

THE GREEK FRONTIER INCIDENTS QUESTION

INITIAL PROCEEDINGS

By letter dated 3 December 1946,¹²¹ Greece brought to the attention of the Security Council, under Articles 34 and 35 (1), a "situation which is leading to friction between Greece and her neighbours, by reason of the fact that the latter are lending their support to the violent guerrilla warfare now being waged in northern Greece against public order and the territorial integrity" of Greece.

At the 82nd meeting on 10 December 1946, the Security Council included the question in the agenda.

The Security Council considered the question between 10 December 1946 and 15 September 1947, at the following meetings: 82nd-87th, 100th, 101st, 122nd, 123rd, 126th, 128th-131st, 133rd-137th, 147th, 148th, 150th, 151st, 153rd, 156th, 158th-170th, 174th, 175th, 176th, 177th, 178th, 180th, 183rd, 188th and 202nd.

*Decision of 19 December 1946 (87th meeting): Establishment of a Commission of Investigation*¹²²

In his statement before the Council at the 83rd meeting on 12 December 1946, the representative of Greece requested that the Council take the measures necessary to put an end to the situation which was likely to endanger the maintenance of international peace and security.¹²³ At the 83rd and 84th meetings, the representatives of Yugoslavia,¹²⁴ Albania¹²⁵ and Bulgaria¹²⁶ denied the Greek charges.

At the 85th meeting on 18 December 1946, the representative of the United States submitted a draft resolution¹²⁷ to establish, under Article 34 of the Charter, a commission of investigation. Amendments to the draft resolution were submitted by the representatives of Mexico, Poland and the United Kingdom at the 86th and 87th meetings.

At the 87th meeting on 19 December 1946, the Council voted on the draft resolution, paragraph by paragraph, and on the amendments. The draft resolution, as amended during the vote, was then adopted unanimously.¹²⁸ The resolution read as follows:¹²⁹

"Whereas there have been presented to the Security Council oral and written statements by the Greek, Yugoslav, Albanian and Bulgarian Governments relating to disturbed conditions in northern Greece along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, which conditions, in the opinion of the Council, should be investigated before the Council attempts to reach any conclusions regarding the issues involved:

"The Security Council

"Resolves:

"That the Security Council under Article 34 of the Charter establish a Commission of Investigation to ascertain the facts relating to the alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other;

"That the Commission be composed of a representative of each of the members of the Security Council as it will be constituted in 1947;

"That the Commission shall proceed to the area not later than 15 January 1947, and shall submit to the Security Council at the earliest possible date a report of the facts disclosed by its investigation. The Commission shall, if it deems it advisable or if requested by the Security Council, make preliminary reports to the Security Council;

"That the Commission shall have authority to conduct its investigation in northern Greece and in such places in other parts of Greece, in Albania, Bulgaria and Yugoslavia as the Commission considers should be included in its investigation in order to elucidate the causes and nature of the above-mentioned border violations and disturbances;

"That the Commission shall have authority to call upon the Governments, officials and nationals of those countries, as well as such other sources as the Commission deems necessary, for information relevant to its investigation;

"That the Security Council request the Secretary-General to communicate with the appropriate authorities of the countries named above in order to facilitate the Commission's investigation in those countries;

"That each representative on the Commission be entitled to select the personnel necessary to assist him and that, in addition, the Security Council request the Secretary-General to provide such staff and assistance to the Commission as it deems necessary for the prompt and effective fulfilment of its task;

"That a representative of each of the Governments of Greece, Albania, Bulgaria and Yugoslavia be invited to assist in the work of the Commission in a liaison capacity;

"That the Commission be invited to make any proposals that it may deem wise for averting a repetition of border violations and disturbances in these areas."

Decision of 10 February 1947 (101st meeting): Communication to the Commission of Investigation concerning suspension of death sentences

At the 100th and 101st meetings on 10 February 1947, the Council considered a cablegram of 6 February from the Commission¹³⁰ enquiring whether its action in requesting the Greek Government to postpone executions for political offences was covered by its terms of reference laid down by the resolution of 19 December 1946, which, in part, empowered the Commission to call upon nationals of the States concerned who might assist the Commission with information relevant to its investigation.

