

UNITED NATIONS
SECURITY
COUNCIL



GENERAL

S/2358
29 September 1951

ORIGINAL: ENGLISH

DRAFT RESOLUTION SUBMITTED BY THE UNITED KINGDOM DELEGATION

Whereas the International Court of Justice acting under Article 41, paragraph 2, of its statute notified the Security Council of the provisional measures (the text of which is annexed hereto) indicated by the Court on July 5th 1951 at the request of the Government of the United Kingdom in the Anglo-Iranian Oil Company case; and

Whereas the United Kingdom's request to the Court for the indication of provisional measures was based on the contention that the actions of the Iranian authorities threatened to bring the whole process of oil production and refining to a standstill in the circumstances calculated to cause irreparable damage to the oil producing and refinery installations and seriously to endanger life and property and cause distress to the areas concerned and the findings of the Court constituted an implicit recognition of the accuracy of this contention; and

Whereas the United Kingdom Government at once publicly proclaimed their full acceptance of the Court's findings and so informed the Government of Iran but the Government of Iran rejected these findings and have persisted in the course of action (including interference in the Company's operations) which led the United Kingdom Government to apply to the Court for interim measures; and

Whereas the Government of Iran have now ordered the expulsion of all the remaining staff of the Company in Iran and this action is clearly contrary to the provisional measures indicated by the Court:

The Security Council

Concerned at the dangers inherent in this situation and at the threat to peace and security that may thereby be involved:

1. Calls upon the Government of Iran to act in all respects in conformity with the provisional measures indicated by the Court and in particular to permit the continued residence at Abadan of the Staff affected by the recent expulsion orders or the equivalent of such staff:

2. Requests the Government of Iran to inform the Security Council of the steps taken by it to carry out the present resolution.

ANNEX

Provisional Measures indicated by the International Court of Justice
on July 5th, 1951.

THE COURT

Indicates, pending its final decision in the proceedings instituted on May 26th, 1951, by the Government of the United Kingdom of Great Britain and Northern Ireland against the Imperial Government of Iran, the following provisional measures which will apply on the basis of reciprocal observance:

1. That the Iranian Government and the United Kingdom Government should each ensure that no action is taken which might prejudice the rights of the other Party in respect of the carrying out of any decision on the merits which the Court may subsequently render;
2. That the Iranian Government and the United Kingdom Government should each ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Court;
3. That the Iranian Government and the United Kingdom Government should each ensure that no measure of any kind should be taken designed to hinder the carrying on of the industrial and commercial operations of the Anglo-Iranian Oil Company, Limited, as they were carried on prior to May 1st, 1951
4. That the Company's operations in Iran should continue under the direction of its management as it was constituted prior to May 1st, 1951, subject to such modifications as may be brought about by agreement with the Board of Supervision referred to in paragraph 5;
5. That, in order to ensure the full effect of the preceding provisions, which in any case retain their own authority, there should be established by agreement between the Iranian Government and the United Kingdom Government a Board to be known as the Board of Supervision composed of two Members appointed by each of the said Governments and a fifth Member, who should be a national of a third State and should be chosen by agreement between these Governments, or, in default of such agreement, and upon the joint request of the Parties, by the President of the Court.

The Board will have the duty of ensuring that the Company's operations are carried on in accordance with the provisions above set forth. It will, inter alia, have the duty of auditing the revenue and expenses and of ensuring that all revenue in excess of the sums required to be paid in the course of the normal carrying on of the operations and the other normal expenses incurred by the Anglo-Iranian Oil Company, Limited, are paid into accounts at banks to be selected by the Board on the undertaking of such banks not to dispose of such funds except in accordance with the decisions of the Court or the agreements of the Parties.

