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Chairman: Mr. João Carlos MUNIZ (Brazil).

Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China (A/2375, A/C.1/L.42, A/C.1/L.43) (*continued*)

[Item 77]*

1. Mr. FERRER VIEYRA (Argentina), presenting draft resolution A/C.1/L.43, spoke of the concern his country felt with regard to the difficulties Burma was experiencing. Although the two countries were, geographically speaking, very far apart, Argentina was linked to Burma by the bonds of sympathy that existed between young countries which often had to face similar difficulties.

2. The *de facto* situation in Burma had been clearly described by the representative of that country at the Committee's 605th meeting. Chinese Nationalist troops, numbering approximately 12,000 men, had been in Burma for several years now and refused to submit themselves to Burmese jurisdiction. Those facts, given by the Burmese representative, had not been denied in the statements made by the representative of China (605th and 607th meetings).

3. There seemed to be no question about the legal force of the complaint by the Union of Burma. The 1907 Hague Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land provided that in such cases the troops were to be disarmed and interned, a conclusion that had always been accepted unanimously by jurists.

4. At the political level, the Union of Burma was entitled to complain of an open infringement of its national sovereignty. It had every right to demand the immediate withdrawal of the troops, or at least that they should be disarmed and interned.

5. Although the troops were Chinese Nationalist troops, it was possible, as the Chinese representative had indicated, that the Formosan Government had no real authority over them. Nevertheless, it was the duty of that Government to use its influence to see that those troops, which flew the Chinese flag, left Bur-

mese territory. For the sake of the Charter itself and especially in view of its position as a permanent member of the Security Council, the Republic of China could be expected to make a special effort to bring about a settlement of the problem.

6. It was to encourage the spirit of conciliation that alone could make such agreement possible that the Argentine delegation was submitting its draft resolution (A/C.1/L.43) to the First Committee.

7. The preamble of the draft resolution noted the facts and virtually recognized the right of the Union of Burma to demand that the situation should be remedied. Paragraph 1 of the operative part, which invoked the principles of the United Nations Charter, referred in particular to Article 2. Only after it had considered various possible methods had the Argentine delegation drafted paragraph 2. If, for example, a special commission were appointed and such a body undertook its task in accordance with the normal procedure in such cases, the result might be the undue protraction of a question which demanded speedy settlement. Moreover, the commission would present a report containing facts, testimony and accusations that would constitute a veritable condemnation, which would scarcely be in keeping with the spirit of conciliation necessary for the settlement of such a problem. The Argentine delegation placed all its confidence in direct negotiations, encouraged by an official decision of the General Assembly. In adopting the Argentine draft resolution, the General Assembly would recognize both the danger inherent in the present situation and the absolute right of Burma to demand that foreign troops should leave its territory. If the Government in Taipei could really use its influence in support of such a General Assembly decision, the proposed negotiations would have the greatest chance of success. Finally, in paragraph 3 of the operative part, by calling upon the Burmese Government to inform the General Assembly at its next session of the results of such negotiations, the Assembly stressed its interest in the question and reserved the possibility of intervening more directly at a later stage.

8. The Argentine delegation had studied the Burmese draft resolution (A/C.1/L.42) very carefully but it did not consider it expedient to place the question

* Indicates the item number on the agenda of the General Assembly.

before the Security Council, of which China was a permanent member, for it was afraid that the atmosphere of that body was not very conducive to the friendly solution required. As the General Assembly was fully competent to deal with the problem, there was reason to place it before the Council.

9. The Argentine delegation was presenting its draft resolution as a contribution to the general effort towards a friendly settlement. It would, of course, accept any suggestions likely to improve the text.

10. Mr. VON BALLUSECK (Netherlands) said that the item under consideration was a highly complicated matter. In normal conditions the Chinese forces that had been driven across the frontier should have been disarmed and interned. It was only through their own strength and with assistance from without that they had succeeded in remaining armed on foreign territory. According to the statements of the representative of the Union of Burma, those forces constituted a serious danger to the country.

