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Chairman : Mr. Selim SÄRPER (Turkey).

Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas (A/1938, A/AC.53/L.11/Rev.2, A/AC.53/L.13, A/AC.53/L.13/Add.1, A/AC.53/L.14, A/AC.53/L.15, A/AC.53/L.15/Add.1, A/AC.53/L.19) (concluded)

[Item 65]*

1. Mr. GRUMBACH (France) recalled that the French Secretary of State for Foreign Affairs had emphasized, on 4 December (15th meeting), that the Western Powers had never ceased to desire the unification of Germany on a democratic basis, and the organization of free elections in the whole of Germany. It was in that spirit that France, in agreement with the United States and the United Kingdom, had submitted a draft resolution. The Committee was now called upon to draw conclusions from the discussions which had taken place on the question and the numerous statements made by members of the Committee and by representatives of the Federal Republic of Germany and of the German Democratic Republic (18th and 20th meetings). The Committee was now being asked to take a decision on the amended three-Power draft resolution (A/AC.53/L.11/Rev.2).

2. The delegations from the European countries were grateful to delegations of countries remote from Germany for giving their attention to the German question. Those countries which had suffered from

hitlerite aggression and occupation and from the devastation of war were particularly interested in the settlement of the question. France which, twice in the course of twenty-five years, had experienced German aggression and occupation, had but one desire—to eliminate all causes for hostility and mistrust between itself and Germany and to achieve friendly and trusting collaboration between the two peoples. Despite the reasons there might be for doing so, France harboured no feelings of hatred towards Germany and the German people and considered that the establishment in Germany of a truly democratic régime was a guarantee of peace for the German people, the peoples of Europe, and the whole world. France thought that the establishment of a democratic régime would permit Germany to resume its place in the community of free peoples, a place which it had lost through the barbarism of the hitlerite régime. There were, it was true, certain strong and active forces in Germany which dreamed of the glories of hitlerism and were seeking to re-establish the past—and which should therefore be closely watched—but there were also others, including the German General Confederation of Labour with its 5,500,000 members, which were working strongly and courageously against those evil tendencies. Furthermore, it was clear from the terms of reference of the commission that any surviving national-socialist tendencies or ideas would fall within the scope of the proposed investigation in so far as they affected the holding of free elections. It was for those reasons that France was in favour of organizing free and secret general elections in Germany, to allow the German people to make their voice heard.

3. The aim of the draft resolution was to ensure that those elections were held under the best possible conditions, from the point of view of democratic guarantees. Despite what certain people had said,

* Indicates the item number on the General Assembly agenda.

the establishment of an international commission of investigation would constitute neither a violation of the Charter nor interference by the United Nations in "German domestic affairs"; nor would it inflict humiliation on the German people, since it was at the invitation of the qualified representatives, freely chosen by the electorate of West Germany, which comprised two-thirds of the German population, that the United Nations was proposing to act. The General Assembly was not called upon to solve the German problem or to effect the unification of Germany—a task which would far exceed its competence. It was simply required to decide whether the United Nations would accept or refuse the invitation extended to it by the Government of the Federal Republic of Germany on behalf of the Bonn Parliament, with the support of 94 per cent of the electors in that Zone. Even if it were to be accepted that the charge of "humiliation" made by the USSR representatives and the representatives from East Germany opposing the appointment of an international commission was backed by the entire population of the Zone—which appeared very unlikely—the fact remained that the population of West Germany numbered 49 million, including 9 million refugees from East Germany, as against only 10 million in East Germany. It was thus indisputably on behalf of the great majority of the two sections of the German people that the Government of the Federal Republic and its freely elected Parliament had asked for an impartial investigation to be made throughout Germany in order to determine whether existing conditions there made it possible to hold genuinely free elections. That was the aim, the sole aim, of the three-Power draft resolution. If that draft resolution were adopted and carried out, the result should be to reunite all Germans at present inhabiting the four Zones.

4. One of the representatives of East Germany, Mr. Nuschke, who had not spoken before the Committee, had subsequently made a statement to *Le Monde* that the appointment of the proposed commission would set "a dangerous precedent for all States", since, if such a precedent were followed, the United Nations would be able, on the complaint of any nation, to order an electoral investigation in another nation.

5. But the question before the General Assembly involved not two different nations but two Zones of a single nation at present divided in two, for reasons familiar to all.

