

the Committee of Experts with the task of obtaining further testimonial evidence.

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

#### THE QUESTION OF THE FREE TERRITORY OF TRIESTE

**Letter dated 28 July 1948 from the representative of Yugoslavia to the Secretary-General transmitting a Note from the Government of the Federal People's Republic of Yugoslavia concerning the Free Territory of Trieste (S/927)**

##### INITIAL PROCEEDINGS

By letter dated 28 July 1948, Yugoslavia brought to the attention of the Security Council the "consistent acts of violations of the clauses of the Treaty of Peace with Italy regarding the Free Territory of Trieste on the part of the Allied Military Command",<sup>577</sup> by which "a situation is created likely to endanger the maintenance of international peace and security", and requested the Council "to assure the respect by the Governments of the United States of America and the United Kingdom of their international obligations, thus guaranteeing the independence of the Free Territory of Trieste".<sup>578</sup>

At the 344th meeting on 4 August 1948 the Security Council included the question in the agenda.<sup>579</sup>

The Security Council considered the question at its 344th to 346th, 348th, 350th, 353rd and 354th meetings between 4 August and 19 August 1948.

*Decisions of 19 August 1948 (354th meeting): Rejection of draft resolutions submitted by the representatives of Yugoslavia and the Ukrainian SSR*

At the 344th meeting on 4 August 1948, the representative of the United States stated that the charges made by the representative of Yugoslavia were "utterly devoid of substance".<sup>580</sup>

At the 348th meeting on 13 August 1948, the representative of Yugoslavia submitted a draft resolution to declare that certain agreements concluded between the Allied Military Command and the Republic of Italy were "incompatible with the status of the Free Territory of Trieste" and to render them "null and void".<sup>581</sup>

At the 353rd meeting on 19 August 1948, the representative of the Ukrainian SSR submitted a draft resolution that it was "urgently necessary to settle the question of the appointment of a Governor of the Free Territory of Trieste".<sup>582</sup>

At the 354th meeting on 19 August 1948, the draft resolution submitted by the representative of Yugoslavia was rejected by two votes in favour, none against, with nine abstentions.<sup>583</sup>

At the same meeting, the draft resolution submitted by the representative of the Ukrainian SSR was rejected by 4 votes in favour, none against, with 6

abstentions, and 1 member not participating in the voting.<sup>584</sup>

#### THE HYDERABAD QUESTION

##### INITIAL PROCEEDINGS

By cablegram dated 21 August 1948,<sup>585</sup> Hyderabad informed the Security Council, under Article 35 (2), that a grave dispute had arisen between Hyderabad and India, which, unless settled in accordance with international law and justice, was likely to endanger the maintenance of international peace and security. The letter stated that "Hyderabad, a State not a Member of the United Nations, accepts for the purposes of the dispute the obligations of pacific settlement provided in the Charter of the United Nations". By subsequent communications dated 12 and 13 September, Hyderabad informed the Council of the imminence and subsequently of the occurrence of invasion.<sup>586</sup>

At the 357th meeting on 16 September 1948, the Security Council included the question in the agenda.<sup>587</sup>

The Security Council considered the question, or made reference to it, at its 357th, 359th, 360th, 382nd, 383rd, 384th, 425th and 426th meetings between 16 September 1948 and 24 May 1949.

At the 357th meeting on 16 September 1948, the representative of Hyderabad\* urged that the situation demanded immediate action by the Security Council, not only under Chapter VI of the Charter, but also under Articles 39 and 40.<sup>588</sup>

By cablegram dated 22 September 1948<sup>589</sup> the Nizam of Hyderabad informed the Secretary-General that he had withdrawn the complaint, and that the delegation to the Security Council, which had been sent at the instance of his former Ministry, had ceased to have any authority to represent him or his State.

At the 359th and 360th meetings on 20 and 28 September 1948, discussion centered on three questions: (a) the validity of the credentials of the Hyderabad delegation; (b) whether the withdrawal of the case by the Nizam of Hyderabad had been made voluntarily or under duress; and (c) what attitude the Council should adopt if the State and Government of Hyderabad were to disappear completely.

By letter dated 6 October 1948,<sup>590</sup> the head of the Indian delegation informed the Council that the complaint, "which Hyderabad never had the right to make, now stood expressly withdrawn", and there existed no longer any reason for his Government to maintain a delegation in Paris for dealing with the question.

At the resumption of the discussion during the 425th and 426th meetings held on 19 and 24 May 1949, the representative of Pakistan suggested that, with regard to the question of the competence of the Council to deal with the matter, an advisory opinion of the International Court of Justice under Article 96 of the Charter might be sought.<sup>591</sup> He further suggested that, as a provisional measure envisaged under

<sup>577</sup> O.R., 3rd year, Suppl. for Aug. 1948, p. 79.

<sup>578</sup> O.R., 3rd year, Suppl. for Aug. 1948, p. 84.

<sup>579</sup> 344th meeting: p. 1.

<sup>580</sup> 344th meeting: pp. 8-9.

<sup>581</sup> 348th meeting: p. 14.

<sup>582</sup> 353rd meeting: pp. 18-19.

<sup>583</sup> 354th meeting: p. 36.

<sup>584</sup> 354th meeting: p. 37.

<sup>585</sup> S/986, O.R., 3rd year, Suppl. for Sept. 1948, p. 5.

<sup>586</sup> S/998, S/1000, O.R., 3rd year, Suppl. for Sept. 1948, pp. 6-7.

<sup>587</sup> For consideration of the inclusion of the item in the agenda, see chapter II, Case 33.

<sup>588</sup> 357th meeting: pp. 12-13.

<sup>589</sup> S/1011, O.R., 3rd year, Suppl. for Sept. 1948, p. 7.

<sup>590</sup> S/1089, 382nd meeting: pp. 27-28.

<sup>591</sup> 426th meeting: pp. 28-30.