11. There was no doubt that such a situation was illegal, dangerous and hence intolerable. It was admittedly difficult to affirm that those forces were receiving aid from outside, i.e., from Formosa. In any event the United Nations was obliged to take note of such a state of affairs and to address an appeal to Member States, especially those having a common frontier with Burma, asking them to respect the sovereignty and territorial integrity of the Union of Burma.

12. Whatever the Chinese Government in Formosa might be able to do, the least it could do was to refuse to give the troops any moral or material assistance and to order them to lay down their arms, submit to the Burmese Government and allow themselves to be interned. Not only was it the duty of the Chinese Government in Formosa to make full use in that way of whatever influence it had, but all Members of the United Nations should abstain from giving any assistance whatever to armed forces which violated the sovereignty of a Member State. Any other procedure might establish unfortunate precedents.

13. The Netherlands delegation had noted the Argentine draft resolution with great interest and reserved the right to comment on it after studying it.

14. Mr. KYROU (Greece) declared that his delegation intended to make a careful study of the Argentine draft resolution, which had been drafted in a most laudable spirit of conciliation. He wished, however, to express forthwith a reservation with respect to paragraph 3 of the operative part, which called upon the Government of the Union of Burma to inform the General Assembly at its next session of the results of the negotiations. He did not see why that task should be allotted to the Government of Burma. It was obviously not Burma that was responsible for the state of affairs and it would be regrettable to maintain the Union of Burma in the role of plaintiff. It would surely be possible to find a better procedure, perhaps by requesting either the President of the Assembly or the Secretary-General to inform the General Assembly at its next session of the results of the negotiations. The Greek delegation sincerely hoped that Argentina would amend paragraph 3 of its draft resolution accordingly.

15. Mr. BOKHARI (Pakistan) said that he had listened with great interest to the clear, precise speech which the Burmese representative had delivered with a minimum of passion. Mr. Tsiang's speech had also received his close attention. It was clear from those statements that while certain basic factors were indisputable, there were also some overtones that might possibly lead to confusion. The First Committee would be well advised not to ignore those secondary factors.

16. The *de facto* situation had arisen as an aftermath of what had been called the Chinese *débâcle*. Some defeated elements had felt that they should not abandon the ideological struggle they had always waged against communism. Thus the situation had both *de facto* and *de jure* aspects, which some were inclined to confuse. It was easy to understand that the Government of the Republic of China, eager to succeed in the struggle in which it was engaged, found it difficult to dissociate itself from those who were fighting for the same ideal. Nevertheless, no sympathies or ideologies should blind the First Committee to the clear facts of the case. It was obvious from the statements made before the Committee that not only was there an incontestable offence against international law but that the troops that had interfered in Burma were there in large numbers; that their numbers had increased since the offence had first occurred; that their striking power and military equipment had kept pace with their increase in numbers; and that they had imposed great hardships on the Burmese population and Government. Those facts, presented by the representative of the Union of Burma, had not been denied by the Chinese representative. Thus, the situation not only had the character of a flagrant infringement of international law but was one that was particularly dangerous to peace.

17. Pakistan, itself a young State, understood the difficulties that Burma was now facing over and above those experienced by any country emerging into full statehood. It was easy to imagine the kind of depredations to which the troops were subjecting the Burmese population: attempts to recruit or forcibly enlist the peasants, and to compel the people to feed them. It had been claimed that the inhabitants had shown sympathy towards those forces. That would be tantamount to saying that the Burmese Government did not speak on behalf of its people. Such an argument was inadmissible. On the contrary, it was one of the most urgent duties of that Government, in its concern for the interests of its people, to arouse the conscience of the world to such a situation. The fact that the soldiers had from time to time joined hands with some of the rebels against the Government was another factor, the danger of which could not be underestimated.