6. In the last resort, it rested with the four occupying Powers to solve the German problem, and not with the United Nations. In the circumstances, it was inconceivable that one of those Powers should refuse to agree to measures which would enable genuinely free general elections to be organized and would thus help the responsible Powers themselves to solve the problem. To adopt such an attitude would be mischievous and would not contribute to that relaxation of international tension which was essential for the maintenance of peace. Mr. Grumbach therefore urged the USSR Government to authorize the proposed commission to enter the Soviet Zone and to make its work easier, just as the three occupying Powers, which

had sponsored the draft resolution, had declared their willingness to issue the necessary authorizations in respect of the western Zone.

7. The French delegation regretted that the Swedish draft resolution (A/AC.53/L.15 and A/AC.53/L.15/Add.1) had been submitted before any conclusions could be drawn from the general discussion. That draft resolution was based on a pessimistic assumption which, to say the least, seemed premature. Moreover, if the assumption turned out to be correct and if the international commission of investigation was refused access to the Soviet Zone, it would, as the United Kingdom representative had rightly pointed out (15th meeting), be quite useless for the commission to carry out an investigation which would then necessarily be limited to the western Zone and the western sector of Berlin.

8. As the Lebanese representative had rightly pointed out (24th meeting), the proposed commission would have to avoid any friction in its relations with the authorities and with private persons; it would have to persuade all Germans that it was not a meddling inquisitor but a friendly helper seeking the truth in the general interest. The composition of the commission of investigation would have to be such as to preclude any feelings of mistrust. He hoped that the commission, if set up, would be able successfully to complete its work in the interests of democracy, of the German people who wished to establish a democratic régime, of the authority of the United Nations and of peace.

9. The CHAIRMAN announced the closure of the debate.

10. He pointed out that the representatives of Afghanistan, Yugoslavia, Pakistan, Peru, Yemen and Israel had expressed a wish to explain their votes. The representatives of Sweden and Poland had expressed their intention to exercise their right of reply in accordance with rule 114 of the rules of procedure.

11. In accordance with rule 106 of the rules of procedure, the Chairman proposed that the Committee should limit the time allowed to each speaker to five minutes. He also proposed that each representative should be allowed to speak only once.

12. The Chairman put his proposal to the vote.

The Chairman's proposal was upheld by 48 votes to 2, with 5 abstentions.

13. Mr. KATZ-SUCHY (Poland) protested against the fact that, although he had raised his hand to speak on a point of order immediately before the vote was taken, the Chairman had not allowed him to speak. He challenged the Chairman's right to limit the time allowed to speakers using their right of reply. Rule 114 of the rules of procedure, regarding the right of reply, did not provide for any such limitation. Only rules 115, 116, 117 and 127 provided that the Chairman might, in certain circumstances, limit the time allowed to speakers.

14. A number of statements made earlier by the representatives of Poland had been challenged by the United Kingdom representative. As the verbatim

records of earlier meetings showed, the representatives of Chile and Haiti had made violent attacks against the Polish Government. In those circumstances it was intolerable that the Polish representative should be deprived of an opportunity of replying to those attacks.

15. In view of the peculiar manner in which the Chairman was conducting the meeting, he felt obliged to refer the matter to the Assembly's General Committee.

16. The CHAIRMAN interrupted the Polish representative and said that his time was up. He recalled that under rule 114 of the rules of procedure it was left to the Chairman's discretion to grant the right of reply to a member of a committee and that rule 106 clearly provided that, subject to the approval of the committee, the Chairman could limit the time allowed to a speaker, on any subject whatsoever.

17. Mr. WESTMAN (Sweden) recognized that the three-Power draft resolution (A/AC.53/L.11/Rev.2) had been substantially improved by the incorporation of the amendments submitted by Canada, Denmark, Iceland, Netherlands and Norway (A/AC.53/L.17) and by Bolivia, Brazil, Colombia, Cuba and Uruguay (A/AC.53/L.18), as well as of paragraph 4 of the Lebanese amendment (A/AC.53/L.19).

18. He continued to believe that the Swedish draft resolution offered the most rapid means of clarifying the situation. Essentially the problem was to ascertain whether there was a chance of reaching agreement on electoral legislation guaranteeing free elections. If the report submitted by the four occupying Powers showed that their efforts had not succeeded and that, consequently, it was unlikely that an agreement of principle could be reached, it would rest with the General Assembly to find that, in the circumstances, genuinely free elections could not be envisaged. In the contrary case, namely, if the results of the negotiations were favourable, the four Powers would be able to submit a proposal regarding the procedure to be followed in organizing the elections.

