

*making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement*

At the 791st meeting on 24 September 1957, the Council, at the request of Pakistan, resumed consideration of the question on the basis of the report submitted by the representative of Sweden under the Security Council resolution of 21 February 1957.<sup>195</sup> Consideration of the question continued at the 795th to 805th meetings from 9 October to 21 November 1957, and at the 807th and 808th meetings on 28 November and 2 December 1957, respectively.

At the 797th meeting on 25 October 1957, the representatives of the United Kingdom and the United States urged that the Security Council call upon the United Nations Representative for India and Pakistan to consult again with the parties in order to bring about progress toward full implementation of the resolutions adopted by the Commission for India and Pakistan.

At the 803rd meeting on 18 November 1957, the Council had before it a joint draft resolution<sup>196</sup> submitted by the representatives of Australia, Colombia, the Philippines, the United Kingdom and the United States to request the United Nations Representative for India and Pakistan to make any recommendations to the parties for further action which he considered desirable in connexion with Part I of the United Nations Commission for India and Pakistan resolution of 13 August 1948, and to enter into negotiations with the Governments of India and Pakistan in order to implement Part II of the same resolution, and in particular to reach agreement on a reduction of forces on each side of the cease-fire line to a specified number arrived at on the basis of the relevant Security Council resolutions.

At the 807th meeting on 28 November 1957, the representative of Sweden submitted an amendment<sup>197</sup> to the fourth paragraph of the preamble, and an amendment to the second paragraph of the operative part of the joint draft resolution before the Council.

At the 808th meeting on 2 December 1957, the amendments submitted by the representative of Sweden were adopted by 10 votes in favour and none against, with 1 abstention.<sup>198</sup> The joint draft resolution, as amended, was adopted by 10 votes in favour and none against, with 1 abstention.<sup>199</sup>

The resolution<sup>200</sup> read:

*"The Security Council,*

*"Having received and noted with appreciation the report of Mr. Gunnar V. Jarring, the representative*

<sup>195</sup> 791st meeting: para. 8.

<sup>196</sup> S 3911, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 10-11.

<sup>197</sup> S/3920, 807th meeting: para. 3.

<sup>198</sup> 808th meeting: para. 8.

<sup>199</sup> 808th meeting: para. 17.

<sup>200</sup> S/3922, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 21-22.

of Sweden, on the mission undertaken by him pursuant to the Security Council resolution of 21 February 1957,

*"Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission,*

*"Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,*

*"Observing further that the Governments of India and Pakistan recognize and accept the provisions of its resolution dated 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,*

*"Concerned over the lack of progress towards a settlement of the dispute which his reports manifests,*

*"Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement,*

*"Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,*

*"1. Requests the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;*

*"2. Requests the United Nations representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;*

*"3. Authorizes the United Nations representative to visit the sub-continent for these purposes; and*

*"4. Instructs the United Nations representative to report to the Security Council on his efforts as soon as possible."<sup>201</sup>*

## THE TUNISIAN QUESTION (I)

### INITIAL PROCEEDINGS

By letter<sup>202</sup> dated 13 February 1958, the representative of Tunisia requested the President of the

<sup>201</sup> The United Nations representative reported pursuant to the resolution on 31 March 1958 [S. 3984, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 38-46].

<sup>202</sup> S. 3952, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 13-14.

Security Council to call the Security Council to consider the following question:

“Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef”.

In an explanatory memorandum attached to the letter, the representative of Tunisia stated that on 8 February 1958, twenty-five bomber and fighter aircraft subjected the village of Sakiet-Sidi-Youssef, near the Algerian border, and the area immediately surrounding it “to a massive bombardment with bombs and rockets and continuous strafing by machine-guns”. Seventy-nine persons had been killed and one hundred and thirty wounded during this attack, which constituted “an act of armed aggression by France against Tunisia”. The representative of Tunisia added that he had previously informed the Secretary-General of earlier acts of aggression and of the fact that they were violations of Article 2(4) of the Charter and that, in accordance with Article 51 of the Charter, the Tunisian Government proposed to exercise its right of self-defence. The intentions expressed by the French Government did not appear to hold out any prospect that these deliberate attacks on Tunisia’s sovereignty committed since June 1957 and flagrant violations of Article 2(4) would cease. Accordingly, he seized the Security Council of “the situation created by the deliberate act of aggression committed on 8 February 1958” and requested it “to take whatever decision it may deem appropriate to put an end to a situation which threatens Tunisia’s security and endangers international peace and security in that part of the world”.