18. What could be done to relieve the situation? According to the rules of international law, the troops should have surrendered to the Burmese Government and agreed to be disarmed. They had, however, defied those rules. According to the Chinese representative, his Government had already tried to satisfy the Burmese request, but it did not seem to possess the necessary authority to induce the troops to leave Burma. Nevertheless, a formal undertaking by the Government of the Republic of China to do everything in its power to deal with such a situation would be likely to increase the chances of success of the proposed negotiations. If, moreover, the General Assembly officially

pronounced itself against such a state of affairs, that could not fail to strengthen the authority of the Government in Taipei with respect to those troops. A condemnation, therefore, was essential. The General Assembly should express its strong disapproval. In that respect, the Argentine draft resolution, although otherwise excellent, would seem inadequate.

19. Mr. LODGE (United States of America), reviewing the situation, said that the United States considered as fully justified the Burmese Government's desire to be rid of the Chinese troops. It was a case of a challenge to the national sovereignty of the Union of Burma, which it was in the common interest of all concerned to remove through pacific means. As the Governments of Burma and of the Republic of China did not maintain diplomatic relations with each other, the United States, at Burma's request, had acted as an intermediary, and had vigorously sought to bring the parties to an agreed method of meeting the situation. To reach an agreement, the Chinese Government must first agree in principle to co-operate to the best of its ability to effect a withdrawal of General Li Mi's troops. Then hostile activities should cease and feasible methods for withdrawing the troops should be discussed, followed by a laying down of arms and departure of the troops from Burma. That was the type of solution the United States Government sought to achieve. The fact that the representative of Thailand had said at the 607th meeting that his Government would allow the troops to be evacuated through Thai territory showed that such a solution was quite possible. It remained to be seen, however, whether all those irregular troops would agree to leave Burma. Many of the persons involved seemed to be common bandits posing as Chinese Nationalists, while others, who were not under the control of anyone, had long looked upon certain parts of the Keng Tung area as their home. Nevertheless, it was to be hoped that if the negotiations were successful, a substantial number of the men would leave Burma, which would reduce the problem to manageable proportions for the Burmese Government.

20. The United States delegation felt that, in its present form, the Burmese draft resolution was couched in language that did not offer the best way of promoting agreement and that the procedure it proposed was not desirable as a general practice nor would it be helpful in bringing about a practical settlement of the case. It would carefully examine the draft resolution presented by the Argentine delegation, as it was prepared to consider any other proposal looking towards a peaceful settlement.

21. Sir Percy SPENDER (Australia) emphasized his country's interest in the events which were taking place in Southeast Asia. That area, whose political and economic stability was of vital importance to Australia, was still in an unsettled state, as was clear from the present difficulties in the State of Laos, immediately adjacent to Burma. It was particularly urgent, therefore, that any contentious problem should be settled without delay, in the interests of general security.

22. No government could tolerate foreign troops on its territory who lived off the land, engaged in depredations on a civilian population and became involved in hostilities with the official forces of the State. The Australian delegation, which sought a realistic and practical

solution, did not support a formula of condemnation, which, although perhaps attractive to some, would not be of any practical value. If each country fulfilled its obligations, a workable solution could be found to put an end to the deplorable situation.

23. If the irregular Chinese forces at present on Burmese territory did not receive sufficient supplies, they could not carry on their activities. They therefore depended on external assistance. Every Member State should refuse that assistance. Moreover, it was clear that Burma did not possess sufficient forces to compel those troops to disarm and to intern them. Moreover, their internment for an indefinite period would not completely solve the problem. Each government should therefore institute a rigid control of its exports in order to ensure that no supplies reached those forces. They had already received war *matériel*; if such supplies were to cease, the United Nations must make a formal injunction to that effect. Once the troops had been disarmed and interned, it would be possible to reach a satisfactory solution, thanks to the offer of the Thai Government to do everything possible to facilitate the evacuation of the disarmed troops.