19. For that reason the Swedish representative felt that his proposal should be retained.

20. Mr. KATZ-SUCHY (Poland) moved the adjournment of the meeting, under rule 117 of the rules of procedure, to enable his delegation to consult the President of the General Assembly and the members of the General Committee on the procedure followed by the Committee's Chairman.

21. Never in the history of the United Nations had a Chairman showed so much partiality as the Chairman of the *Ad Hoc* Political Committee. The Chairman's proposal to limit the right of reply to five minutes, which had been adopted by the Committee, made it impossible for the Polish delegation to reply not only to the accusations levelled against the Polish Government by the representatives of Chile and Haiti, but also to certain statements made by the United Kingdom representative and the latter's proposal that Poland should be appointed as a member of the commission of investigation envisaged in the three-Power draft resolution.

22. The Polish representative said that, in the circumstances, the only course open to him was to consult with the President of the General Assembly regarding the situation so created. He therefore moved the adjournment of the meeting.

23. The CHAIRMAN, under the provisions of rule 117 of the rules of procedure, refused to allow the representatives of the United States, the USSR and Poland to speak on points of order and put to the vote the motion of adjournment moved by the Polish representative.

The motion to adjourn was rejected by 31 votes to one, with 9 abstentions.

24. Mr. KATZ-SUCHY (Poland) wished to place on record the fact that the Chairman had again violated a rule of procedure; he had not permitted the Polish delegation to finish its motion. Rule 117 did not apply to Poland's motion, which asked for adjournment for the purpose of enabling the Polish representative to consult the President of the General Assembly and the members of the General Committee. Mr. Katz-Suchy had wished to ask the Committee to reconsider its previous decision so that he might make a detailed statement. Although he had raised his hand for that purpose before the vote, the Chairman had not permitted him to speak, and for the third time during the same meeting the rights accorded to every delegation had been denied to the Polish delegation.

25. The CHAIRMAN said that in the rules of procedure there was no provision covering a motion of adjournment submitted by a delegation for the purpose of consulting the President of the General Assembly.

26. Mr. KATZ-SUCHY (Poland) said that the authors of the rules of procedure would never have foreseen that a chairman would adopt the attitude which had been taken by the Chairman of the *Ad Hoc* Political Committee.

27. Mr. COOPER (United States of America) considered that the Chairman's ruling had been perfectly justified. Nevertheless, Poland had been invited to be a member of the commission of investigation, and it was therefore desirable that the Polish delegation should be given an opportunity to express its views on the subject. The Committee might perhaps reconsider its decision to limit the time allowed to representatives who wished to avail themselves of their right of reply.

28. Mr. Y. MALIK (Union of Soviet Socialist Republics) was also of the opinion that in the general interest the Committee should give the Polish representative an opportunity to explain his views in detail; it should therefore reconsider its previous decision.

29. Mr. BOKHARI (Pakistan) submitted a formal motion to that effect.

30. Mr. BELLEGARDE (Haiti) supported the motion, but reserved the right to reply to the Polish representative. He pointed out that, contrary to the latter's statement, he had never expressed himself towards Poland in violent language.

31. The CHAIRMAN put the Pakistani motion to the vote.

The result of the vote was 48 in favour, 3 against, with 7 abstentions. The motion was adopted, having obtained the required two-thirds majority.

32. The CHAIRMAN called upon the representative of Poland.

33. Mr. KATZ-SUCHY (Poland) thanked the members of the Committee who had upheld the right of all delegations to reply to statements and express their views. The fact that his delegation's request had been supported by 48 votes showed that it had been justified.

34. He asked that the verbatim record of the debate should be transmitted to the President of the General Assembly, and noted that normally a chairman resigned after such a vote.

35. The CHAIRMAN explained that the Polish representative had informed him in the course of a private conversation of his desire to avail himself of the right of reply in connexion with a number of statements. He had reminded the Polish representative that the Committee wished to finish its business as soon as possible, and had said that he would give him the floor under the terms of rule 114, but would limit his speaking time to five minutes. The representative of Poland had said that his speech would probably be a little longer than five minutes, but that he would conclude it if the Chairman allowed him to do so. The talk had been friendly and he regretted the attitude which the Polish representative had seen fit to adopt.

