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Chairman: Miss Angie E. BROOKS (Liberia).

Organization of the twenty-fourth session of the General Assembly: memorandum by the Secretary-General (A/BUR/173)

1. The CHAIRMAN drew attention to the observations and suggestions made by the Secretary-General in his memorandum on the organization of the twenty-fourth session (A/BUR/173).

The Committee decided to recommend to the General Assembly the adoption of proposals in the Secretary-General's memorandum.

Consideration of the agenda of the twenty-fourth session and allocation of items: memorandum by the Secretary-General (A/BUR/174 and Corr.1)

2. The CHAIRMAN drew attention to the Secretary-General's suggestions concerning the adoption of the agenda and allocation of items. With regard to item 23 of the provisional agenda "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the Secretary-General had drawn the Committee's attention (A/BUR/174 and Corr.1, para. 3) to paragraph 14 of a resolution adopted by the Special Committee at its 698th meeting on 10 June 1969 (A/AC.109/330), by which the Committee recommended that the General Assembly should include and consider the question of Southern Rhodesia as a separate item in the agenda of the twenty-fourth session.

The Committee decided to recommend to the General Assembly that it should include and consider the question of Southern Rhodesia as a separate item of the agenda.

3. The CHAIRMAN drew the Committee's attention to paragraph 4 of the memorandum of the Secretary-General, in which he suggested that his report on item 34 of the provisional agenda might be submitted to the Assembly at its twenty-fifth session, when the work undertaken by the various agencies had reached a more advanced stage, and that item 32, sub-item (b), "Report of the Secretary-General", should therefore be deleted. The title of the item would therefore read:

"Question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction".

The Committee decided to recommend to the General Assembly that item 32 (b) should be deleted.

4. The CHAIRMAN drew the Committee's attention to the Secretary-General's recommendations regarding items for inclusion in the agenda for the twenty-fourth session (A/BUR/174 and Corr.1, para. 5). She suggested that, where appropriate, the items should be considered in groups.

ITEMS 1-6

5. The CHAIRMAN noted that the Assembly had already dealt with items 1-6 in plenary.

ITEMS 7-31

The Committee decided to recommend to the General Assembly that items 7-31 should be included in the agenda.

ITEM 32

6. The CHAIRMAN suggested that the Committee should recommend to the General Assembly the inclusion in the agenda of item 32 in the form decided upon earlier in the meeting.

It was so agreed.

ITEMS 33-66

The Committee decided to recommend to the General Assembly that items 33-66 should be included in the agenda.

ITEM 67

7. Lord CARADON (United Kingdom), referring to item 67, said that his delegation had repeatedly stated that the Sultanate of Muscat and Oman was a sovereign and independent State and that no colonial relationship existed between the United Kingdom and the Sultanate. Consequently, the affairs of the Sultanate could not be discussed by the United Nations, and the Assembly was not competent to consider the proposed item 67. His delegation wished to make an express reservation regarding the inclusion of the item in the agenda.

The Committee decided to recommend to the General Assembly that item 67 should be included in the agenda.

ITEMS 68-98

The Committee decided to recommend to the General Assembly that items 68-98 should be included in the agenda.

ITEMS 99, 100 AND 104

8. Mr. BUFFUM (United States of America) said that the Committee was once again confronted with several items dealing with the subject of Korea. He formally proposed, in keeping with the past practice of the Assembly, that the General Committee should recommend to the General Assembly that items 99, 100 and 104 of the draft agenda should be included under a single heading, "Question of Korea", with three sub-headings corresponding to the three items listed in the order in which they appeared in the draft agenda, i.e. "(a) Withdrawal of United States and all other foreign forces occupying South Korea under the flag of the United Nations; (b) Dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea; and (c) Report of the United Nations Commission for the Unification and Rehabilitation of Korea". His proposal was virtually identical with a proposal made the previous year and accepted by the General Committee. Similar action had been taken at the Assembly's seventeenth and twenty-second sessions.

