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Chairman: Mr. Károly CSATORDAY (Hungary).

AGENDA ITEM 93

Question of Cyprus (continued) (A/C.1/L.336/Rev.1, L.341/Rev.1, L.342/Rev.2 and Add.1-3, L.358, L.359):

- (a) Letter dated 13 July 1965 from the representative of Cyprus (A/5934 and Add.1);
- (b) Letter dated 21 July 1965 from the representative of Turkey (A/5938 and Add.1)

1. Mr. TSIRIMOKOS (Greece), Mr. KYPRIANOU (Cyprus) and Mr. Orhan ERALP (Turkey) waived the right of reply.

2. The CHAIRMAN, thanking the three representatives for their gesture of co-operation, said that the general debate was concluded and invited members of the Committee to speak on the draft resolutions.

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.1/REV.1, L.342/REV.2 AND ADD.1-3, L.358, L.359)

3. Mr. GOMEZ ROBLEDO (Mexico) said that it was important to bear in mind the dignity and welfare of Cyprus, whose territory must on no account be the theatre of conflicts between other States.

4. The thirty-one-Power draft resolution (A/C.1/L.342/Rev.2 and Add.1-3) seemed to fulfil that requirement, since it reaffirmed the right of Cyprus to enjoy full sovereignty and complete independence without any foreign intervention.

5. The question of Cyprus raised the problem of peaceful coexistence between two ethnic groups. It was unquestionably necessary to safeguard the rights of the minority, since those of the majority were automatically ensured in any régime based on self-determination. So far as that was concerned, the thirty-one-Power draft resolution noted that the Government of Cyprus was committed to the ensuring of minority rights. President Makarios's declaration (A/6039) covered all the recognized rights of minorities, i.e. the right to home, education, culture, religion, personal status and participation in political life.

6. Lastly, the thirty-one-Power draft resolution recommended to the Security Council the continuation of the United Nations mediation work in conformity with Council resolution 186 (1964) of 4 March 1964. He welcomed that recommendation, since the report of the United Nations Mediator, Mr. Galo Plaza,^{1/} was an objective and impartial document. The Mediator's expressions of opinion on particular aspects of the problem and his recommendation of particular solutions did not exceed his terms of reference, for mediation, unlike good offices, was not a passive function; it consisted in proposing solutions which the parties could then freely accept or reject.

7. All the considerations advanced in favour of the thirty-one-Power draft resolution were equally applicable to the revised four-Power draft resolution (A/C.1/L.341/Rev.1). The latter also reaffirmed the sovereignty and integrity of Cyprus and recommended the continuation of United Nations mediation efforts, but it was not worded so precisely as the thirty-one-Power draft resolution. For that reason his delegation would abstain from voting on the four-Power draft resolution and would vote in favour of the thirty-one-Power draft resolution, or of any draft resulting from a combination of the two, if the amendments (A/C.1/L.358) to the four-Power draft resolution were approved before the vote. If the amendments were put to the vote first, his delegation would give them its full support.

8. Mr. BEN ARFA (Tunisia) said he had not taken part in the general debate because the Committee's task was not to study the Cyprus problem in all its details but to assist the opposing parties in channelling their efforts towards a peaceful compromise solution that could serve their respective interests and restore to Cyprus the spirit of brotherhood that had prevailed in the past.

9. As the President of Tunisia had said, the essential thing was to find a meeting ground and to choose between the important and the essential. The sponsors of the four-Power and the thirty-one-Power draft resolutions were trying to reach a compromise solution. But if they were to open the way to compromise that could promote a lasting solution, the General Assembly's recommendations must be made by unanimous vote of its Members. His delegation would therefore have liked to see the sponsors of the two draft resolutions combine their efforts in order to submit a single draft which could gain universal support.

10. The sponsors of the four-Power draft resolution had felt the need to win the widest possible support. It

^{1/} Official Records of the Security Council, Twentieth Year, Supplement for January, February and March 1965, document S/6253.

was for that reason that they had improved their draft. The changes they had made in it constituted a great step towards a generally acceptable compromise. His delegation would therefore vote in favour of that draft resolution, but it was prepared to accept any other draft that could gain the support of all members.

