1957,

89/ For texts of relevant statements, see G A (XIII), 1st Com., 998th mtg.: France, paras. 3 and 4; 1000th mtg.: Australia, para. 21; Malaya, paras. 1 and 10; United States, para. 18; 1001st mtg.: New Zealand, para. 6; 1002nd mtg.: Ceylon, para. 12; China, paras. 4 and 6; Iran, para. 13; Peru, paras. 17 and 19; United Arab Republic, para. 23; 1003rd mtg.: Iceland, para. 41; Netherlands, para. 23; United Kingdom, paras. 57 and 61; Venezuela, para. 54; 1004th mtg.: Cuba, para. 10; Pakistan, para. 30; Tunisia, para. 20; 1005th mtg.: Belgium, para. 4; India, paras. 24 and 25; Morocco, para. 9; 1006th mtg.: Greece, para. 24; 1007th mtg.: Peru, para. 16; 1008th mtg.: Iran, para. 31; 1009th mtg.: Canada, paras. 4, 7 and 8; Pakistan, paras. 15 and 16.

90/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1, para. 26.

91/ G A (XIII), Plen., 782nd mtg., para. 64.

92/ Ibid., para. 61 (draft resolution A/L.252).



"Expresses its confidence that continued efforts will be made by the parties to reach a peaceful, democratic and just solution in accordance with the Charter of the United Nations."

b. DECISIONS OF 22 OCTOBER AND 1 NOVEMBER 1957 IN CONNEXION WITH THE COMPLAINT ABOUT THREATS TO THE SECURITY OF SYRIA AND TO INTERNATIONAL PEACE

69. By a letter 93/ dated 15 October 1957, the representative of Syria requested that the item, "Complaint about threats to the security of Syria and to international peace" should be included in the agenda of the twelfth session of the General Assembly. In an explanatory memorandum, Syria stated that an actual military threat existed in the heavy concentration of Turkish troops in close proximity to the Syrian-Turkish border, presaging imminent attack. The question was considered by the General Assembly at its 706th, 708th and 710th to 714th plenary meetings, between 18 October and 1 November 1957.

70. At the 708th meeting, the representative of Turkey stated that King Saud of Saudi Arabia had offered his good offices to mediate between Turkey and Syria, and Turkey had accepted them. The initiative of King Saud was entirely in line with the Purposes and Principles of the Charter, and in particular with Article 33.

71. The representative of Syria contended that in order to have mediation, it must either be ordered by the Security Council under Chapter VI of the Charter or be undertaken by the parties concerned. Further, there should be an object, a real cause, for it. Syria's sovereignty or its security could not be considered as objects in mediation. The side which pretended that there was mediation was trying to avoid an issue before the General Assembly which called for investigation.

72. The representative of Japan proposed 94/ that, in view of Article 33, the debate should be adjourned temporarily to permit further exploration of every avenue to peace. The representative of Syria moved an amendment 95/ to the Japanese motion, to adjourn the debate for a period not exceeding three days.

Decision

At the 708th plenary meeting, on 22 October 1957, the Japanese motion, as amended, was adopted 96/ by 37 votes to 10, with 34 abstentions.

73. At the 713th meeting, Canada, Denmark, Japan, Norway, Paraguay, Peru and Spain submitted a joint draft resolution 97/ according to which the General Assembly would recall that Article 33 provided that parties to any dispute should first of all seek a solution through peaceful means of their own choice; note that efforts consistent with Article 33 of the Charter were being made; express the desire to bring about an easing of tension in the area; express its confidence that the Secretary-General in the exercise of his responsibilities under the Charter, and without prejudice to efforts under Article 33, would be available to undertake discussions with representatives of Syria and Turkey, in consultation with such other representatives as might be useful,

93/ G A (XII), Annexes, a.i. 69, A/3699.

94/ G A (XII), Plen., 708th mtg., para. 266.

95/ Ibid., para. 270.

96/ Ibid., para. 273.

97/ G A (XII), Annexes, a.i. 69, p. 3, A/L.227.

and that he could proceed, if necessary, to the countries concerned in connexion with the performance of this task.

