

United Nations
**GENERAL
ASSEMBLY**

FIFTEENTH SESSION

Official Records



**SPECIAL POLITICAL COMMITTEE, 185th
MEETING**

Thursday, 27 October 1960,
at 3.35 p.m.

NEW YORK

CONTENTS

	Page
<i>Agenda item 68:</i>	
<i>The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris agreement of 5 September 1946 (concluded)</i>	49
<i>Agenda item 25:</i>	
<i>Final report of the Secretary-General evaluating the second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future</i>	52

Chairman: Mr. Carlet R. AUGUSTE (Haiti).

AGENDA ITEM 68

The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris agreement of 5 September 1946 (A/4395, 4530; A/SPC/44; A/SPC/L.45/Rev.1, A/SPC/L.46 and Corr.1, A/SPC/L.47, L.48, L.49, L.50) (concluded)

1. Mr. AMADEO (Argentina) said that the two groups of delegations which had submitted draft resolution A/SPC/L.49 and Add.1 and the four-Power draft resolution A/SPC/L.46 and Corr.1, respectively, had agreed to submit a joint draft resolution (A/SPC/L.50). Bolivia, Canada and Norway had joined the sponsors of the joint draft resolution, which combined various elements of the two previously mentioned drafts and was based on a desire not to offend either of the parties involved but rather to take into account the points with which they were particularly concerned.

2. The joint draft resolution included part of the previous texts and mentioned certain points which had given rise to fresh difficulties. Other features which gave the draft an objective character were the reference to the Paris agreement,^{1/} the appeal to the two parties to resume negotiations, and the recommendation that if the negotiations did not lead to satisfactory results the parties should seek some other means of solving their difficulties by common consent as provided by the Charter, including recourse to the International Court of Justice.

3. He was grateful to the delegations which had submitted the draft resolution contained in document A/SPC/L.49 and Add.1 for their understanding attitude and he paid a tribute to the moderation shown by the two parties involved. Adoption of the joint draft resolution, which he hoped would be unanimous, should open a new era in relations between the

Austrian and Italian peoples, which were destined by history to co-operate peacefully in strengthening world peace and in maintaining the spiritual values of which they were the custodians.

4. He requested that the joint draft resolution should be voted upon first.

5. Mr. O'BRIEN (Ireland), speaking on behalf of the sponsors of the draft resolution contained in document A/SPC/L.49, supported the proposal made by the Argentine representative. He hoped that Austria and Italy would be guided by the spirit of the joint text in settling their dispute.

6. Mr. BENITEZ VINUEZA (Ecuador) welcomed the agreement which had been reached by the joint draft resolution. Recalling the position taken by his delegation during the debate (182nd meeting) he insisted once again on the juridical nature of the matter. The disagreement was not about the validity of the Paris agreement nor the inviolability of frontiers. Nor had the right of peoples to self-determination been questioned, since that right could not apply in the case of minorities dwelling in the territory of another State. Nor were fundamental human rights involved; had they been, it would not have been possible to invoke the national competence of a State which, by signing the United Nations Charter, had assumed obligations in that connexion.

7. In his delegation's opinion, the revised draft resolution submitted by Austria (A/SPC/L.45/Rev.1) had constituted an important step towards an agreement and was unobjectionable *per se*. In a case such as the present one, however, intrinsic merit in a draft resolution was not sufficient; what was important was its practical effectiveness. Ecuador would not vote in favour of a draft resolution which the other party had not accepted.

8. The four-Power draft resolution (A/SPC/L.46 and Corr.1) too, had had considerable merit, but his delegation would have had to abstain in a vote on that text, since the latter provided, in the event of failure of the negotiations, only for recourse to appropriate jurisdictional bodies, thus excluding the other means of peaceful settlement set forth in the Charter. Those means were referred to, on the other hand, in the draft resolution contained in A/SPC/L.49 and Add.1 which had reflected a spirit of compromise. Unfortunately, the intention of its sponsors had not been clearly understood; they had wished neither to adopt the point of view of either of the parties nor to exclude the possibility of recourse to the International Court of Justice. All possible steps should continue to be taken to promote an agreement between Austria and Italy, with which countries Ecuador was linked by bonds of respect and esteem. His delegation had therefore been pleased when Mr. Amadeo had proposed at the previous meeting that that meeting should be adjourned in order to enable an agreement to be reached, and was de-

^{1/} See: United Nations, *Treaty Series*, vol. 49 (1950), pp. 184-185.

lighted that the adjournment had resulted in the joint draft resolution which amalgamated principles acceptable to both parties.

9. In conclusion, his delegation had always thought useless, and even harmful, any procedure tending to bring the question before the General Assembly every year.

