



Seventh session  
Agenda item 77

## COMPLAINT BY THE UNION OF BURMA REGARDING AGGRESSION AGAINST IT BY THE GOVERNMENT OF THE REPUBLIC OF CHINA

### Report of the First Committee

Rapporteur: Mr. Thor THORS (Iceland)

1. By a cablegram dated 25 March 1953 addressed to the Secretary-General (A/2375), the Minister of Foreign Affairs of the Union of Burma requested that the following item be placed on the agenda of the seventh session of the General Assembly: "Complaint by the Union of Burma regarding aggression against it by the Kuomintang Government of Formosa".
2. The cablegram also contained an explanatory memorandum stating that when the Chinese National Government withdrew its headquarters to Formosa, some 1,700 of its troops entered into the Kentung State of Burma early in 1950. The troops refused to submit to disarmament and internment, and engagements took place between them and the Burmese army. The Chinese troops had established a headquarters at Monghsat where they also had constructed a regular airfield to facilitate receipt of supplies. New recruits had been obtained from the Burma-China border area; the number of the troops was now estimated to be around 12,000. The Commanding General had been moving between Monghsat and Formosa, and there was other evidence of a direct link to the Chinese National Government. At the end of 1952, the troops, who hitherto had been operating in areas east of the Salween River, had extended their activities to areas west of the River in conjunction with elements rebelling against the Government of Burma.
3. The memorandum further stated that Burma, since the middle of 1950, had enlisted the good offices of some friendly governments, particularly the United States which had been requested to make repeated demarches to the Chinese National

Government. These attempts to find a solution had so far proved unsuccessful. In the opinion of the Burmese Government, the Chinese Nationalist troops were being directed and supported in their illegal activities by the Chinese National Government.

4. Together with the memorandum, the delegation of Burma submitted a draft resolution (A/C.1/L.42), by which the General Assembly, viewing with great concern the serious situation, the continuance of which would present a threat to international peace and security, would note that "the armed troops of the Kuomintang Government of Formosa have committed acts of infringement against the territorial integrity of the Union of Burma and acts of violation of its frontiers", and would recommend to the Security Council to "condemn the Kuomintang Government for the said acts of aggression" and "take all necessary steps to ensure immediate cessation of such acts." The Assembly would further call upon all States "to respect the territorial integrity and the political independence of the Union of Burma and to be guided by the principles of the Charter in their relations with the Union of Burma".

5. At the 86th meeting of the General Committee held on 31 March 1953, the representative of China proposed to change the title of the item to "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China." This proposal was adopted.

6. On the same day, at its 420th plenary meeting, the General Assembly decided to include the question in the agenda of the seventh session and to refer it to the First Committee for consideration and report.

7. The First Committee considered the item at its 605th to 612th meetings inclusive, held between 17 April to 22 April 1953.

8. At the 609th meeting of the Committee on 21 April, Argentina submitted a draft resolution (A/C.1/L.43), by which the General Assembly would call upon all States to respect the territorial integrity and the political independence of the Union of Burma, and request the Government of the Union of Burma, the Government of China and the other parties directly concerned to enter into negotiations with a view to bringing about the immediate withdrawal of the troops from the territory of Burma. The Argentine draft resolution further called upon Burma to inform the General Assembly at its next session of the result of these negotiations.

9. At its 610th meeting on 21 April, the delegation of Mexico submitted a draft resolution (A/C.1/L.44/Rev.2), by which the General Assembly would (1) deplore the presence of foreign forces in Burma and condemn their hostile acts against that country; (2) declare that these foreign forces must be disarmed and either agree to internment or leave the Union of Burma forthwith; (3) request all States to respect the territorial integrity and political independence of Burma in accordance with the principles of the Charter; (4) urge all States: (a) to afford the Government of the Union of Burma on its request all the assistance in their power to facilitate by peaceful means the evacuation of these forces from Burma; and (b) to refrain from furnishing any assistance to these forces which may enable them to continue their hostile acts against Burma; and (5) invite the Government of the Union of Burma to report on the situation to the General Assembly at its eighth regular session.

10. At the 611th meeting, Argentina withdrew its draft resolution (A/C.1/L.43) and introduced, together with Chile, an amendment to the Mexican draft resolution (A/C.1/L.44/Rev.2), which in its revised form (A/C.1/L.45/Rev.1) provided for the insertion of a new paragraph, between paragraphs 3 and 4 of the Mexican draft resolution, to the effect that the Assembly would recommend that negotiations now in progress through the good offices of certain Member States should be pursued, in order to put an end to this serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of Burma or by means of their disarmament and internment.