¹²¹ S/203, S/203/Add.1, O.R., 1st year 2nd series, Suppl. No. 10, pp. 169-190.

¹²² For discussion on investigation under Article 34, see chapter X, Case 11. See also chapter V, Case 1. On the working of the Commission, see: Organization and Procedure of United Nations Commissions, United Nations Commission of Investigation concerning Greek Frontier Incidents (United Nations publications 1949.X.3).

¹²³ 83rd meeting: p. 570.

¹²⁴ 83rd meeting: pp. 570-581.

¹²⁵ 84th meeting: pp. 590-595.

¹²⁶ 84th meeting: pp. 595-599.

¹²⁷ 85th meeting: pp. 630-631.

¹²⁸ 87th meeting: p. 701.

¹²⁹ S/339, 87th meeting: pp. 700-701.

¹³⁰ S/266, O.R., 2nd year, Suppl. No. 4, pp. 51-52.

At the 100th meeting, the representative of the United States submitted a draft resolution¹³¹ to advise the Commission that it was not empowered to request postponement of executions of any persons unless the Commission believed that examination of such persons as witnesses would assist the Commission's work. The representatives of the USSR and Poland introduced amendments, which were voted upon and rejected. The United States draft resolution was adopted by 9 votes in favour, none against and 2 abstentions.¹³²

The resolution read as follows:¹³³

"Whereas the Commission of Investigation established by the Security Council by the resolution adopted on 19 December 1946 has referred to the Council the question of whether the Commission's request to the Greek Government to postpone the execution of persons sentenced to death by that Government for political offences is covered by the terms of reference of such resolution,

"It is resolved that the Security Council request the Secretary-General to advise the Commission of Investigation that it is the sense of the Security Council that the Commission, acting under the resolution adopted by the Council on 19 December 1946, is not empowered to request the appropriate authorities of Greece, Albania, Bulgaria and Yugoslavia to postpone the execution of any persons sentenced to death, unless the Commission has reason to believe that the examination of any such person as a witness would assist the Commission in its work, and makes its request on this ground."

Decisions of 18 April 1947 (131st meeting):

- (i) *Establishment of a Subsidiary Group of the Commission of Investigation;*
- (ii) *Rejection of draft resolution submitted by the representative of the USSR*

At the 123rd meeting on 28 March 1947, the Council resumed its consideration of the Greek question at the request of the representative of the United States.¹³⁴ He proposed that the Commission should continue its work along the northern Greek border until the Council had disposed of the Greek case. The representative of the United States stated that, following urgent appeals from the Governments of Greece and Turkey, the Government of the United States had under legislative consideration a temporary emergency programme of economic assistance to those countries, which, in his view, together with effective action by the Security Council in the case of the northern Greek frontiers, would materially advance the cause of peace.¹³⁵

At the 126th meeting on 7 April 1947, the representative of the United States submitted a draft resolution¹³⁶ to direct the Commission of Investigation to maintain a subsidiary group during its absence from the area in which it had conducted its investigations. The draft resolution was subsequently amended¹³⁷ to provide that, pending a new decision of the Council, the Commission should maintain a subsidiary group

in the area concerned to continue to fulfil functions which might be prescribed by the Commission in accordance with its terms of reference.

At the same meeting, the representative of the USSR, contending that the measures taken by the United States in respect to Greece and Turkey were in contradiction with the principles of the Charter, submitted a draft resolution¹³⁸ to establish a special commission "to ensure, through proper supervision, that aid which Greece might receive from the outside should be used only in the interests of the Greek people". The representative of Poland submitted an amendment to the USSR draft resolution, adding to its text that, in accordance with General Assembly resolution 48 (I), "such aid cannot be used as a political weapon and shall be distributed without discrimination because of race, creed, or political belief".¹³⁹

At the 131st meeting on 18 April 1947, the amended United States draft resolution was adopted by 9 votes in favour, none against and 2 abstentions.¹⁴⁰

The resolution read as follows:¹⁴¹

"The Security Council resolves that, pending a new decision of the Security Council, the Commission established by the resolution of the Council of 19 December 1946 shall maintain in the area concerned a subsidiary group, composed of a representative of each of the members of the Commission, to continue to fulfil such functions as the Commission may prescribe, in accordance with its terms of reference."