36. Mr. KATZ-SUCHY (Poland) agreed that the conversation had proceeded as described by the Chairman; but he had understood that he would not be interrupted if he exceeded the time-limit. The Polish delegation had spoken only once in the course of the debate, whereas other delegations had taken the floor twice and explained their views at length. The time-limit imposed on the Polish delegation thus appeared quite unfair. Moreover, a number of statements made after the list of speakers had been closed had referred to Poland in the most discourteous manner. In order to clear up the matter, and not leave slanders unanswered, he was obliged to refer to certain passages of the statements made by the representatives of the United Kingdom, Haiti and Chile.

37. The Polish delegation was aware of the situation in Haiti and knew the Haitian people's friendship for Poland. It was out of respect for the memory of those Poles who had laid down their lives for the freedom of Haiti that the Polish delegation felt bound to point out that on 10 May 1950 the legally elected President of Haiti had been ejected and a military dictatorship imposed on the country. The Committee would recall the action taken on 8 October 1950 against the Senate of the Haitian Republic when it had refused to endorse the action of the military junta. It was surprising that the representative of Haiti should have been shocked at the speeches made by the Polish delegation in defence of the legitimate interests of Germany's neighbouring countries, but not at the rebirth of nazism in Germany, despite its dangers for Poland's security.

38. The representative of Haiti had shown that he was unfamiliar with current politics. Instead of listening to tendentious rumours he would be better advised to study the statements made by reliable persons, such as the Primate of Poland, whose speech reported by *Le Monde* had shown beyond a shadow of doubt that the Polish nation was more than ever united about its Government, which was maintaining the independence and sovereignty of Poland as well as fighting for the peace and security of the world.

39. The representative of Chile had introduced into the debate a number of irrelevant matters such as the Marshall Plan, which it was not the Committee's business to discuss, and the role played by the USSR in the liberation of Poland. It might be asked how far Chile had participated in the liberation of Poland. The memoirs published by leading statesmen since the Second World War clearly demonstrated that the victory of the USSR over nazism and fascism had been due not only to the Soviet people's gallant fight and the underground struggle of the people in the occupied territories, but also to the diplomacy of the USSR, which had defeated the attempts of the men of Munich and of the politicians who, having sacrificed Czechoslovakia, had been prepared to sacrifice Poland and drag the world into a war against the USSR. The representative of Chile did not understand those facts because he did not represent the great Chilean people, fighting for democracy and suffering martyrdom in prisons and concentration camps, but rather he represented the great industrial companies which were draining Chile's wealth for the benefit of foreign shareholders.

40. Mr. Katz-Suchy turned next to the statement of the United Kingdom representative. The excerpts quoted by the United Kingdom representative from Mr. Jessup's declarations in 1948 on the Berlin question, proved that the interpretation given then to Article 107 by the Western Powers was totally different from their present interpretation. As the United Kingdom representative had said, Mr. Jessup had indeed explained that the question which his delegation wished to place on the agenda concerned not Germany but the relations between several Members of the United Nations. The Polish delegation had considered that it would be contrary to Article 107 to include that item in the agenda. Nevertheless, the sponsors of the draft resolution, which was at that time submitted to the Security Council, had attempted, on the basis of the interpretation they had given to that Article, to have the item included in the agenda by a majority vote. The United Kingdom representative, Sir Alexander Cadogan, had been even more outspoken than Mr. Jessup and had indicated that the action of which the Western Powers complained had not been taken in relation to Germany. He had emphasized that Article 107 did not apply in that case. All the statements quoted showed that, in accordance with the interpretation given to Article 107 by the United States and the United Kingdom in 1948, the United Nations was not competent to study action relating to Germany. The Polish delegation, for its part, considered that the question of the German

elections, like the question of Berlin, was not within the competence of the Organization.