9. On the assumption that the Committee was agreeable to the proposal, his delegation would raise no objection to the inclusion of items 99 and 100 despite their very tendentious wording and their implications, with which his delegation fundamentally disagreed. In its proposal, his delegation was not seeking to restrict the right of any delegation to express its views on any issue. Delegations could state their position under the proposed single title in any way they wished. The procedure he was proposing was intended to serve the interests of order, logic and economy. Clearly, items 99 and 100 could not be considered in isolation from the report of the United Nations Commission for the Unification and Rehabilitation of Korea (item 104).

10. Mr. MALIK (Union of Soviet Socialist Republics) said that he strongly objected to the United States representative's proposal that items 99 and 100 should be merged with item 104, which had only just appeared on the draft agenda. The "report" of the so-called United Nations Commission for the Unification and Rehabilitation of

Korea did not even exist as yet. An attempt was being made to combine a wholly mythical item with two very real ones proposed by a large number of delegations. The United States representative's reference to past practice did not justify the novel procedure he was proposing. In the past, discussion of the question of Korea as a single item had been completely fruitless; it had been used to avert a debate on the crucial substantive issues—the withdrawal of foreign forces occupying South Korea and the dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea. Those issues had been presented as separate questions in items 99 and 100 and should be considered as such, while item 104 was concerned with a body that existed only on paper and in the minds of those who had a vested interest in it, items 99 and 100 dealt with the vital interests of the Korean people and the maintenance and strengthening of peace in Korea and the Far East.

11. Moreover, there was no reason for the General Committee to tie the hands of the First Committee. The First Committee was free to decide how it wished to deal with the items allocated to it. Any action prejudging the First Committee's procedure was totally unwarranted. The General Committee must not deprive a Main Committee of the General Assembly of its prerogatives.

12. His delegation would accordingly vote against the United States representative's proposal.

13. Mr. KULAGA (Poland) expressed his delegation's opposition to the proposal of the United States representative. The General Committee had before it two items submitted by a number of delegations which went to the very heart of the problem—the maintenance of peace and security in the Far East, the elimination of foreign interference in Korean domestic affairs and the recognition of the Korean people's right to decide their own future. His delegation had not seen the report of the so-called United Nations Commission for the Unification and Rehabilitation of Korea and shared the views on the subject stated by the Soviet representative.

14. The CHAIRMAN suggested that the Committee should first decide on the inclusion of items 99, 100 and 104 in the agenda. If it decided to recommend their inclusion, it could then vote on the United States representative's proposal to combine them in a single item.

15. Lord CARADON (United Kingdom) supported the Chairman's suggestion. His delegation disapproved of the wording of items 99 and 100 but would not on that account oppose their inclusion. It did feel, however, that it would be sensible, logical and in keeping with precedent to combine the three items relating to Korea. The position of the Soviet and Polish delegations, when stated in the past, had not deterred the General Committee from deciding to combine the items on the Korean question on the grounds of economy of effort and logical procedure.

16. Mr. DASHTSEREN (Mongolia) said that his delegation strongly objected to the United States representative's proposal. It requested that items 99 and 100 should be considered separately, in the order in which they had been submitted, for the reasons stated by the Soviet and Polish representatives.

17. Mr. MALIK (Union of Soviet Socialist Republics) expressed his delegation's opposition to the inclusion of item 104 in the agenda. Consideration by the Assembly of the Korean question based on reports of the so-called United Nations Commission for the Unification and Rehabilitation of Korea had been used year after year to justify the presence of foreign troops in South Korea and to perpetuate the division of Korea. Furthermore it had been used to give the foreign occupation the appearance of a peace-keeping operation, even though peace-keeping operations could be decreed only by the Security Council. Thus the failure of past discussions to contribute in any way to the solution of the problem of Korea was not surprising. The United Nations Commission for the Unification and Rehabilitation of Korea, created in the worst days of the cold war, was simply a myth; it was remembered only on the eve of Assembly sessions, and so late that its report was not yet ready for presentation. The time had come for the United Nations to take a new and realistic approach, to recognize that reunification was a legitimate right of the Korean people and to spurn the attempts of foreign imperialists to continue to meddle in the Korean people's internal affairs. The proper course, therefore, was to recommend the inclusion of items 99 and 100 and to delete item 104.