At the same meeting, the Polish amendment to the USSR draft resolution was rejected by 2 votes in favour, none against and 9 abstentions.¹⁴² The USSR draft resolution was rejected by 2 votes in favour, 4 against and 5 abstentions.¹⁴³

Decision of 22 May 1947 (137th meeting): Rejection of draft resolution submitted by the representative of the USSR

At the 133rd meeting on 12 May 1947, the Council resumed consideration of the Greek question at the request of the representative of the USSR¹⁴⁴ who, at the same meeting, submitted a draft resolution¹⁴⁵ to modify the terms of reference of the Subsidiary Group defined by a decision of the Commission of Investigation of 29 April 1947.¹⁴⁶

At the 137th meeting on 22 May, the USSR draft resolution was rejected by 2 votes in favour, 6 against and 3 abstentions.¹⁴⁷

¹³¹ 126th meeting: p. 717; 131st meeting: p. 808. See chapter XII, Case 5.

¹³² 130th meeting: p. 784; 131st meeting: p. 807.

¹³³ 131st meeting: p. 800. On the working of the Subsidiary Group, see: Organization and Procedure of United Nations Commissions, the Subsidiary Group of the United Nations Commission of Investigation concerning Greek Frontier Incidents (United Nations publications, 1949.X.4).

¹³⁴ S/330/Corr.1.

¹³⁵ 131st meeting: p. 807.

¹³⁶ 131st meeting: p. 808.

¹³⁷ S/347, O.R., 2nd year, Suppl. No. 11, p. 125.

¹³⁸ 133rd meeting: p. 832.

¹³⁹ S/337, O.R., 2nd year, Suppl. No. 11, pp. 121-122.

¹⁴⁰ 137th meeting: p. 924. For text and related discussion, see chapter X, Case 12; and chapter V, Case 69. For related discussion regarding Article 25, see chapter XII, Case 25.

¹³¹ 100th meeting: p. 176.

¹³² 101st meeting: pp. 188-189. See also chapter XII, Case 4, for discussion on the question of domestic jurisdiction.

¹³³ 100th meeting: p. 176.

¹³⁴ S/309, 123rd meeting: footnote 1, p. 615.

¹³⁵ 123rd meeting: pp. 618-622.

¹³⁶ 126th meeting: p. 708.

¹³⁷ 131st meeting: pp. 796, 799-800.

Decisions of 29 July and 4 August 1947 (170th and 174th meetings):

- (i) Rejection of draft resolution submitted by the representative of the United States;
- (ii) Rejection of draft resolution submitted by the representative of the USSR

The report of the Commission of Investigation¹⁴⁸ was submitted at the 147th meeting on 27 June 1947. It contained recommendations stated to have been framed in the spirit of Chapter VI and which had been subscribed to by nine members of the Commission, the representatives of Poland and the USSR dissenting.

At the same meeting, the representative of the United States submitted a draft resolution¹⁴⁹ to adopt these recommendations and to establish a commission to exercise its good offices and make investigations in the area. It was revised by amendments submitted by the representatives of Australia, Belgium, Colombia, France and the United Kingdom at the 162nd to 168th meetings, and accepted by the sponsor. As amended,¹⁵⁰ the draft resolution provided that the Council would find that a dispute existed, the continuance of which was likely to endanger the maintenance of international peace and security. The Council, therefore, following the proposals made by the majority of the Commission members, (1) would recommend that the Governments of Albania, Bulgaria, Greece and Yugoslavia establish as soon as possible normal diplomatic relations; and (2) would establish a commission which would use its good offices, by the means mentioned in Article 33, to settle controversies between the Governments concerned and to assist them in the negotiation and conclusion of frontier conventions. The proposed commission would also be empowered to investigate any alleged frontier violations.