11. Mr. VINCI (Italy) said he appreciated the fact that his delegation's ideas had been favourably received by a number of delegations and had been taken into account, to some extent, in the revised four-Power draft resolution.

12. He regretted, however, that some representatives had not understood what his delegation had meant by a "procedural resolution"; admittedly that expression, taken out of the context in which his delegation had used it at the 1407th meeting, was open to misinterpretation. He therefore reminded the Committee of the considerations in the light of which his delegation had proposed the procedure in question, and pointed out that, far from ignoring the problem, it had stressed the need for searching urgently for a satisfactory settlement. It had indeed gone so far as to say that the General Assembly might consider suggesting a time-table for constructive negotiations, while encouraging efforts aimed at a solution acceptable to the parties concerned. He assured the representative of Cyprus that in suggesting such negotiations, nothing had been further from his delegation's mind than the idea that they should not be based on full equality for all parties concerned. That was why it had said that the first step should be a return to local stability. Negotiations should follow immediately thereafter, with the assistance of the United Nations, for the United Nations mediation effort was essential to a satisfactory settlement. Through that mediation, all parties could be assured of a position of equality.

13. The Greek representative had said at the 1412th meeting that he did not expect the United Nations to go deeply into the substance of the Cyprus problem, and that the Organization's task should be, instead, to indicate guidelines for action that could lead to a solution. His delegation fully agreed with that definition of the United Nations role. The Organization should give an impetus to negotiations while carefully maintaining the necessary balance between the parties. If the parties felt that their respective positions were prejudiced by certain statements, decisions or resolutions, it would be impossible to find a lasting solution, and that could give rise to emotional reactions such as had been experienced in the past. Mediation efforts would be weakened; the United Nations Peace-keeping Force in Cyprus would have to do its work under more difficult circumstances, and the division between the parties would be widened.

14. For that reason, while favouring many parts of the thirty-one-Power draft resolution, he feared that some of its paragraphs endangered the delicate balance that had to be maintained. For the same reason he believed that the four-Power draft resolution could be a step in the right direction, in so far as it pointed out the lines along which negotiations should be conducted if they were to lead to a peaceful settlement in conformity with the unanimous

desire of the States Members of the United Nations and with the fundamental principles of the Charter.

15. While reserving his position on the draft that would ultimately be put to the vote, he appealed to the delegations which were endeavouring to work out a single text to continue their efforts, so as to enable the Committee to adopt a draft which would reflect the unanimous desire of the Members of the United Nations for the establishment of an atmosphere of goodwill that would help to bring about a lasting settlement.

16. The CHAIRMAN extended a welcome, on behalf of the Committee, to Mr. Hubert Humphrey, Vice-President of the United States of America, who was present in the Committee.

17. Mr. GARCIA DEL SOLAR (Argentina) said that in reaching a decision on the draft resolutions before the Committee, his delegation would proceed from a number of principles.

18. First, when a new State became independent, the Members of the United Nations must support that State's exercise of sovereignty through the progressive development of its political institutions, with due regard to the specific situation obtaining.

19. Secondly, a new State's exercise of sovereignty could not be limited by contractual provisions established before its independence, for that would in effect mean denying a people the right of self-determination. Under international law, the right of a State to determine its own constitutional régime was a matter of domestic jurisdiction.

20. Thirdly, respect for treaties was the fundamental rule of international law. The Preamble of the United Nations Charter proclaimed the need to establish conditions under which respect for the obligations arising from treaties and other sources of international law could be maintained. Consequently, the United Nations had no authority to recommend the revision of a treaty.

21. Fourthly, since under Article 1 of the Charter the United Nations should be a centre for harmonizing the actions of nations for the settlement of disputes or situations which might lead to a breach of the peace, the General Assembly, under Article 14 of the Charter, could recommend measures for the peaceful adjustment of any such situation. The measures in question could include mediation.