18. The CHAIRMAN said that, having heard no objection to her procedural suggestion, she would ask the Committee to decide on items 99, 100 and 104.

The Committee decided to recommend to the General Assembly that items 99 and 100 should be included in the agenda.

19. Mr. AKWEI (Ghana) said that, while the Committee should certainly decide on item 104 and go on to discuss the United States representative's proposal, it might not be advisable to take item 104 out of numerical order, as that would tend to give the question undue prominence.

20. The CHAIRMAN observed that the Committee had been considering a number of items in groups, as she had suggested earlier in the meeting. In the present instance she had suggested that items 99, 100 and 104 should be taken together, and since the Committee had already adopted decisions on the first two items in the group, she considered that it should proceed to decide on the third item.

21. Mr. MALIK (Union of Soviet Socialist Republics) said that he opposed the inclusion of item 104 and that if the Committee decided to recommend its inclusion he would ask that the United States representative's proposal to combine the three items should be put to the vote. Furthermore, he agreed with the Ghanaian representative that the items should be examined in numerical order. Accordingly, the Committee should proceed to consider item 101.

22. Mr. JACKMAN (Barbados) agreed with the view expressed by the Ghanaian representative.

23. Mr. IDZUMBUIR (Democratic Republic of the Congo) said that the Committee had already begun to act on the Chairman's suggestion and should therefore continue by considering item 104 and deciding on the United States representative's proposal.

24. Mr. EL-FARRA (Jordan) supported the view stated by the Ghanaian representative. The Chairman's suggestion could be followed without disrupting the sequence of items.

25. The CHAIRMAN, in response to a request for clarification from Mr. PIÑERA (Chile), said she had felt that the Committee could deal with the three items as a group. If they were to be included in the agenda, it would be a simple matter to decide whether they should be combined into one item.

26. Mr. AKWEI (Ghana) observed that it would be more advisable to consider the proposed items in numerical order before deciding on the United States proposal. However, he would be happy to abide by the Chairman's ruling on the point.

27. Mr. BUFFUM (United States of America) said that the Chairman's suggestion had been most reasonable. His delegation had not objected to the inclusion of items 99 and 100, although they were tendentious in wording and prejudged the issues involved, solely because he had understood that the Chairman was calling for a decision on the inclusion of three closely related items, i.e. items 99, 100 and 104. He had assumed that a vote would then be taken on his delegation's proposal. In a similar situation during the previous session, the Committee had dealt with items numbered 25, 93 and 95 as a group, precisely because they had been interrelated. If the present procedure was being questioned, his delegation would feel obliged to reopen the question of the inclusion of items 99 and 100.

28. Mr. CARANICAS (Greece) said he felt that many delegations had agreed to the inclusion of items 99 and 100 because they had thought that the Committee would immediately proceed to consider item 104. In fact, the Polish representative had touched on item 104 when he had referred to the United Nations Commission for the Unification and Rehabilitation of Korea.

29. Lord CARADON (United Kingdom) said that the Chairman's suggestion was entirely acceptable and expressed the hope that the Committee would proceed to dispose of the problem without further delay.

30. Mr. KULAGA (Poland) supported the view of the Ghanaian representative and said that it would be better to consider the items in numerical order. In his earlier statement, he had been discussing item 100 and had referred to the so-called United Nations Commission for the Unification and Rehabilitation of Korea solely in connexion with document A/7643 and Add.1-3 which related to item 100.