41. The authors of the Charter had studied the history of the League of Nations; they had remembered that the result of linking the Covenant of the League of Nations with the Treaty of Versailles had been to increase the difficulty of maintaining peace with ex-enemy States. That was why, after the Second World War, the Council of Foreign Ministers had been created; a special Peace Conference had been convened in Paris, and the United Nations was authorized to deal only with questions which, by virtue of the treaties signed in Paris, came within its competence. Such, for instance, was the question of the former Italian colonies. In the light of past experience, in particular the experience of the Second World War, it had been decided to entrust the maintenance of peace, the development of friendly relations among nations, and the strengthening of economic collaboration to as wide a circle of nations as possible, the only restriction being the right of membership of the United Nations. The task of making peace with ex-enemy States, on the other hand, was entrusted to the Council of Foreign Ministers, the United Nations having absolutely no jurisdiction in the matter. The arguments advanced to that effect by the Polish delegation in the General Committee, in the plenary session of the Assembly and in the *Ad Hoc* Political Committee during the debate on the Pakistani draft resolution had not been disproved by anyone.

42. The United Kingdom representative had attempted to minimize the importance of the information given by the Polish delegation on the revival of nazism in Germany. He had declared, for instance, that Mr. Adenauer's praise of the Mussolini régime should not be held against him, since it dated back to 1924. Mr. Katz-Suchy admitted that that was not the most important point, but rather the fact that, after 1924, Mr. Adenauer had not protested against fascism but had been largely instrumental in bringing fascism and Hitlerism to power. In fact, Mr. Adenauer had been closely associated with German heavy industry and with the *Comité des forges*, whose responsibility in the matter was well known. For the rest, the United Kingdom representative had made no attempt to refute the figures given by the Polish delegation showing how widespread the revival of the Nazi movement in West Germany actually was. The Polish delegation had stated that 80 per cent of the judges were ex-Nazis, that 134 ex-Nazis were employed in the Ministry of Foreign Affairs, and that 45 per cent of the diplomatic corps were former Nazi officials, well known in countries which had suffered German occupation. Moreover, the Polish delegation was not alone in feeling anxiety at such a revival of nazism; similar misgivings had recently been voiced in the French, British and American Press. Thus the *New York Times* of 16 December 1951, had reported a statement made by the Minister of Justice for West Germany absolving the German people, and especially the German generals, from all responsibility.

43. If the sponsors of the three-Power draft resolution were really concerned in building a democratic and peaceful Germany, they would not attempt to conceal

those facts. The three Powers, however, did not really desire to see the revival of a democratic Germany, a Germany friendly to all nations; their aim was to make Germany a spring-board for future aggression.

44. The Polish delegation had never claimed that the desire for unity was confined to East Germany. That desire prevailed throughout the whole of Germany. Unfortunately all the proposals made by the representatives of the German Democratic Republic, which alone had put the principles of denazification and democracy into practice and had sought a compromise solution, going even so far as to accept suggestions from the Bonn régime, had been rejected.

45. The struggle for the unification of Germany and the establishment of a democratic and peaceful system was so strong and counted so many supporters amongst the German people that they should be left to decide their own future. If that had been done, a united Germany, contributing to the peace and security of Europe and forming an integral part of the European economy, would already have been in existence.

46. It was in order to prevent any such unification that the question of the German elections had been brought before the United Nations. It had been proposed to set up a commission which would appear to emanate from United Nations action, although such would not in fact be the case. It had been proposed that Poland should participate in the work of that commission. It should have been clear, from the stand taken by Poland on the matter, how it would respond to such an invitation. To begin with, Poland considered that the problem should be approached from a completely different angle and with completely different methods; and moreover Poland was convinced that the three-Power draft resolution was illegal and contrary to the Charter. It was also contrary to the right of self-determination of peoples and, therefore, to the right of the German people to decide its own fate. The Polish view had supporters in many quarters, even in West Germany. For instance, Professor Laun, a well-known authority on international law, had declared that the two German Governments had the right to consult together with a view to German unification and the maintenance of German sovereignty, since the right of the German people to defend and protect its interests derived from the right of all peoples to self-determination. Professor Laun had also declared that under the terms of the binding Potsdam Agreement the Western Powers could not act in the manner they proposed.

47. In view of all these factors, and in particular of Poland's interpretation of Article 107 and Article 2, paragraph 7, of the Charter, the Polish delegation must refuse the invitation it had received, though it realized that the United Kingdom representative's invitation to Poland to serve on the commission of investigation had been inspired by recognition of Poland's special interest in the matter. The commission to be set up would be the result of an illegal decision and therefore would be fruitless. Poland's participation would merely help to distort the true character of the commission

and conceal the illegal purposes for which it was to be formed. The Polish delegation could not permit the name of Poland to be used for such purposes.