22. Consequently, his delegation supported any effort by the Assembly designed to help Cyprus, Greece and Turkey to overcome their differences and work together to reconcile their interests, in order that the Republic of Cyprus might enjoy its sovereign rights.

23. His delegation would abstain from taking a position on the draft resolutions before the Committee because, although their intention was to establish conditions calculated to promote a solution of the problem by peaceful means, they were objectionable in certain respects to some of the parties, thus diverting the Assembly from the strictly conciliatory role which it should play. However, his delegation's abstention would not imply any cessation of support for the Security Council's action in the matter. More-

over, if attempts at conciliation outside the current debate should lead to the preparation of a draft acceptable to all the parties involved, it would reconsider its position. He therefore seconded the appeal made by the representative of Italy.

24. Mr. COULIBALY (Mali), observing that his delegation was a sponsor of the thirty-one-Power draft resolution, said that the primary goal was to affirm the sovereignty of Cyprus as an independent State. Cyprus was a member of the United Nations. Its relations with other Member States must therefore be viewed and interpreted in the light of the provisions of the Charter, and in particular of Article 2, paragraphs 1 and 4. That was an obvious point which all Governments must concede.

25. There was, of course, a minority problem, but that problem was not peculiar to Cyprus. There were ethnic or religious minorities in every State, and the problem of Cyprus must therefore not be regarded as insoluble. However, as long as the two communities were being egged on by other States it would be difficult for them to forge a sense of national identity and to overcome their present divisions. All States, including those most directly concerned, should refrain from interfering in the domestic affairs of Cyprus. The existence of a minority and the protection of its distinctive nature should not provide an excuse for jeopardizing the existence of the State and the effectiveness of its institutions. All systems were based on majority rule. Violation of that principle led to anarchy and to the disintegration of States.

26. Having thus indicated the considerations which would guide Mali in the voting, he emphasized that the thirty-one-Power draft resolution contained no provision incompatible with the Charter, and that it confirmed the position adopted at Cairo in October 1964 by the Second Conference of Heads of State or Government of Non-Aligned Countries, which had been attended by forty-seven participating and ten observer countries, all Members of the United Nations. He did not think, therefore, that the adoption of the draft resolution would present difficulties to any delegation.

27. Mr. BOUATTOURA (Algeria), introducing an amendment (A/C.1/L.359) to the four-Power draft resolution (A/C.1/L.341/Rev.1), said that the proposed new paragraph might become operative paragraph 1 of the draft resolution. Algeria had taken the step of proposing the amendment in order to emphasize the sacred principles of the independence, sovereignty and territorial integrity of every State Member of the United Nations and in response to the Secretary-General's appeal in his latest report on the question of Cyprus. The amendment's intention was to bring about, both in the First Committee and between the parties involved, that harmony which alone could facilitate the arduous search for a solution to a difficult problem. In addition, by grafting on the four-Power draft resolution the essence of the thirty-one-Power draft resolution, the Algerian amendment created a bridge, as it were, between the schools of thought which had emerged during the debate; and that should make it easier for the many delegations which had stated that they would not support a draft resolution unless it was acceptable

to the parties to take a position. It had to be recognized, however, that the United Nations should not take sides, but should help in the search for a solution. His delegation regarded the amendment it had proposed primarily as a basis for compromise, the main purpose of which was to contribute to the restoration of peace, harmony and concord among the peoples of Cyprus—a vital prerequisite for the resumption of dialogue and for the final solution of the conflict.

28. Mr. PAZHWAK (Afghanistan), speaking on a point of order with a view to facilitating the Committee's work, explained the position of the sponsors of the four-Power draft resolution on the amendment submitted by the representative of Algeria (A/C.1/L.359) and on the amendments (A/C.1/L.358) submitted by the sponsors of the thirty-one-Power draft resolution. In principle, his delegation was prepared to accept the compromise text proposed by Algeria. However, since operative paragraph 1 of Security Council resolution 186 (1964) coincided in meaning with that amendment, he thought that the wording of the Algerian text could perhaps be changed, in consultation with the representative of Algeria. He would also like to know whether the compromise text, if adopted, would replace all the other amendments, or whether it should be regarded as an additional amendment.