31. Mr. MALIK (Union of Soviet Socialist Republics) said that no ruling had been made to combine the items and that the most appropriate procedure would be to examine the proposed items in sequence. When, in due course, the Committee came to consider item 104, his delegation would request a vote, as it objected to the inclusion of that item in the agenda. A decision could then be taken on the United States proposal.

32. He recalled that, in 1968, the report of the United Nations Commission for the Unification and Rehabilitation

of Korea had been the first of the three items relating to Korea and the United States delegation had merely requested that the other two items should be added to it. In any case, the procedure followed at the previous session should not be regarded as establishing a precedent.

The Committee decided by 17 votes to 4, with 3 abstentions, to recommend to the General Assembly that item 104 should be included in the agenda.

33. Mr. KULAGA (Poland) said that his delegation had voted against the inclusion of item 104 because the so-called United Nations Commission for the Unification and Rehabilitation of Korea, which had been established illegally, had in fact worked to frustrate what was, theoretically, its main purpose, namely the unification of Korea. Its continued existence perpetuated a situation which was detrimental to the interests of the Korean people and endangered peace and security in the Far East.

The Committee decided by 15 votes to 4, with 5 abstentions, to recommend to the General Assembly that items 99, 100 and 104 should be combined under the single heading, "The Korean Question".

34. Mr. MALIK (Union of Soviet Socialist Republics) said that for many years, as a result of pressure from forces within the United Nations, the Democratic People's Republic of Korea had been denied the elementary right to state its views to the General Assembly on matters affecting the fate of the Korean people in violation of the principles of the Charter. If the Assembly's discussion of matters relating to Korea was to be fruitful, it was essential that representatives of the Korean people should be allowed to present their views and submit any proposals they saw fit. Only after hearing the arguments put forward by both sides could the Assembly take objective decisions. He stressed that an unconditional invitation to representatives of the Korean people to take part in the discussion of items of direct concern to them should be extended well in advance of that discussion. Accordingly, he formally proposed that, in its report, the Committee should state that it considered it appropriate that the First Committee, in good time and before beginning debate on the items relating to Korea, should examine the question of extending a simultaneous and unconditional invitation to the Democratic People's Republic of Korea and to South Korea to send representatives to participate in the debate.

35. Mr. BUFFUM (United States of America) said that under rule 40 of the rules of procedure, the General Committee's responsibility was confined to making recommendations to the General Assembly with regard to the inclusion of items in the agenda, the rejection of requests for the inclusion of items or the inclusion of items in the provisional agenda of a future session. Accordingly, the Soviet proposal was not in order and was not within the competence of the Committee; the latter was not entitled to discuss which Government or individual should take part in the consideration of a particular item. That was the function of the committee to which the item was allocated and there was no justifiable legal precedent for pre-empting the function of another committee.

36. Mr. CARANICAS (Greece) endorsed the view of the United States representative.

37. Mr. MALIK (Union of Soviet Socialist Republics) said that apparently when questions were in the interest of the United States, they came within the Committee's competence, but that any other matters could not be dealt with by the Committee. For example, the United States had actively sought to combine three items—a course which was advantageous to the United States. However, when the Soviet delegation wished to correct an injustice and one which was an example of discrimination against the socialist countries, it was told that its proposal was not in order.

38. He reserved the right to revert to the question in the General Assembly and the First Committee. Moreover, he would press his proposal to a vote.

39. The CHAIRMAN said that the functions of the First Committee and the General Committee were completely different and she appealed to the Soviet representative to withdraw his proposal.

40. Mr. MALIK (Union of Soviet Socialist Republics) said that the First Committee was master of its own procedure, although the General Committee had already imposed a decision on it by combining three items. Nevertheless, he would amend his proposal by omitting any mention of the First Committee: he urged the inclusion in the report of the General Committee of a brief but clear reference to the admissibility of extending invitations to representatives of the Democratic People's Republic of Korea and of South Korea.

41. Mr. KULAGA (Poland) said his delegation felt strongly that the General Assembly could not take decisions on questions relating to the vital interests of a nation without hearing representatives of that nation. Moreover, it was in the interest of the United Nations itself to adopt a procedure based on the principles of justice and equity which would allow the General Assembly to make wholly objective decisions.