48. The CHAIRMAN recalled that he had allowed the Polish representative to speak in accordance with rule 114 of the rules of procedure which governed the exercise of the right to reply. The Polish representative had exceeded that right by reopening the general debate.

49. Mr. TRUCCO (Chile) wished to, reply to the Polish representative's statement. He pointed out that the Committee had revoked its previous decision so as to enable the Polish representative to exercise his right to reply, but that he had not replied to anything. That was not surprising as it would be difficult for him to deny that his country had been dismembered by the USSR. To conceal his inability to refute certain arguments, the Polish representative had resorted to the normal procedure of making false allegations. He had declared, for example, that there were concentration camps in Chile. That was quite untrue, and the Polish representative, who had visited Chile fairly recently, was well aware of it. He forgave the Polish representative for his inevitable feeling of envy at the political and democratic reorganization of Chile and hoped that the violent attacks he had launched would enable him to escape the tragic fate of Mr. Clementis and Mr. Slansky.

50. Mr. BELLEGARDE (Haiti), exercising his right to reply, recalled during its struggle for independence his country had had to fight Polish troops, since the expeditionary corps at Santo Domingo had included a Polish contingent. After winning its independence, the Government of Haiti had performed an act of kindness towards those exiled Polish soldiers and had permitted them to stay. He was grieved to hear the representatives of present-day Poland attack the United Kingdom, France and the United States, when those countries had contributed to Poland's resurrection after the First World War. Far from having any desire to attack Poland, he wished to express his admiration for that country which, under foreign domination, had demonstrated its ability to preserve its sense of national integrity.

51. Mr. KYROU (Greece) wished to compliment the Chairman on the manner in which he had conducted the proceedings. He had himself on two occasions asked to exercise his right to reply to statements by the Polish and USSR representatives. Indicating the need to shorten the discussion as far as possible, the Chairman had dissuaded him from speaking and he had agreed not to do so. The Chairman's attitude of moderation should be noted.

52. Mr. TAKIEDDINE (Lebanon) mentioned that the four amendments submitted by his delegation (A/AC.53/L.19) had been accepted either in spirit or in both the letter and the spirit.

53. He expressed satisfaction that the first of those amendments, relating to the hearing of the representatives of the two Germanies, was already embodied in the revised draft resolution (A/AC.53/L.11/Rev.2).

54. As regards the second and third amendments, the United States representative had intimated that their spirit was accepted, and he took note of that intimation.

55. Lastly, the fourth amendment had been incorporated in the revised draft resolution and constituted paragraph 4 (d) thereof. He was therefore satisfied with the result and would withdraw his amendments.

56. The CHAIRMAN invited the Committee to vote on the following draft resolutions: the draft submitted by France, the United Kingdom, and the United States, as revised (A/AC.53/L.11/Rev.2); the draft resolution submitted by the Swedish delegation (A/AC.53/L.15 and A/AC.53/L.15/Add.1). As the three-Power draft resolution had been submitted before the Swedish draft resolution, it had priority in the order of voting. The Chairman then put to the vote the draft resolution contained in document A/AC.53/L.11/Rev.2.

57. Mr. TAKIEDDINE (Lebanon) asked that the draft resolution should be voted upon paragraph by paragraph, up to paragraph 2 (c) of the operative part. He saw no reason why paragraphs 3, 4, 5 and 6 should not be put to the vote simultaneously.

It was so decided.

The first paragraph of the preamble was adopted by 45 votes to 6, with 7 abstentions.

The second paragraph of the preamble was adopted by 45 votes to 6, with 7 abstentions.

The third paragraph of the preamble was adopted by 48 votes to 4, with 8 abstentions.

Paragraph 1 of the operative part was adopted by 46 votes to 6, with 5 abstentions.

The first part of paragraph 2 was adopted by 40 votes to 9, with 9 abstentions.

Paragraph 2 (a) was adopted by 45 votes to 6, with 8 abstentions.

Paragraph 2 (b) was adopted by 44 votes to 6, with 9 abstentions.

Paragraph 2 (c) was adopted by 44 votes to 6, with 10 abstentions.

Paragraphs 3, 4, 5 and 6 were adopted by 46 votes to 6, with 8 abstentions.

The draft resolution as a whole was adopted by 45 votes to 6, with 8 abstentions.