29. He asked the sponsors of the amendments contained in document A/C.1/L.358 whether, in submitting those amendments, they intended to withdraw their draft resolution (A/C.1/L.342/Rev.2 and Add.1-3).

30. Mr. COLLIER (Sierra Leone), on behalf of the thirty-one sponsors, introduced amendments (A/C.1/L.358) to the four-Power draft resolution (A/C.1/L.341/Rev.1). Reading out the amendments, he said that the sponsors had sought to set out explicitly what had been implicit in draft resolution A/C.1/L.341/Rev.1, so that no doubt would remain as to the views of the Committee on the matter. Draft resolution A/C.1/L.342/Rev.2 and Add.1-3 had not been withdrawn. The situation would be different if the amendments were adopted.

31. Mr. BOUATTOURA (Algeria), replying to the representative of Afghanistan, said that he was quite willing to participate in consultations which might result in a generally acceptable text. He explained that the Algerian amendment was an attempt at a compromise, and not a further amendment to the amendments which the representative of Sierra Leone had just introduced.

32. Sir. Roger JACKLING (United Kingdom) said the position of the United Kingdom Government had always been that the only viable solution of the Cyprus problem lay in an agreement between the parties concerned. The Committee would have done little to bring the two parties together if it adopted a resolution which placed the emphasis on one rather than another of the elements of the problem and was unacceptable to one of the parties. It would be best, therefore, simply to make clear the Committee's urgent call to the parties to seek agreement and to continue their efforts to find a solution. In view of that, his delegation had decided to abstain from

voting on the only draft resolutions which had been before the Committee up to about noon on the preceding day.

33. However, the revised four-Power draft resolution (A/C.1/L.341/Rev.1) entirely conformed to what his delegation had wanted from the outset of the debate, and it had hoped that that text, which had avoided controversy and emphasized only those points on which there was general agreement, would be acceptable to a very large majority of the members of the Committee. It was unfortunate that the sponsors of the various texts had been unable to reach agreement on a draft resolution which would have been accepted by all without difficulty, as there had been reason to hope following the adjournment of the preceding meeting; and the situation had been further complicated by the submission of amendments (A/C.1/L.358) which brought back elements of controversy which did not constitute a really constructive contribution to the problem. He hoped that the sponsors would not press those amendments to a vote but would give consideration to the amendment now proposed by Algeria (A/C.1/L.359). His delegation was taking no position on the substance of the amendments, just as it would have taken no position on the draft resolutions which had been before the Committee at noon on 14 December.

34. Mr. ILLANES (Chile) said that his delegation had not spoken in the general debate because it had found it difficult to take a clear stand on one side or the other and because the First Committee was a political body and not a court of law qualified to give judgement for one party against the other. Moreover, the question was before the Security Council and although it had been possible to stop the violence on the island, the peaceful and just solution desired by all was still a long way off. The General Assembly must therefore collaborate with the Security Council and it could best do so by concerning itself with the legal definitions which it was particularly competent to interpret since they derived from the Charter.

35. His delegation would therefore support the thirty-one-Power draft resolution which was in keeping with those views. It was logical and just to affirm that Cyprus was a fully sovereign State enjoying all the rights of States as recognized by the Charter, and to say that the restrictions which had previously been imposed on the sovereignty and international personality of Cyprus were no longer valid not only because Cyprus was a Member State but also because of the provisions of Article 103 of the Charter.

36. His delegation would likewise vote in favour of the amendments in document A/C.1/L.358 if they were put to the vote first.

37. Although the thirty-one-Power draft resolution did not entirely settle the problem, it clarified it and contained, in addition, a reference to the declaration on the protection of minority rights under United Nations supervision, and that was an important step in the right direction. It was to be hoped that, through a renewed effort of mediation, the United Nations would help to bring about a harmonious settlement of the dispute.