74. During the general debate and in connexion with the seven-Power joint draft resolution, it was contended, on the one hand, that the General Assembly should remove the misunderstanding between Syria and Turkey by means which the Charter put at its disposal in Article 33. Mediation was one of them. It would therefore be advisable for the General Assembly to recommend that both parties should resume direct negotiations. It was questionable whether it was useful or expedient for the General Assembly to continue discussion of the question in disregard of the intervention of the King of Saudi Arabia. It did not seem that Syria had resorted to any of the procedures for pacific settlement provided for in Article 33 before bringing the matter to the General Assembly. Various agreements between Syria and Turkey, often invoked in the past, provided precisely for such procedures. In addition, an offer of good offices or mediation between the two parties had been made. The question raised by these circumstances was whether the General Assembly should not first invite the parties to comply with the provisions of Article 33.

75. The views were further expressed that the General Assembly would be remiss in its duty if it failed to exercise the discretion advocated by the Charter, which placed mediation and conciliation among the methods which should first be resorted to for the settlement of disputes. No methods of settlement were better adapted to the nature of States and their relations with each other. Where mediation could be envisaged, it should have priority. To prolong the debate would be to disregard this priority, to contravene the Charter and to risk wrecking all chances of mediation.

76. One representative stated that it would be entirely consistent with the Charter if the Syrian complaint, which had brought into sharp focus serious charges and counter-charges between Syria and Turkey, were to be dealt with through regional processes. It was incumbent upon all Member States to explore fully all channels of negotiation, mediation, conciliation or other peaceful means for resolving their differences. The Government of Turkey had acted in accordance with Charter obligations in response to the initiative of the King of Saudi Arabia. It was hoped that the Government of Syria would not reject the offer of mediation.

77. Other representatives did not agree that Article 33 constituted an impediment to consideration of the question by the General Assembly. It was contended that if the offer of mediation by Saudi Arabia had been accepted by both parties it might have been logical to modify the course of action to be taken by the General Assembly. Syria, however, had chosen to have the matter discussed by the United Nations, and the latter was in duty bound to proceed with it. The General Assembly was not faced with a dispute that could be settled amicably through the good offices of a third party. In this case, Turkey was threatening to use force against Syria, and mediation was quite inappropriate. The question before the General Assembly affected the maintenance of peace and security, not only in the Middle East but throughout the world; it was not one which could be adjourned *sine die* while the King of Saudi Arabia assumed the functions of a mediator. The action taken by Syria in bringing the matter before the United Nations was described as the most conciliatory way open to it in self-defence against the concentration of troops and troop movement along the Syrian frontier with Turkey. The problem was not one of reconciling opposing views but of establishing concrete facts concerning the jeopardy to international peace. Furthermore, it seemed

that the question before the General Assembly was of such complexity that it could not be resolved by simple and semi-personal mediation. 98/

### Decision

At the 714th plenary meeting, on 1 November 1957, it was decided 99/ not to vote on the draft resolution submitted by Canada, Denmark, Japan, Norway, Paraguay, Peru and Spain.

*\*\*2. The question of the application of Article 33  
through procedures of a general character  
instituted by the General Assembly*

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98/ For texts of relevant statements, see G A (XII), Plen., 708th mtg.: Afghanistan, para. 204; Egypt, para. 74; Syria, paras. 11-13 and 16; Turkey, paras. 5-7 and 184; USSR, para. 261; 710th mtg.: Bulgaria, para. 41; Cuba, paras. 169 and 170; Netherlands, para. 160; Sudan, para. 53; 711th mtg.: Albania, para. 3; France, paras. 177-181; Hungary, paras. 148 and 149; Iran, para. 130; Turkey, para. 52; 712th mtg.: Belgium, para. 129; China, para. 112; Italy, para. 125; 713th mtg.: Canada, paras. 63 and 64; Japan, para. 52.

99/ G A (XII), Plen., 714th mtg., para. 24. At the same meeting, it was also decided not to put to the vote a draft resolution (G A (XII), Annexes, a.i. 69, p. 3, A/L.226) submitted by Syria, whereby the General Assembly would constitute a fact-finding commission for the purpose of investigating the situation on the spot in the area of the Syrian-Turkish border.