58. Mr. GRUMBACH (France) asked that a number of drafting changes should be made in the French text of the resolution which the Committee had just adopted. In paragraph 4 (a), the word "vérification" should be replaced by the word "information". In paragraph 4 (b), the word "également" in the second line should be replaced by the words "dans les mêmes conditions". Lastly, in paragraph 4 (c), the words "attendu qu'il importe de" should be replaced by the words "étant donné qu'il est souhaitable de".

59. The CHAIRMAN said that the necessary changes would be made. Invoking rule 130 of the rules of procedure, he asked the Committee to decide whether or not to vote on the draft resolution submitted by the Swedish delegation (A/AC.53/L.15 and A/AC.53/L.15/Add.1).

60. Mr. ASTROM (Sweden) said that in the present circumstances his delegation would not press for a vote on its draft resolution.

61. The CHAIRMAN asked whether that meant that the draft resolution could be considered as withdrawn.

62. Mr. ASTROM (Sweden) answered in the affirmative.

63. The CHAIRMAN announced that he would give the floor to two representatives who had asked to be allowed to explain their votes. He pointed out that he revoked his decision to limit speakers to five minutes.

64. Mr. TABIBI (Afghanistan) said that his Government considered a unified and peaceful Germany to be essential in the interests of Europe and the world. Nevertheless, the question of Germany's future, one of the most important questions of the moment, must be approached with caution. He did not wish to question the good intentions of the Western Powers which had raised the issue, nor to examine the arguments of those who claimed that the United Nations was not competent to discuss it. In his view, the essential fact was that all the occupying Powers wanted a peaceful and unified Germany.

65. The Afghanistan delegation had abstained from voting but that should not be taken to mean that it was opposed to the appointment of an impartial international commission to determine whether existing conditions in Germany made it possible to hold elections in that country; it would have preferred a good offices committee to a commission of investigation. Mr. Tabibi expressed regrets at the withdrawal of the Swedish draft resolution.

66. Mr. BEBLER (Yugoslavia) wished, before explaining his vote, to point out that he had tried in vain during the morning to obtain permission to speak on a point of order. A strict conduct of the proceedings was not always conducive to the rapid dispatch of business and he regretted that the Chairman had not allowed him to ask that explanations of votes should be made before the vote was taken. In the case of a first vote on an important issue, explanations of votes lost much of their weight if made after the event.

67. The United Nations, he considered, was entitled to adopt a resolution on the German elections, as it was impossible, and it might be dangerous, to interpret Article 107 of the Charter as meaning that until a treaty of peace had been concluded with Germany no question concerning relations between the Allies and the German people could be taken up by the United Nations. It was true that, with regard to elections, the United Nations could not invalidate any decisions taken by the occupying Powers. That, however, was not the question at issue, and none of the draft resolutions submitted to the Committee recommended such a course.

68. At Potsdam the occupying Powers had decided by common consent to establish a democratic and unified Germany without waiting for the conclusion

of a peace treaty. That decision had been in the interests not only of the German people itself, but also of peace in Europe and the world. It was not therefore a matter of deciding whether certain decisions or actions taken or authorized at the end of the Second World War were valid or invalid. It was solely a matter of the difficulties encountered in applying a decision which the allied occupying Powers had already adopted, arising from the absence of agreement between those Powers. If that absence of agreement was not within the competence of the United Nations, it might well become not merely a dispute likely to threaten international peace and security, but even an acute conflict. It was doubtless for that reason that the representatives of the Soviet bloc persisted in claiming that the point at issue was a matter of relations between the Governments of the two Germanies, and that consequently it was an internal German affair which in no way concerned the international community.

69. In Mr. Bebler's opinion, that contention was fallacious. Even if it were a dispute between the two German Governments, such a dispute in the present situation constituted an international dispute. Furthermore, no one could deny that the occupying Powers played a part of primary importance in Germany, whatever the degree of their direct interference. Actually, the USSR Government was seeking to conceal its intention to refuse the other Powers the right to interfere in the affairs of East Germany, which had become a Soviet domain. The Allied Control Council for Germany was of course entitled to interfere in East Germany, but that did not trouble the USSR, which had the right of veto in the Control Council. The eastern Zone of occupation in Germany had, in fact, become integrated into that part of eastern Europe over which the USSR Government exercised its control; and that control of East Germany by a foreign Power was an obstacle to the peaceful and democratic development of Germany as a whole.