24. The Chinese representative had stated that his Government did not control the armed forces in question but had influence over their commander. It could therefore be assumed that that Government would co-operate in the adoption of any practical measures proposed for the peaceful settlement of the question.

25. As far as diplomatic action was concerned, all governments which could exert any influence in the matter should do so without delay. The Government of the Republic of China was better placed than any other to take such action.

26. Generally speaking, there was not much to be gained from unilateral declarations. Conclusions should not be assumed when not all the evidence had been carefully examined. It was for that reason that the Australian delegation was reluctant to accept certain statements made in the Burmese draft resolution. There was no doubt, for example, that the phrase "armed troops of the Kuomintang Government of Formosa" was not entirely acceptable. Apart from the fact that that was not the title used by the United Nations to describe that government, it prejudged the conclusion. The evidence provided had not convinced the Australian delegation that the troops in question were entirely within the limits of the orders of the Government in Taipei. An expression such as "irregular Chinese troops" would be more satisfactory.

27. Furthermore, paragraph 1 of the operative part of the Burmese draft resolution referred to disarmament and internment "as required by international law". That was a restrictive phrase, the precise extent of which depended upon prior agreement on what were the requirements of international law on the subject. The Australian delegation would prefer to see such an expression omitted, for it did not think that an exhaustive legal examination of that question would assist in reaching a practical solution.

28. The Australian delegation noted that the forces in question, which were recognized as being under the command of General Li Mi, had seriously infringed the territorial integrity of Burma and had committed hostile acts against the people of that country. That

was sufficient reason for the United Nations to take action.

29. It did not seem that the phrases to which he had referred were likely to lead to the practical solution which should be the aim of any action taken, namely, the surrender of the forces in question and their subsequent evacuation. It did not seem advisable to refer the question to the Security Council, for to do so would divert attention from the essential objective, which was to achieve a practical solution as rapidly as possible, and it was not certain that the Council would reach a decision calculated to bring about a prompt solution.

30. The delay which would result from such a procedure would be all the more unwarranted in that the General Assembly was fully competent to adopt recommendations on such a subject. The fact that the Burmese delegation had itself appealed to the General Assembly strengthened that argument.

31. The Australian delegation considered that a practical solution could be reached by the adoption of a resolution emphasizing the following points: prevention by all governments of the passage of supplies of any kind to the irregular Chinese troops; continued negotiations and the use of the good offices of friendly States by the parties; full co-operation by the Government of the Republic of China and in particular the use of all that Government's influence with the commander of the irregular forces; an injunction to those forces to submit to internment; the co-operation of neighbouring governments.

32. The rights of a State had been seriously infringed and the General Assembly should take urgent action in the matter.

33. Mr. HOPPENOT (France) said that the inclusion of the present question on the agenda of the current session, after unanimity had been reached on one of the most serious problems that the United Nations had ever had to face, had caused him some concern.

34. Fortunately, the Burmese representative had shown self-control and moderation in reporting the difficulties that had arisen for the young Burmese republic as a result of the occupation of part of its territory by irregular forces. The troops in question could not remain on Burmese soil without threatening the security of that part of the world and having an adverse effect on the United Nations, whose principles were at stake.

35. Nevertheless, while it was only natural that Burma should wish to recover the territory occupied, the Chinese representative had contended that his Government had no strict control over the troops in question. There seemed, in fact, to be a lack of any true subordination such as was usual between a general and his government. As a result, any order issued to the troops in question might give rise to certain difficulties. At the 607th meeting, the Polish representative himself had referred to them sometimes as regular troops and at other times as bandits. That being so, the Government in Formosa could not be categorically condemned, as the Burmese delegation suggested.

36. Generally speaking, the French delegation agreed with the substance of the draft resolution (A/C.1/L.42) but not with the way in which it had been drafted. The

use of the word "aggression" called for a number of reservations and it would be better to speak of aggressive acts committed by the forces of General Li Mi against the security of Burma. Thus the Government of the Republic of China would not be accused of active responsibility and aggressive intentions, when Mr. Tsiang had shown his goodwill and had admitted that the possibility of any action by his Government had been limited.