11. At the 612th meeting, Lebanon submitted the following amendments (A/C.1/L.46) to the revised Mexican draft resolution:

(1) The third paragraph of the preamble was to read as follows:

"Affirming that any assistance given to these forces which enables them to remain in the territory of the Union of Burma or to continue their hostile acts against a Member State is contrary to the Charter of the United Nations";

(2) The fourth paragraph of the preamble was to read as follows:

"Considering that the refusal of these forces to submit to disarmament or internment is contrary to international law and usage";

(3) Paragraph 1 of the operative part was to read as follows:

"1. Deplores this situation and condemns the presence of these forces in Burma and their hostile acts against that country";

(4) Paragraph 4 (b) of the operative part was to read as follows:

"(b) to refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country".

12. At the same meeting, the Committee proceeded to the vote, after having adopted an Iranian proposal by 42 votes to 11, with 7 abstentions, to give priority in voting to the Mexican draft resolution.

13. The result of the voting on the Mexican draft resolution (A/C.1/L.44/Rev.2) was as follows:

Preamble:

Paragraphs 1 and 2 were adopted by 58 votes to none, with 2 abstentions.

The Lebanese amendment to paragraph 3 was adopted by 22 votes to 11, with 27 abstentions.

The Lebanese amendment to paragraph 4 was adopted by 26 votes to 10, with 24 abstentions.

Operative part:

The Lebanese amendment to paragraph 1 was adopted by 25 votes to 2, with 32 abstentions;

Paragraph 2 was adopted by 58 votes to none, with 2 abstentions;

Paragraph 3 was adopted by 59 votes to none, with 1 abstention;

The Argentine-Chilean amendment, constituting new paragraph 4, was adopted by 53 votes to none, with 7 abstentions;

Paragraph 5 (a) was adopted by 59 votes to none, with 1 abstention;

The Lebanese amendment to paragraph 5 (b) was adopted by 27 votes to 2, with 31 abstentions;

Paragraph 5, as amended, was adopted by 59 votes to none, with 1 abstention;

Paragraph 6 was adopted by 58 votes to none, with 1 abstention.

The Mexican draft resolution, as a whole, as amended, was adopted by 58 votes to none, with 2 abstentions.

14. The First Committee therefore recommends to the General Assembly the adoption of the following resolution:

The General Assembly,

Having examined the complaint by the delegation of the Union of Burma regarding the presence, hostile activities and depredations of foreign forces in the territory of the Union of Burma;

Considering that these facts constitute a violation of the territory and sovereignty of the Union of Burma;

Affirming that any assistance given to these forces which enables them to remain in the territory of the Union of Burma or to continue their hostile acts against a Member State is contrary to the Charter of the United Nations;

Considering that the refusal of these forces to submit to disarmament or internment is contrary to international law and usage;

1. Deplores this situation and condemns the presence of these forces in Burma and their hostile acts against that country;

2. Declares that these foreign forces must be disarmed and either agree to internment or leave the Union of Burma forthwith;

3. Requests all States to respect the territorial integrity and political independence of the Union of Burma in accordance with the principles of the Charter;

4. Recommends that the negotiations now in progress through the good offices of certain Member States should be pursued, in order to put an end to this serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of Burma or by means of their disarmament and internment;

5. Urges all States:

(a) to afford the Government of the Union of Burma on its request all the assistance in their power to facilitate by peaceful means the evacuation of these forces from Burma; and

(b) to refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

6. Invites the Government of the Union of Burma to report on the situation to the General Assembly at its eighth regular session.

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A/2392

Eighth session

FINANCIAL REPORT AND ACCOUNTS FOR THE YEAR  
ENDED 31 DECEMBER 1952 AND REPORT OF THE BOARD OF AUDITORS

Official Records - eighth session - supplement No.6



PRELIMINARY REPORT OF THE COMMITTEE:  
ON SPECIAL ADMINISTRATIVE QUESTIONS

Rapporteur: Mr. K.G. BRENNAN (Australia)

1. On 21 December 1952, the General Assembly adopted resolution 681 B (VII), which provides as follows:

"The General Assembly,

"Noting paragraphs 38 to 45 of the memorandum<sup>1/</sup> of the Secretary-General on the administration of the United Nations,

"1. Decides to refer these paragraphs to a Committee composed of representatives of the following eleven Members: Australia, Belgium, Brazil, Chile, China, Dominican Republic, Greece, Iraq, Norway, Pakistan, and Poland, to meet in the interval between the seventh and eighth sessions of the General Assembly, and to report thereon to the General Assembly at its eighth session;

"2. Invites the Secretary-General to submit to the Committee such proposals as he may wish to make on the matters dealt with in the above-mentioned paragraphs;

"3. Requests the Secretary-General to circulate the report of the Committee, with the comments of the Advisory Committee on Administrative and Budgetary Questions, to all Members four weeks before the opening of the eighth session of the General Assembly".

