

resolution⁶⁵⁴ to establish a commission to investigate on the spot and report as soon as possible with regard to the allegations.

At the same meeting, the draft resolution was not adopted. There were 7 votes in favour, 1 against (being that of a permanent member), 2 abstentions, and 1 member not participating in the vote.⁶⁵⁵

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

The representative of the USSR submitted on 31 August 1950 a draft resolution⁶⁵⁶ to condemn the "illegal acts of the Government of the United States of America", to place on that Government "full responsibility" and to call upon the United States "to prohibit such illegal acts".

At the 501st meeting on 12 September 1950, the draft resolution was rejected by 8 votes in favour, 1 against, with 1 abstention, and 1 member not participating in the vote.⁶⁵⁷

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

THE ANGLO-IRANIAN OIL COMPANY CASE⁶⁵⁸

INITIAL PROCEEDINGS

By letter dated 29 September 1951,⁶⁵⁹ the United Kingdom requested the inclusion of the following item on the provisional agenda of the Security Council:

"Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company Case."

The United Kingdom recalled that the International Court of Justice had notified the Council of the provisional measures indicated by the Court on 5 July 1951 under Article 41 (2) of its statute.⁶⁶⁰ The United Kingdom had accepted the findings of the Court, but Iran had rejected them and had ordered the expulsion from Iran of all the remaining staff of the Company, contrary to the provisional measures indicated by the Court. The letter continued:

"His Majesty's Government in the United Kingdom are gravely concerned at the dangers inherent in this situation and at the threat to peace and security that may thereby be involved."

Appended to the letter of submission was a draft resolution⁶⁶¹ to call upon the Government of Iran to act in conformity with the provisional measures indicated by the International Court and to request it to

inform the Council of the steps taken to carry out the resolution of the Council.

At the 559th meeting on 1 October 1951, after the Council had included the question in the agenda, the representative of the United Kingdom stated:⁶⁶²

"The Council will, of course, bear in mind the position of the Court as the principal judicial organ of the United Nations; both Article 92 of the Charter and Article 1 of the Court's Statute establish this. Its position in this capacity has been affirmed by the Court itself; I would direct representatives' attention, for instance, to the Peace Treaties case. To act in conformity with the decisions and findings of the Court must, therefore, necessarily be to act in conformity with purposes and principles of the United Nations. This is a cardinal reason justifying both the present recourse to the Security Council on the part of the United Kingdom Government and its request for support, on the part of the other members of the Council, of the draft resolution which it has submitted..."

The Council considered the question at the 559th through 563rd meetings between 1 and 17 October and at the 565th meeting on 19 October 1951.⁶⁶³

Decision of 19 October 1951 (565th meeting): Adjournment of debate

At the 560th meeting on 15 October, the representative of the United Kingdom, in view of the changed situation, including the expulsion of the remaining Anglo-Iranian Oil Company staff, submitted a revised draft resolution.⁶⁶⁴ Amendments submitted jointly by the representatives of India and Yugoslavia at the 561st meeting on 16 October⁶⁶⁵ were accepted by the representative of the United Kingdom at the 562nd meeting on 17 October. The draft resolution, in its second revision⁶⁶⁶ called for the resumption of negotiations in order to make further efforts to resolve the differences in accordance with the Purposes and Principles of the Charter and the avoidance of any action which would have the effect of further aggravating the situation or prejudicing the positions of the parties.

At the 562nd meeting on 17 October, the representative of Ecuador submitted a draft resolution the operative part of which read:⁶⁶⁷

"The Security Council,

"Without deciding on the question of its own competence,

"Advises the parties concerned to reopen negotiations as soon as possible with a view to making a fresh attempt to settle their differences in accordance with the Purposes and Principles of the United Nations Charter."

⁶⁵⁴ S/1752, 501st meeting: pp. 4-5. For consideration of the draft resolution, see chapter X, Case 19.

⁶⁵⁵ 501st meeting: p. 28.

⁶⁵⁶ S/1745/Rev.1, 501st meeting: p. 3.

⁶⁵⁷ 501st meeting: p. 28.

⁶⁵⁸ For consideration of the competence of the Council in relation to Article 41 of the Statute of the International Court, see chapter VI, Case 29. For the claim of domestic jurisdiction, see chapter XII, Case 19, p. 29.

⁶⁵⁹ S/2357, O.R., 6th year, Suppl. for Oct., Nov., Dec. 1951, pp. 1-2.

⁶⁶⁰ S/2239, O.R., 6th year, Suppl. for Oct., Nov., Dec. 1951, p. 1.

⁶⁶¹ S/2358, O.R., 6th year, Suppl. for Oct., Nov., Dec. 1951, pp. 2-3.

⁶⁶² 559th meeting: pp. 21-22. On inclusion in the agenda, see chapter II, Cases 26 and 37.

⁶⁶³ For discussion in relation to Chapter VI of the Charter, see chapter X, Case 26.

⁶⁶⁴ S/2258/Rev.1, O.R., 6th year, Suppl. for Oct., Nov., Dec. 1951, pp. 3-4.

⁶⁶⁵ S/2379, 561st meeting: pp. 15-16.

⁶⁶⁶ S/2258/Rev.2, O.R., 6th year, Suppl. for Oct., Nov., Dec. 1951, pp. 4-5.

⁶⁶⁷ S/2380, 562nd meeting: p. 10.

At the 565th meeting on 19 October, the representative of France proposed that the Council adjourn its debate on the question until the International Court of Justice had ruled on its own competence in the matter.⁶⁸⁸

⁶⁸⁸ 565th meeting: pp. 2-3.

At the same meeting, the French motion was adopted.⁶⁸⁹

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

⁶⁸⁹ 565th meeting: p. 12.