37. Two fundamental facts emerged. On the one hand, the Government in Taipei had a certain amount of control over General Li Mi and his men, and would be held responsible if it did not use its influence in the correct way. On the other hand, those forces were increasing in number and any delay would make it all the more difficult to find a solution.

38. It would nevertheless be difficult for the Government in Formosa to issue a specific order which might not be obeyed, the more so since the men concerned shared the political hopes of that Government. It remained to be seen whether that Government, which had been accused of seeking an opportunity for revenge by extending the conflict, would seize the opportunity to prove its goodwill, although that action might cause a certain amount of bitterness among men whose activities, which were not irreproachable, were unlikely to influence the fate of that Government to any great extent.

39. The United Nations should recognize the difficult situation in Burma. It should condemn the presence of irregular forces on Burmese territory and should request the Government in Formosa to use all the means in its power to end that situation, calling upon the good offices of the nations which, by reason of their experience in the problem, would be able to help towards its solution. The French delegation would support any proposal made in that sense.

40. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the Burmese representative's statement, together with the documents submitted, fully justified the placing of the question on the agenda. Before coming to any conclusion, however, the Uruguayan delegation would like to be familiar with all the facts and it reserved the right to speak again after the Chinese representative had given the additional explanations he had promised.

41. The Burmese representative had spoken of an act of aggression consisting in the presence of troops of the Government of the Republic of China on Burmese territory. It was a fact that the troops were under the command of a general who obviously had relations with Formosa and was to a certain extent under its authority. Moreover, their numbers had increased and they had received supplies in circumstances incompatible with the sovereignty of Burma, whose Government had witnessed a complete disregard of its clearly expressed will. Lastly, the Burmese representative had spoken of the pillaging and misdeeds that had been committed and the United States representative had pointed out the complexity of the factors involved.

42. In any event, the United Nations had before it a matter so serious that, as a first step, it was essential to examine it in the light of the principles of the Charter. It involved a complaint by a Member State against what it regarded as intervention by another Member State. An attack against the sovereignty and terri-

torial integrity of a country was, of course, a matter fraught with danger to the peace.

43. The United Kingdom representative had stated at the 608th meeting that the presence of the troops in question on Burmese territory was a fact. The violation of the territorial integrity of Burma had been going on for three years and the first conclusion to be drawn was that, throughout the whole period, troops which had been supposed to be continuing the fight against communist forces had done nothing other than engage in combat which constituted an attack against the sovereignty of Burma.

44. It was true that the Chinese representative had cited historical precedents from the age-long traditions of China: Mr. Rodriguez Fabregat wondered whether that representative had meant to imply that it was a well-established practice in his country to have little regard for the independence and sovereignty of neighbouring nations when the government was in danger. Whether the Government in Taipei had aggressive intentions or not, that in no way changed the actual situation: the troops in question had been on Burmese territory for the past three years. If the principles of international law were to be respected, the Government of the Republic of China should at least announce its intention of exercising the degree of authority at its command. It should make a declaration in that sense to the officer in command of the troops and the Chinese representative should explain to the United Nations his exact understanding of the principle of national sovereignty. That was all the more essential in view of the fact that, by reason of the right of veto, he had a position of special authority in the United Nations and it was essential to know in what spirit he would use powers so vital to the destiny of all peoples.

45. The value of the present debate had lain not only in its having brought to light certain facts but also in that it had made clear the main characteristics of such a person as the commander-in-chief of the Chinese forces in Burmese territory. In order to portray the nature of that person better, it might suffice to compare him with a figure like Garibaldi, who, in the course of a career entirely devoted to the liberation of nations and to a struggle against aggressive absolutism, had never used his troops to occupy foreign territory by force.