2. The Committee on Special Administrative Questions held two meetings, on 4 and 8 May 1953. The Members appointed by the General Assembly were represented as follows during the Committee's work:

Australia:	Mr. K. G. Brennan
Belgium:	Mr. Georges Cassiers
Brazil:	Mr. Luiz Bastian-Pinto
Chile:	Mr. Rudecindo Ortega-Masson
China:	Mr. Ching-Lin Hsia



Dominican Republic:	Mr. Joaquin Salazar
Greece:	Mr. Alexis Kyrrou
Iraq:	Mr. Awni Khalidy
Norway:	Mr. Erik Dons
Pakistan:	Mr. Viqar Ahmed Hamdani
Poland:	Mr. Eugeniusz Kulaga

3. The following officers were unanimously elected: Mr. Hamdani (Pakistan), Chairman; Mr. Bastian-Finto (Brazil), Vice-Chairman; and Mr. Brennan (Australia), Rapporteur.

4. The representative of Poland submitted a draft resolution concerning the representation of China, which was ruled out of order by the Chairman. The Chairman's ruling was challenged by the representative of Poland, and was upheld by the Committee.

5. The Committee had before it a memorandum by the Secretary-General (A/AC.68/1). The memorandum stated that, under General Assembly resolution 681 B (VII) and in accordance with the report of the Fifth Committee (A/2344), the tasks of the Committee were: (1) the study of paragraphs 38-45 of the memorandum by the Secretary-General on the administration of the United Nations (A/2214); (2) the study of rules 154-156 of the rules of procedure of the General Assembly concerning the Advisory Committee on Administrative and Budgetary Questions; and (3) the study of the statute of the Administrative Tribunal.

6. With respect to the first task, the memorandum stated that after further study of the question, and particularly in the light of observations made during the course of the discussion in the Fifth Committee, the Secretary-General found himself unable to maintain the suggestion made in paragraphs 38-45 of the original memorandum, namely, that membership of the Advisory Committee on Administrative and Budgetary Questions should disqualify a person from service as a member or alternate in the Fifth Committee and that membership of the Administrative Tribunal should disqualify a person from service as a governmental representative on legislative committees of the General Assembly. With regard to the second task, the Secretary-General, after consideration of the matter, had no suggestion to make. As to the third task, the Secretary-General believed it premature to consider amendments to the Statute of the Administrative Tribunal, and neither the

President of the Tribunal nor the Secretary-General had any suggestions of a major or of an urgent nature which would warrant consideration by a committee. Moreover, no proposals on any of these tasks had been made by governments.

7. At the outset of the Committee's discussion, the Secretary-General stated that before making any proposal to the General Assembly regarding the reorganization of the present administrative structure of the Secretariat, it would be his first duty to make a thorough study of the working of the Secretariat. He was therefore not prepared at the present stage to make definite proposals on this matter to the General Assembly. Nor was he prepared, as was stated in his memorandum, to make any proposals relating to the subjects referred to the Committee by the General Assembly.

8. With regard to the substance of the matters referred to the Committee, the representatives of Australia and China took the view that there was no incompatibility between membership in the Fifth Committee of the General Assembly and membership in the Advisory Committee for Administrative and Budgetary Questions. The representative of Iraq associated himself with this view. The representative of China, although he wished to make no formal proposal, referred to the possibility of enlarging the membership of the Advisory Committee and of clarifying the reference to "financial experts" in rules 154 and 155 of the rules of procedure. The representative of Pakistan refrained from expressing any opinion on the substance of the matters because in his view the members of the Committee, in the absence of proposals from the Secretary-General and governments, were not called upon to express such opinions.

9. The representative of Chile thought that the Joint Appeals Board was open to criticism because the Secretary-General was both party and judge in matters coming before it. He thought, too, that the statute of the Administrative Tribunal was defective in that decisions of the Tribunal were not binding on the Secretary-General. The Chilean delegation believed that the statute should be amended so as to give proper protection to the staff. In reply, the Secretary-General explained that the Joint Appeals Board was a body advisory to him. It had been established with that function at the request of the staff and included representatives of the staff.

10. All delegations concurred, however, with a proposal of the representative of Greece that the Committee should not make any recommendation on the substance of the matters referred to it, but should allow time for the Secretary-General to study those matters and to formulate any proposals he might wish to make. The Committee would hold itself ready to reconvene in case the Secretary-General or a delegation should submit proposals; otherwise, a short report should be submitted to the General Assembly merely recording the above decision.

11. The Committee therefore adopted unanimously, with two abstentions, the following resolution:

The Committee on Special Administrative Questions,

Having considered the memorandum submitted by the Secretary-General (A/AC.68/1),

Noting that the Secretary-General has not submitted any proposals to the Committee on the matters referred to it by the General Assembly,

Noting also that no proposals on these matters have so far been submitted by governments of Member States,

1. Invites the Secretary-General to report to the Committee any proposals he may wish to make or which may be made by governments of Member States on the matters referred to the Committee;

2. Decides to reconvene prior to the opening of the eighth session of the General Assembly.

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