At the 153rd meeting on 8 July, the representative of the USSR submitted a draft resolution¹⁵¹ to establish that the Greek authorities were to blame for the frontier incidents which were a result of the internal situation in Greece. The Council, therefore, would recommend that: (1) the Greek Government put an end to frontier incidents on the borders with Yugoslavia, Bulgaria and Albania; (2) normal diplomatic relations be established or restored between Greece and the three States concerned; (3) foreign troops and military personnel be recalled from Greece; and (4) a special commission be established to ensure the use, in the interests of the Greek people, of foreign economic assistance extended to Greece.

At the 170th meeting on 29 July, the amended 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).¹⁵²

At the 174th meeting on 4 August 1947, the USSR draft resolution was rejected by 2 votes in favour and 9 against.¹⁵³

Decision of 6 August 1947 (177th meeting): Rejection of draft resolution submitted by the representative of Poland

At the 174th meeting on 4 August 1947, the representative of Poland submitted a draft resolution¹⁵⁴ to recommend that the Governments of Albania, Bulgaria, Greece and Yugoslavia do their utmost to establish normal good-neighbourly relations, that diplomatic relations be established between Greece and Albania and Bulgaria and be normalized between Greece and Yugoslavia and that the Governments concerned renew old or enter into new bilateral frontier conventions. The Council would also recommend that the four Governments concerned settle the problem of refugees in the spirit of friendly, mutual understanding.

At the 177th meeting on 6 August, the draft resolution was rejected by 2 votes in favour, none against and 9 abstentions.¹⁵⁵

Decisions of 19 August 1947 (188th meeting):

- (i) Rejection of draft resolution submitted by the representative of Australia;
- (ii) Rejection of draft resolution submitted by the representative of the United States

At the 175th meeting on 5 August 1947, the Council had before it in addition to the report of the Commission of Investigation a letter dated 31 July 1947 from the representative of Greece¹⁵⁶ requesting the Council to take into consideration the earlier Greek communication of 26 June 1947¹⁵⁷ whereby the formal charge had been submitted by the Greek Government "that there existed a threat to the peace, breach of the peace or act of aggression". The representative of Greece indicated that subsequent acts had confirmed "the necessity of enforcement measures under Chapter VII of the Charter".

At the 177th meeting on 6 August 1947, the representative of Australia submitted a draft resolution¹⁵⁸ which was amended at the 188th meeting at the suggestion of the representative of the United States. As amended,¹⁵⁹ it provided that the Security Council would determine that the situation on the northern borders of Greece constituted a threat to peace under Article 39, call upon the parties involved to cease all acts of provocation and direct, in accordance with Article 40, that Greece on the one hand, and Albania, Yugoslavia and Bulgaria on the other hand, should at once enter into direct negotiations.

At the 180th meeting on 12 August 1947, the representative of the United States submitted a draft resolution¹⁶⁰ to determine that support and assistance given by Albania, Bulgaria and Yugoslavia to the guerrillas fighting against the Greek Government constituted a threat to the peace within the meaning of Chapter VII, to call upon the three Governments to

¹⁴⁸ S/360/Rev.1, O.R., 2nd year, Special Suppl. No. 2.

¹⁴⁹ S/391, 147th meeting: pp. 1124-1126.

¹⁵⁰ 170th meeting: pp. 1602-1611.

¹⁵¹ S/404, 153rd meeting: pp. 1254-1255.

¹⁵² 170th meeting: p. 1612. For related discussion in connexion with Article 34, see chapter X, Cases 13, 14, 15; in connexion with Article 39, see chapter XI, Case 2; in connexion with Article 2 (7), see chapter XII, Case 6.

¹⁵³ 174th meeting: p. 1730.

¹⁵⁴ S/464, 174th meeting: pp. 1731-1732.

¹⁵⁵ 177th meeting: p. 1801.

¹⁵⁶ S/451, O.R., 2nd year, Suppl. No. 17, pp. 151-153.

¹⁵⁷ S/389.

¹⁵⁸ S/471, 177th meeting: p. 1808. For text, see chapter XI, Case 3.

¹⁵⁹ S/471/Add.1, 188th meeting: pp. 2093-2094.

¹⁶⁰ S/486, 180th meeting, footnote, pp. 1910-1911. For text, see chapter XI, Case 3.

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).