42. The CHAIRMAN said that she did not believe that the General Committee was competent to consider the Soviet proposal.

ITEM 101

The Committee decided to recommend to the General Assembly that item 101 should be included in the agenda.

ITEM 102

At the invitation of the Chairman, Mr. Hillery (Ireland) took a place at the Committee table.

43. Mr. HILLERY (Ireland) drew attention to the explanatory memorandum attached to his Government's request for the inclusion of the item (A/7651 and Corr.1) and said it was now recognized by many, including the United Kingdom Government, that a large part of the population of the north of Ireland was being denied human rights and fundamental freedoms. However, he had no wish to enter into the substance of the matter. The Committee was not being asked to judge the situation or to decide whether it was appropriate for the United Nations to take specific action. If the item was to be included in the

agenda, he felt that it might best be allocated to the Special Political Committee. If members had any doubts regarding the competence of the General Assembly to discuss the item, he would merely refer them to the comment of the United States representative in paragraph 83 of the 832nd plenary meeting of the General Assembly on 20 October, 1959 that in the years since the establishment of the United Nations certain principles and rules had emerged concerning the application of Article 2, paragraph 7, of the Charter and it had become established, for example, that inscription and then discussion of an agenda item did not constitute intervention in matters which lay essentially within domestic jurisdiction. In the Security Council, the same representative had gone on to say,¹ in connexion with the Sharpeville incident, that Article 2, paragraph 7, of the Charter must be read in the light of Articles 55 and 56, under which all Member States had pledged themselves to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion".

44. He assured the Committee that his Government was not making its request lightly. He hoped that his delegation's record in the United Nations would be sufficient assurance that its sole purpose was to promote respect for the principles of the Charter and to ensure their observance.

45. Lord CARADON (United Kingdom) said that it was surely the duty of Member States of the United Nations not to flout the principle of domestic jurisdiction but to support it; that they must do by opposing the inclusion of the question entitled "The Situation in the North of Ireland" in the agenda. To do otherwise would be to undermine the agreed basis in international law on which the United Nations rested. To do away with the protections contained in Article 2, paragraph 7, of the Charter would be to bring internal disputes into the United Nations, and no Member State could long remain immune to the consequences of such a breach of the Charter.

46. If the question raised by the Irish delegation referred solely to human rights, there would be no need for a separate item as it could be dealt with by existing machinery or brought up under existing agenda items. But the text of the request itself (A/7651 and Corr.1) raised issues far wider than human rights, issues which were incontrovertibly within the domestic jurisdiction of the United Kingdom. His Government had taken positive and urgent action to deal with the difficult situation that had arisen in Northern Ireland: it had sent troops, which had been warmly welcomed, and had strongly promoted urgent reforms. What was needed now, as Cardinal Conway himself had stressed, was a breathing space, and time to reduce tension and restore confidence so that the reforms could go forward. A political discussion in the United Nations which might inflame controversy could do great harm and might prejudice the salutary work being done. For constitutional, procedural and operational reasons therefore, he urged the General Committee not to recommend the inclusion of the item in the agenda.

47. He appealed to the Irish representative in the genuine interests of the people of Northern Ireland to withdraw his

request. No country had a better record of contributing to the work of the United Nations than Ireland; if it now rose above the spirit of dispute, it could make another contribution.

48. Mr. MALIK (Union of Soviet Socialist Republics) supported the request of the Irish delegation. As the facts showed, it was the policy of the United Kingdom authorities to maintain inequality in Northern Ireland, the result of which was the division of the country along religious lines. The right to form a government was restricted to one religious community; the civil rights of the minority were suppressed. The United Kingdom Government must put an end to the persecution of those seeking to end discrimination so that a solution could be found in accordance with the wishes of the people of Northern Ireland.