By letter<sup>203</sup> to the President of the Security Council dated 14 February 1958, the representative of France requested that the Security Council should at its next meeting consider the following complaint:

“Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals”.

In an explanatory memorandum attached to the letter, the representative of France stated that the Tunisian Government had not shown itself capable of maintaining order on the Franco-Tunisian frontier and that the Algerian rebels, aided and abetted by the Tunisian authorities, had been able to establish in Tunisia a complete organization enabling them to carry out numerous border violations and incursions into the French territory. A particularly serious incident had occurred on 11 January 1958 in the vicinity of Sakiet-Sidi-Youssef where, in the course of an engagement with a rebel band which had come from Tunisia, sixteen French soldiers were killed and four taken prisoner. In addition, aircraft flying over French territory had on several occasions sustained damage caused by automatic weapons fired from the building in that village occupied by the Tunisian National Guard. The reaction of the

French Air Force at the time of the incident to which the Tunisian complaint referred had thus been the outcome of the many acts of provocation to which French forces had been subjected. For these reasons, the French Government considered that “Tunisia has seriously failed in its obligations as a State Member of the United Nations and has directly and indirectly caused very grave injury to the legitimate interests of France”. The French Government accordingly asked that “the assistance furnished by Tunisia to the Algerian rebels should be condemned by the Council”.

By letter<sup>204</sup> dated 17 February 1958, the representative of Tunisia furnished the President of the Security Council the following “additional details” in respect to his earlier letter of 14 February 1948: the phrase in the earlier letter “situation which threatens Tunisia’s security” meant the threat to Tunisia’s “security and to international peace and security as a result of the presence of French troops in Tunisia”, a threat “regarded as so serious that the Tunisian Government has requested the complete withdrawal of these troops from Tunisian territory”. By the phrase “situation which endangers international peace and security in that part of the world” was meant “the war in Algeria and its repercussions on the security of a Member State, Tunisia, particularly by way of encroachment upon Tunisian territory”. He further stated that it was becoming increasingly clear that “this situation must be regarded as calculated, if it continues, to constitute a serious danger to international peace and security”.

#### *Decision of 18 February 1958 (811th meeting): Adjournment*

In the provisional agenda for the 811th meeting on 18 February 1958, item 2 was the letter of 13 February 1958 from the representative of Tunisia, and item 3, the letter of 14 February 1958 from the representative of France.

After the adoption of the agenda,<sup>205</sup> the President (USSR) invited the representative of Tunisia to participate in the meeting of the Council.<sup>206</sup>

The representatives of the United States and the United Kingdom informed the Council that their Governments had extended to the Governments of France and Tunisia an offer of good offices on the problems outstanding between them<sup>207</sup> which had been accepted by both parties.<sup>208</sup>

The representative of Sweden stated that the Council would be well advised “to adjourn in order to allow

<sup>204</sup> S/3957, *O.R.*, 13th year, *Suppl. for Jan.-Mar. 1958*, pp. 17-18.

<sup>205</sup> 811th meeting: para. 4.

<sup>206</sup> 811th meeting: para. 5; see also, chapter III, part I, Case 20.

<sup>207</sup> For consideration of the tender of good offices in connexion with Article 33, see chapter X, part I, Case 1.

<sup>208</sup> 811th meeting: paras. 6, 11.