10. Mr. ROSSIDES (Cyprus) said that he was glad the Italian and Austrian delegation had accepted the joint draft resolution. That attitude was a good augury and a first step towards an agreed solution. In the negotiations to be resumed, a mode of implementation of the Paris agreement should be found which, while guaranteeing the political rights of the people of Bolzano, would not impair the unity of the Italian nation. It was only natural that a people which formed the majority in a territory should, to some extent, be allowed to administer its own affairs and ensure its cultural and economic development. It would then co-operate more sincerely with the State of which it formed a part, if it was fully convinced that its rights were being respected. On the other hand, any lack of willingness to co-operate would incline the State concerned to restrict rather than to enlarge that people's autonomy. That would create a climate of increasing suspicion. Fortunately, confidence was no less contagious. In the present case, taking into account the high degree of culture and gallantry of both nations, he was confident that a generous degree of understanding would be forthcoming from both sides.

11. His delegation attached great importance to the adoption of the joint draft resolution, for it maintained that the United Nations should never bypass questions that might come before it under the Charter. He was glad to see that that tendency, which had made itself felt in the past, had now been abandoned.

12. Mr. GARCIA ROBLES (Mexico) welcomed the goodwill which, as was to be expected, both parties had shown, for it had made possible a happy solution. He hoped that the unanimous adoption of the joint draft resolution would enable Austria and Italy to reach a firm and lasting agreement which would strengthen their traditionally friendly relations.

13. Mr. BISBE (Cuba) said that, although his country was not listed among the sponsors of joint draft resolution A/SPC/L.50, his delegation had joined the sponsors of the draft resolution contained in document A/SPC/L.49 the day before. Since it fully endorsed the new joint draft resolution, which reflected the ideas it had put forward, his delegation wished to be included among its sponsors.

14. Mr. DA COSTA (Portugal) said that he would vote in favour of the joint draft resolution. His delegation had followed the discussion with great interest, not only because of the importance of the question but also because Portugal enjoyed the most friendly relations with the two countries. While it was regrettable that a dispute had arisen between Austria and Italy, there seemed every reason to believe that a settlement based on respect for the interests of the two parties could be reached. His delegation hoped that that result would be achieved through direct negotiations conducted in a spirit of understanding, co-operation and friendship. The debate in the Committee and the wise interventions made in the course of that debate might perhaps assist in bringing the two points of view closer.

15. Mr. AMMOUN (Lebanon) said that the Committee's principal aim was that the two countries should accept a resumption of negotiations or that they should agree, if necessary, on any other means which might lead them to a solution. Whatever course was adopted, the agreement of both parties was essential. It would be useless to recommend submission of the question to the International Court of Justice or recourse to the good offices of the Secretary-General, if either party objected. The two countries had certainly made substantial progress towards conciliation and understanding. Austria had abandoned its initial draft resolution (A/SPC/45 and Corr.1), which had ignored the Paris agreement and requested autonomy for a province under Italian sovereignty. In addition, it had stated formally that it was prepared to negotiate. After having opposed any intervention in a field which it considered to be within its national competence, Italy had given the four-Power draft resolution (A/SPC/L.46 and Corr.1), which invited the two parties to resume negotiations, a favourable reception. The two countries differed, however, on the solution to be adopted in the event of the negotiations breaking down. The solution recommended by Austria—recourse to the good offices of the Secretary-General—was not as effective as that advocated by Italy, under which the decision of the International Court of Justice would be final. Notwithstanding his delegation's unlimited confidence in the Secretary-General, it feared that the latter might not be able to bring about the desired solution. Consequently, it was preferable to leave that matter unsettled and to adopt a general formula which would leave the parties free to come to an agreement on that point. That was the method chosen by the sponsors of the joint draft resolution. The latter should give full satisfaction both to Italy—since it mentioned the International Court of Justice—and to Austria—since it provided for the possibility of recourse to the good offices of the Secretary-General. He hoped that the two countries would succeed in reaching agreement, for the dispute was only of relative importance compared with the grave problems involved in ensuring peace and security for mankind.

16. Mr. ITTURALDE CHINEL (Bolivia) said that, in his opinion, the question under discussion was basically a juridical issue and the International Court of Justice was, in the last resort, the most appropriate jurisdictional body to deal with the case. He was glad, therefore, that the Court was mentioned in the joint draft resolution. The latter urged the two parties to resume negotiations but it also indicated all the peaceful means which would be available to them if those negotiations failed; it mentioned the possibility of recourse to the Court, which was favoured by Italy, as well as other peaceful means which Austria might prefer. Thus the text represented the best possible conciliatory formula.

17. Mr. MOREAU DE MELEN (Belgium) said that he had not yet taken part in the discussion but had intended to state his point of view when the vote was taken. He was particularly glad that the two delegations concerned had accepted the joint draft resolution. After recalling the ancient historical links which united his country both to Italy and to Austria, and the points they had in common, he said that he had sincerely hoped to see the dispute successfully settled and was all the more glad that the solution which had been reached was in accordance with juridical principles.

18. Mr. VELAZQUEZ (Uruguay) said that his delegation had participated in the search for a compromise formula and was very pleased with the result achieved. That outcome was the best reward for all the representatives who, mindful of the debt of gratitude they had towards the two countries concerned, had endeavoured to show understanding and goodwill.

19. Mr. KREISKY (Austria) expressed his most sincere gratitude to all the countries who had endeavoured to find a solution to the problem. He was glad to be able to accept the draft resolution, which created fundamentally new conditions that he hoped would lead to a solution of the problem.