49. Mr. BUFFUM (United States of America) said he had a statement to make on the inscription of the item. However, before being required to take a stand on an issue confronting many with a very unhappy dilemma, he would be interested to know whether the representative of Ireland would wish to respond to the very eloquent appeal made by the United Kingdom representative.

50. Mr. PIÑERA (Chile) felt that the General Committee should avoid taking a hasty decision on the matter raised in the Irish memorandum.

51. Lord CARADON (United Kingdom) objected to two columnies contained in the statement by the Soviet representative. He had implied that there was a deliberate attempt to maintain inequality in Northern Ireland; the reverse was the case. The right to form a government was not restricted to one community; the people of Northern Ireland had the right to elect their representatives on the basis of full adult suffrage, a circumstance with which the Soviet representative was no doubt unfamiliar. Faults and failures in the observance of civil rights admittedly existed and were being investigated; the United Kingdom was seeking to remedy them and to guarantee full civil rights to all the people of Northern Ireland.

52. Mr. MALIK (Union of Soviet Socialist Republics) said that, if the situation was as the United Kingdom representative described it, it was difficult to understand why the Irish Government had proposed the inclusion of the item and why it had sent its Foreign Minister to the United Nations.

53. Mr. HILLERY (Ireland), in response to an enquiry from the CHAIRMAN as to whether he would like to reply to the appeal from the United Kingdom representative, said he accepted the spirit in which it had been made. His Government, far from wishing to inflame the situation, had been concerned about it long before the United Kingdom, which persisted in taking a legalistic approach to the problem. The United Kingdom representative assumed that the long overdue reforms now being pressed would be put into effect; he himself would like to be sure that the necessary action would be taken. The present situation was the result of fifty years; the promises of reforms were new. Before he could accede to the United Kingdom representative's appeal, he wished to reflect further on how the withdrawal of his request for inclusion of the item would

¹ See *Official Records of the Security Council, Fifteenth Year*, 851st meeting, para. 27.

affect the prospects for the early introduction of the promised reforms and improvement of the situation in the north of Ireland.

54. Mr. OGBU (Nigeria), supported by Mr. PIÑERA (Chile), proposed that the debate on the question should be adjourned to a subsequent meeting. Nigeria, for its part, shared the anxieties of the two friendly countries involved and wished to do everything in its power to contribute to an amicable settlement.

The Committee decided to defer a decision on whether or not to recommend that item 102 should be included in the agenda.

Mr. Hillery (Ireland) withdrew.

ITEM 103

55. Mr. LIU (China) said that in the explanatory memorandum attached to the request for inclusion of the item (A/7652) the statement that the Communist régime in Peiping had always followed a policy aimed at settling by peaceful means all disputes which might exist or arise between independent States (*ibid.*, para. 4) was manifestly contrary to all the known facts about Peiping's relations with other nations, particularly with its neighbours to the north and south. The Peiping régime was currently engaged

in a major campaign to stir up the people on the mainland for a revolutionary war on a global scale. The Chinese Communists were committed to the doctrine of force and violence. As Mr. Brezhnev, Secretary-General of the Communist Party of the Soviet Union, had said on 7 June 1969 in a speech before the summit meeting of Communist parties, "the facts indicate that Maoism is calling for a struggle, not against war, but for war, which it regards as a positive phenomenon in historical development". Even the Head of State of one of the authors of the memorandum, Prince Norodom Sihanouk of Cambodia, had complained that, since it was unable to find allies which supported it unconditionally, Asian communism was striving to overthrow his country's régime from within. Other points in the memorandum were also based on patently false premises.

56. His delegation strongly objected to the wording of the title of the proposed item, which was deliberately misleading and calculated to prejudge the issue. If, however, the Committee decided to include the item in its agenda, his delegation requested that it should be given priority and discussed as an important question in the plenary at the earliest possible date.

The Committee decided to recommend to the General Assembly that item 103 should be included in the agenda.

The meeting rose at 6.55 p.m.