38. Mr. SEATON (United Republic of Tanzania) hoped that the parties most directly concerned would be able to reach agreement on a mutually acceptable text. If that could not be done, he would urge the members of the Committee to support the thirty-one-Power draft resolution, which most nearly conformed to the requirements of the situation since, in operative paragraphs 1 and 2, it emphasized that there should be no foreign interference. If that draft failed to win the support of the majority in the Committee he would support the amendments to the four-Power draft submitted in document A/C.1/L.358. With regard to the Algerian amendment, his delegation reserved its position until the parties most concerned had had an opportunity to express themselves on it.

39. Mr. ACHKAR (Guinea), speaking on a point of order, asked on behalf of the sponsors of the thirty-one-Power draft resolution (A/C.1/L.342/Rev.2 and Add.1-3) that under rule 132 of the rules of procedure that draft resolution, which was more complete, should be voted on first. If it were not adopted, the Committee would be in a better position to decide on the amendments to the four-Power draft resolution, as well as on the draft itself, which clearly did not contain all the necessary elements.

40. Mr. BAROODY (Saudi Arabia) said that his delegation and the other sponsors of the four-Power draft resolution accepted the Algerian amendment in principle, although they would have preferred their original text to be left unchanged. He had made it clear, however, that the amendment would be acceptable only if it was acceptable to the sponsors of the other draft and if the other amendments (A/C.1/L.358) were withdrawn, since they merely represented the thirty-one-Power draft resolution grafted onto another resolution: they were not amendments but a simple substitution. Under rule 131 a motion was only considered an amendment if it merely added to, deleted from or revised a part of a proposal. Such an amendment could be voted on first, but not an amendment which was merely a substitution for the original text. Such manoeuvres only served to divide the Committee instead of bringing about an atmosphere of conciliation.

41. In his delegation's view, there was no need to keep referring to the Cairo Declaration on every occasion, since not all countries were concerned with what had happened at the Cairo Conference. Moreover, while there had been a consensus on principles at Cairo, there had also been certain reservations. Why then mention the consensus and not the reservations?

42. In referring to the thirty-one-Power draft resolution as a steam-roller resolution, he had simply meant that no one should be impressed by the number of sponsors.

43. He appealed therefore to those sponsors who wished to have their ideas put to the vote to submit them in the form of a draft resolution and not as an amendment; otherwise, he was prepared to submit a series of sub-amendments to their amendments. The only legitimate amendment was the one submitted by Algeria.

44. Mr. PACHACHI (Iraq) said that the sponsors of the four-Power draft resolution (A/C.1/L.341/Rev.1) accepted the Algerian amendment (A/C.1/L.359) which would become operative paragraph 1. He asked whether, if the request that the thirty-one-Power draft resolution should be voted on first were granted, and if that draft resolution were adopted, it was to be understood that the thirty-one-Power amendments (A/C.1/L.358) would not be put to the vote, and that the four-Power draft resolution would be voted on next.

45. Mr. COLLIER (Sierra Leone), exercising his right of reply, regretted the tone of the Saudi Arabian representative's remarks. He pointed out that the thirty-one-Power amendments (A/C.1/L.358) were not a simple substitution since they contained elements which did not appear in draft resolution (A/C.1/L.342/Rev.2 and Add.1-3. Their sponsors' object was to try to reconcile two opposing points of view by taking the important points in each one.

46. With regard to the remarks about the Cairo Declaration, he would simply point out that, as the representative of Saudi Arabia himself had said, the four-Power draft resolution stressed the reservations that had been made at Cairo, whereas the thirty-one-Power draft resolution stressed the important points in the conclusions reached at the Cairo Conference.

47. Mr. IGNACIO-PINTO (Dahomey) moved the closure of the debate, under rule 118 of the rules of procedure.

48. Mr. PACHACHI (Iraq) thought that if the sponsors of the thirty-one-Power amendments were to reply to his procedural question, the situation might be clarified. He had also wished to reply briefly to the remarks of the representative of Sierra Leone.