20. Mr. SEGNI (Italy) thanked the Argentine, Brazilian, Paraguayan and Uruguayan representatives for their constructive contribution to the discussion. The submission of their draft resolution (A/SPC/L.46 and Corr.1) marked a decisive step towards a solution corresponding to the sense of the debate and acceptable to both parties. He wished to express the Italian delegation's appreciation to all the sponsors of the joint draft resolution and to the many representatives who by their distinguished statements had brought out the true nature of the question under consideration.

21. Italy, which had already declared its determination to proceed with Austria along the lofty path of respect for treaties, was glad to agree to the joint draft resolution, which was inspired by the same spirit. The text clearly showed that the dispute between Austria and Italy had arisen over the implementation of the Paris agreement; it also reflected the desire expressed by all speakers that the difference should be settled by bilateral negotiations. The efforts which the two parties would make towards such a settlement would find a setting in the friendly relations between the two countries which were in the natural order of things.

22. In the event of the failure of bilateral negotiations, the joint draft resolution envisaged other peaceful means of settlement, such as recourse to the International Court of Justice or any other means chosen by common agreement between the two parties. The Italian Government was prepared to do whatever was necessary in order that the two countries might reach a final settlement of the question. The Italian delegation therefore expressed confidence that the two parties would speedily manage, by direct methods, to settle the differences which existed in respect of the implementation of the Paris agreement.

23. Mr. HOOD (Australia) said that he had followed with the greatest interest the discussions in the Committee and the sincere efforts which had been made to settle the dispute within the framework of the United Nations. It was very encouraging to note that the two parties accepted the joint draft resolution, which the Australian delegation too would support. In the interest of accuracy, however, he would point out that the phrase "has been regulated" in the second preambular paragraph of the English text was perhaps a little too positive; it gave the impression that the matter was settled. That might be due to the fact that an attempt had been made to bring the English text into line with the Spanish. Perhaps the phrase "is governed by" would be the correct translation.

24. Mr. O'BRIEN (Ireland) said that there were one or two points of translation which remained to be cleared

up. The sponsors of the draft resolution had felt that it was better not to delay the vote and that those problems could be settled after the meeting had risen.

25. Mr. AMADEO (Argentina) considered that changes made in the text after the vote could be on points of translation only; he felt that, if the Australian representative wished to have the English text changed, it would be better for him to submit an amendment to that effect. As, however, the Argentine delegation was anxious to maintain the unanimity of which the draft resolution seemed assured, he hoped that the Australian representative would not press the point.

26. Mr. JUNG (India) said that he shared the Argentine representative's hope. The word "regulated" in the English text had been deliberately chosen to emphasize that an international agreement already regulated the situation of the German-speaking element. He therefore felt it was preferable to retain that word; he considered that the text as adopted should not be changed after the vote, particularly as the two parties concerned had accepted it.

27. Mr. ROSSIDES (Cyprus) endorsed the previous statement and suggested that, in order to satisfy the Australian representative, the words "has been regulated" should be replaced by the words "has been the subject of". The Committee would then be able to vote on the text as amended.

28. Mr. HOOD (Australia) assured the Committee that his delegation had no desire to impede the proceedings. It seemed to him that the sponsors of the joint draft resolution could amend the English text either before or after the vote. He had no objection, however, to the Committee proceeding to the vote.

29. The CHAIRMAN recalled that the Argentine representative had requested that the joint draft resolution (A/SPC/L.50) should be put to the vote first.

It was so decided.

30. Mr. AMADEO (Argentina), speaking on behalf of the sponsors of the four-Power draft resolution (A/SPC/L.46 and Corr.1), said that if the joint draft resolution was adopted the four-Power draft resolution would be regarded as automatically withdrawn.

31. Mr. GARCIA ROBLES (Mexico) said that the sponsors of the draft resolution (A/SPC/L.49 and Add.1) considered that it should be replaced by the joint draft resolution, which, he suggested, should be carried by acclamation.

The joint draft resolution (A/SPC/L.50) was adopted by acclamation.

32. The CHAIRMAN recalled that, at the outset of the Special Political Committee's proceedings, he had expressed the hope that the Committee would be able to carry out its work successfully. The speeches made on the item which the Committee had just completed had invariably been designed to smooth out the difficulties between the two parties concerned. He congratulated the Committee upon having fulfilled its task so admirably.

33. Mr. KREISKY (Austria) said that his delegation would not press for a vote on its draft resolution (A/SPC/L.45/Rev.1).

AGENDA ITEM 25

Final report of the Secretary-General evaluating the Second United Nations International Conference on the Peaceful Uses of Atomic Energy in relation to the holding of similar conferences in the future

34. Mr. BEELEY (United Kingdom) said that seven delegations, including his own, were preparing to submit a draft resolution on the question to the Commit-

tee. As the draft resolution was not yet ready, he would prefer the Committee to proceed to the next item on the agenda.

35. Mr. TETTAMANTI (Argentina) felt that, in the circumstances, it would be better for the Committee not to begin discussion of the next item on its agenda until Monday, 31 October 1960.

It was so decided.

The meeting rose at 5.10 p.m.