<sup>203</sup> S/3954, *O.R.*, 13th year, *Suppl. for Jan.-Mar. 1958*, pp. 15-16.

these discussions to proceed in an atmosphere conducive to their successful outcome".<sup>209</sup>

After a brief discussion, the representative of Japan proposed the immediate adjournment of the meeting.<sup>210</sup>

The President stated that if there were no objections, the Council would regard the proposal of the representative of Japan as adopted.<sup>211</sup>

## THE TUNISIAN QUESTION (II)

### INITIAL PROCEEDINGS

By letter<sup>212</sup> dated 29 May 1958, the representative of Tunisia requested the President of the Security Council to call a meeting of the Council to consider the following question:

"Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its Territory and in Algeria."

In an explanatory memorandum attached to the letter, the representative of Tunisia referred to his letter<sup>213</sup> dated 13 February 1958 to the President of the Security Council in which he had informed the Council of the measures taken by the Tunisian Government in the exercise of its right of self-defence, in accordance with Article 51<sup>214</sup> of the Charter, following the aggression of Sakiet-Sidi-Youssef. The Tunisian Government had prohibited the French armed forces occupying positions in Tunisia against its wishes from engaging in any troop movements, sending French naval units into Tunisian ports, landing or parachuting reinforcements and flying French military aircraft over Tunisian territory.

"At the Secretary-General's instance and following the assurances given by him, the Tunisian Government accorded very liberal facilities to ensure food supplies to the immobilized troops.

"The preventive security measures were maintained throughout the good offices' action undertaken by the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland to bring the views of the French and Tunisian Governments closer together. On 15 March 1958, these good offices resulted in a compromise laying down, *inter alia*, the procedure for the evacuation of the French troops from Tunisia. This compromise was accepted by both the French and Tunisian Governments, but its provisions were not applied, inasmuch as the French Government was unable to ratify it.

<sup>209</sup> 811th meeting: para. 14.

<sup>210</sup> 811th meeting: para. 53; for the discussion of rule 26 of the rules of procedure, see chapter I, part IV.d, Case 20.

<sup>211</sup> 811th meeting, para. 55.

<sup>212</sup> S/4013, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 37-39.

<sup>213</sup> S/3951, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 12-13.

<sup>214</sup> For statements concerning the applicability of Article 51 of the Charter, see chapter XII, part IV, Case 5.

"In its desire to settle the dispute with France amicably, the Tunisian Government, while noting the suspension of the good offices mission owing to its partner's failure, did not wish to turn to the Security Council again immediately, because it preferred to leave all possibilities open for an amicable settlement. It was of course understood—and the Tunisian Government received assurances to that effect under the good offices' action—that the measures taken by Tunisia against the French troops would remain in force."

On 24 May 1958, however, the French troops stationed at Remada made a sortie from their barracks and tried to force a barrier at Bir Kanbout, opening fire on the Tunisian elements guarding it, and on 25 May French bombers and fighters attacked the Remada area. The Government of Tunisia would

"...draw the Security Council's attention to the extreme gravity of the situation resulting from these repeated acts of what is indisputably armed aggression against its territorial integrity by the French forces stationed in its territory against its wishes and by those operating in Algeria", and

finding that its efforts at conciliation "have failed and that its sovereignty is gravely threatened", requested the Security Council to:

"...take such measures as it may deem necessary—in accordance with Article 40 and subsequent Articles of the United Nations Charter—in order to put an end to this situation, which threatens not only the security of Tunisia, but also international peace and security in that part of the world."

By letter<sup>215</sup> dated 29 May 1958 to the President of the Security Council, the representative of France requested that the Council should, at its next meeting, consider:

"1. The complaint brought by France against Tunisia on 14 February 1958 (document S/3954);

"2. The situation arising out of the disruption, by Tunisia, of the *modus vivendi* which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory."

In an explanatory memorandum attached to the letter, the representative of France stated that during the incident at Remada, all the measures taken by the French authorities showed their concern not to aggravate the incidents provoked by the Tunisians. He stated further that the French Government had never ceased to seek a comprehensive or specific settlement of the various difficulties between France and Tunisia. The President of Tunisia, however, while conversations between him and the Chargé d'Affaires of France had been in progress, by deciding to come again before the Security Council, had seen fit to create the impression that the French authorities had been preparing to violate Tunisian sovereignty. These contradictory attitudes of the

<sup>215</sup> S/4015, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 42-44.