46. As for the solution of the problem, it should be based on the real facts of a situation which, difficult though it might be, was not insoluble, provided that the principles of law were taken into account and it was borne in mind that Burma, whose independence was as recent as its civilization was ancient, was entitled to the help of the United Nations, which had been founded on the principles of national sovereignty and international security.

47. It had been said that it would be inexpedient to submit the matter to the Security Council. It should be sufficient to have a specific statement by the Committee, or perhaps even by one of its members, promising to bring the situation to an end. One point was certain, namely, there was no doubting the feelings of the Burmese people concerning a matter which constituted a violation of their country's territorial integrity and sovereignty. It was hard to understand how those very persons who had been unable to give any precise

explanation of the intentions of the Chinese troops now in Burma, could claim that they were better qualified than the Burmese representative to interpret the national sentiments of the Burmese people.

48. Mr. ZEINEDDINE (Syria) was glad that the Burmese representative had submitted the problem to the United Nations, for, as a result, it now became the duty of the United Nations to settle the matter on the basis of international law.

49. For some years, the situation had been growing increasingly serious owing to the reinforcement of General Li Mi's forces. Although Burma had shown great patience, it was none the less true that if the question had been raised one or two years earlier the United Nations would have been faced with less difficult local conditions. The present atmosphere was, however, more favourable to a calm and objective approach, particularly as far as Asian problems were concerned. Some United Nations Members were finding it difficult to discuss one case of aggression and to say nothing about the aggression in the Middle East or Southeast Asia. It was to be hoped, therefore, that prompt and effective help would be given to Burma, the victim in the present case.

50. The Burmese representative had shown moderation in his statement and had largely justified the submission of his case. As for the Chinese delegation, it had no choice but to perform the thankless task entrusted to it by its Government, and it had done so with some skill. Burma was not a thoroughfare. Moreover, certain facts were undeniable. In the first place, foreign troops were occupying Burmese territory without Burma's consent; foreign troops had no right to be stationed on foreign territory or to make use of it as an operational base. Secondly, the troops in question had not only refused to lay down their arms but were waging war in Burma and making common cause with Burmese insurgents, which was not the way to free their country or secure the support of the people. Thirdly, instead of engaging in operations beyond the Burmese frontiers, they preferred to pillage and to terrorize the people. Fourthly, their numbers had increased sharply during the past year and they had new equipment and new officers. Fifthly, the reinforcements did not come from Burma or from the neighbouring Chinese territory. General Li Mi's forces were not a self-sufficient unit. The authorities supporting them thought perhaps that they would serve to aggravate the present situation. It was the duty of the United Nations, therefore, to take action.

51. Burma, like other Asian nations which had recently gained their independence, wanted only to be left in peace to devote all their resources to increasing production and raising their standard of living, in order to co-operate in building a truly free world.

52. The Syrian Government had not recognized the Peking Government but it considered that the Chinese Government in Formosa had no more right than anyone else to evade its international responsibilities.

53. The Syrian delegation therefore fully supported Burma and was ready to vote in favour of its proposal, subject to a slight modification of its wording. It would, however, support any proposal which was more likely to obtain the two-thirds majority, provided that it would

ensure the following minimum results: absolute cessation of the action of General Li Mi's forces; their immediate disarming; their transfer to the Burmese authorities. In accordance with international law, troops on foreign territory should, even in a civil war, be interned until hostilities ceased. The internment of 12,000 men might, however, be too heavy a burden for Burma; accordingly, as an exception, all or part of the forces could be evacuated, at the discretion of the Burmese authorities. Many of the men came from

Chinese communities in Southeast Asia. None of them, therefore, would have to be handed over to the Formosan authorities, for after their experience in Burma they would probably be ready to return to their homes.

54. The Syrian delegation did not think that the Argentine proposal would be likely to produce the aforementioned results. Nothing but a resolution based on those objectives would suffice to settle the problem.

The meeting rose at 12.55 p.m.