49. The CHAIRMAN said that, under rule 118, the statement by the representative of Iraq had to be interpreted as opposition to the motion for closure.

50. Mr. YOST (United States of America), speaking on a point of order, said that it was his understanding that the general debate had already ended and the discussion in progress consisted of explanations of vote and requests for clarification of the voting procedure. If that was the case, there was no need to take a decision regarding the closure of the debate.

51. The CHAIRMAN replied that the discussion in progress consisted of statements on the draft resolutions, not explanations of vote.

52. Mr. VIZCAINO LEAL (Guatemala), speaking on a point of order, proposed a brief suspension of the meeting, under rule 119 of the rules of procedure.

53. The CHAIRMAN pointed out that if that motion was adopted the meeting could not for technical reasons, be resumed until 8.30 p.m.

The motion was adopted by 34 votes to 31, with 31 abstentions.

The meeting was suspended at 6.25 p.m. and resumed at 8.55 p.m.

Mr. Benites (Ecuador), Vice-Chairman, took the Chair.

54. Mr. BAROODY (Saudi Arabia) said that no one, least of all the people of Cyprus, would gain anything if the two draft resolutions before the Committee were put to the vote. He therefore urged the sponsors of the thirty-one-Power draft (A/C.1/L.342/Rev.2 and Add.1-3) who, because their draft could not be voted on first, had submitted amendments (A/C.1/L.358) to the four-Power draft resolution (A/C.1/L.341/Rev.1) to withdraw those amendments. Otherwise, his delegation would have no alternative but to submit sub-amendments of its own.

55. The first of the Saudi Arabian amendments^{2/} amplified the second amendment in document (A/C.1/L.358 and made it more precise by stressing the principle rather than a rigid position, which had not been taken by the Cairo Conference. The second Saudi Arabian amendment was a pure statement of fact. The third was based on the fact that the word "Noting" implied acceptance of a fait accompli, which was not in fact the intention. By "taking note of" the Mediator's report and the views of the parties, the Committee would indicate that the report and those views had been submitted to it and deserved the Committee's consideration. The last Saudi Arabian amendment would replace the fifth, sixth and seventh amendments in document A/C.1/L.358 by the Algerian amendment (A/C.1/L.359). He had not proposed any change in the eighth amendment in document A/C.1/L.358, though in his view it would have the effect of weakening the operative part of the four-Power draft resolution.

56. All hope of reaching an agreement was not yet lost, since great efforts were still being made outside the Committee room. Everyone had a right to resort to the tricks of the trade, but those should not be confused with the sort of trickery that consisted of pasting a whole draft resolution over another.

57. Mr. GEBRE-EGZY (Ethiopia) said that after consulting the parties concerned and the sponsors of the draft resolutions, he wished to suggest that the meeting should be adjourned to allow the delegations which were striving to reach a compromise solution a chance to continue their efforts, and to avoid a hasty decision being taken which would satisfy no one.

58. Mr. PAZHAWAK (Afghanistan) said that the discussion had reached a point where the only problem left was one of drafting a resolution which would harm the interests of no one and which might be acceptable to all delegations. He therefore supported the Ethiopian representative's suggestion. To solve such an important problem, which must be settled peacefully, the Committee needed to give itself every possible chance of succeeding.

59. Mr. SAHLI (Tunisia), Mr. YASSEEN (Iraq) and Mr. COLLIER (Sierra Leone), who spoke on behalf of the sponsors of the thirty-one-Power draft resolution, supported the Ethiopian suggestion.

60. The CHAIRMAN said that before adjourning the meeting he wished to express to the United States representative his own and the Committee's congratulations on the extraordinary exploit which

^{2/} Subsequently distributed as document A/C.1/L.361.

had just been accomplished in outer space. The rendezvous of two space craft had opened up immense possibilities which, he hoped, would be used to serve the cause of peace and the well-being of mankind.

61. Mr. YOST (United States of America) thanked the Chairman.

The meeting rose at 9.55 p.m.