70. The Yugoslav representative was not sure that the adoption by the General Assembly of the draft resolution proposed by the three Western occupying Powers would represent a step forward towards the solution of the German problem. He doubted the utility of an investigation into the possibility of holding free elections in Germany, because, as was well known, the necessary conditions did not exist in the eastern Zone. Consequently, the investigation could have only negative results.

71. The definite task assigned to the commission of investigation was the preparation of recommendations concerning the measures which could or should be adopted in Germany for the purpose of creating conditions favourable to the holding of free elections. In that connexion, Mr. Bebler wondered whether such a task should be assigned to a commission which would be concerned in the first place with conducting an investigation and which might incur the hostility of the Soviet occupation authorities. Perhaps it would be better to entrust the preparation of recommendations to another body to be established subsequently with the consent of all the occupying Powers.

72. In Mr. Bebler's opinion, the draft resolution proposed by the Swedish delegation and subsequently withdrawn had certain advantages over the draft submitted by the Western Powers. It regarded the matter of German elections as an international dispute and had aimed at settling that dispute peacefully by negotiation and conciliation. By adopting the Swedish draft resolution, the United Nations would have introduced a new element into the German problem. The Organization would have been able to bring pressure to bear on the four occupying Powers to make a new effort to reach agreement. He regretted therefore that the Swedish delegation had thought it desirable to withdraw its draft resolution.

73. Such were the reasons for which the Yugoslav delegation had abstained during the vote on the three-Power draft resolution.

74. The CHAIRMAN said that he would like to reply to the complaint made by the representative of Yugoslavia at the beginning of his statement. He recalled that the list of speakers for the general debate had been closed in accordance with a decision by the Committee. The representative of Yugoslavia had not asked to be included in the list before the closure of the general discussion. He had therefore himself suggested that the Yugoslav representative should make his statement in the form of an explanation of his delegation's vote. He had not at all intended to prevent the representative of Yugoslavia from speaking, and he was sorry his decision had been misinterpreted.

75. Mr. BEBLER (Yugoslavia) explained that his protest had referred to his not having been allowed to speak when he had asked to do so on a point of order.

76. The CHAIRMAN expressed regret at having failed to notice that Mr. Bebler had asked to speak.

77. Mr. BOKHARI (Pakistan) said that his delegation had followed with the greatest interest the discussions in the Committee on the problem of elections in Germany. It had noted the unanimous desire to unify Germany and organize free elections in the country, although divergencies of view had emerged as to the methods to be used for that purpose. The United Nations would serve the cause of peace by undertaking an impartial study for the information of the world community without intervening in the domestic affairs of the German people. The investigation to be undertaken by the commission to be set up under the three-Power draft resolution should be a first step towards

the unification of Germany. It was in that spirit and with the hope that the commission's good faith would be recognized by all parties that the delegation of Pakistan had voted for the three-Power draft resolution.

78. Mr. GOYTISOLO (Peru) explained why his delegation had voted for the joint draft resolution. The German people desired unification, and the rest of the world knew that while Germany remained disunited it constituted a potential threat to peace. In his opinion, the fact that the commission of investigation would not perhaps be admitted into all parts of Germany was not a sufficient reason for refraining from establishing it.

79. The creation of the commission would not constitute an interference in the domestic affairs of a State and would in no way be an insult to the German people, as some representatives had claimed.

80. Mr. TARCICI (Yemen) said that his delegation desired the unification and the complete rebirth of Germany, because the existence of a unified and sovereign Germany was indispensable to the balance of Europe and the world. He would have preferred the establishment of a good offices committee rather than a commission of investigation. The commission should be composed of members known for their complete neutrality, so as to deserve the confidence of both parts of Germany, for the presence of representatives of the Eastern bloc and the countries which had signed the North Atlantic Treaty would not be likely to facilitate the commission's work. The delegation of Yemen had abstained during the vote because it considered that the draft resolution submitted was unrealistic and did not take into account the attitude of a part of the population of Germany.

81. Mr. FISCHER (Israel) said that his delegation keenly appreciated the statements by the United States representative (25th meeting) who, as co-author of the draft resolution, had said that the commission should in particular investigate anything that might indicate a rebirth of national-socialism in Germany. He understood that the delegations of the United Kingdom and France shared that point of view. Nevertheless, the Israeli delegation had been unable to vote for a draft resolution regarding Germany which did not contain any explicit reference to apprehensions that had been recognized to be wellfounded.

The meeting rose at 1.50 p.m.