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**Chairman: Mr. João Carlos MUNIZ (Brazil).**

**Question of an appeal to the Powers signatories to the Moscow Declaration of 1 November 1943, for the early fulfilment of their pledges toward Austria (A/2160, A/2166 and Add. 1, and A/C.1/L.16) (*continued*)**

[Item 63]\*

1. Count D'ASPREMONT LYNDEN (Belgium) observed that Austria had been brutally invaded by Hitler's troops; it had been annexed in 1938 and had been the first victim of nazi imperialism. By the Moscow Declaration of 1943 the Allies had announced their intention not to recognize Austria's annexation, to free it from the German yoke and to restore its independence and territorial integrity. Austria had always been faithful to democratic institutions and had abandoned them only temporarily and under the constraint of a foreign dictatorship. After its liberation, and as soon as it had been able to do so, Austria held free elections which had given it a democratic government recognized by other States.

2. The representative of Belgium asked how it happened that Austria, which was so deserving, had not yet obtained a treaty which would restore its independence and sovereignty. That treaty had been referred to as a "state treaty" rather than as a "peace treaty" in order to show that Austria had not been an enemy Power. Countries directly associated with nazi aggression had all obtained peace treaties. Austria, on the contrary, which had attacked no one but which had itself been attacked by hitlerite Germany—exactly as had Czechoslovakia, Poland, Belgium, the Netherlands and the USSR—still suffered, seven years after the end of the war, under a régime of military occupation with all the material obligations and the unbearable moral constraint which that involved.

3. Referring to the speech by the representative of the United Kingdom (553rd meeting), Count d'Aspremont Lynden said that he had rarely had occasion to listen to a more disheartening exposé. The representative of

the United Kingdom had demonstrated how on numerous occasions it had been thought that the objective had been reached only for it to be found each time that the objective had suddenly become unattainable because of fresh difficulties. The main obstacles had been surmounted, but at the last moment the completely irrelevant question of Trieste had brought about the cessation of the conversations.

4. The representative of Belgium asked why, in connexion with Austria, it was necessary to discuss Trieste, the Korean war or any other difficulty which might arise in the world. Moreover, at the previous meeting the representative of Yugoslavia, one of the Powers most directly concerned, had welcomed the arrival of the representative of Austria and expressed the hope that an Austrian treaty could be concluded. To sum up, the historical background of the negotiations showed that the reasons preventing the signing of a treaty were of very secondary importance. They were out of all proportion with what was involved, and that was difficult to understand.

5. Perhaps the representative of the USSR or the representatives of the peoples' democracies could have clarified the question. Count d'Aspremont Lynden deeply regretted that, for juridical reasons which did not appear to the majority of Members to be pertinent, those representatives had declined to explain their views on the substance of the question. Had they done so, it might have been possible for the Committee to bring the divergent points of view together.

6. After having been the victim of nazi aggression, Austria was now the victim of its liberators. Because it had been and still was closely linked to Austria, the Belgian people felt with particular vividness the cruelty of Austria's fate. It was, therefore, with joy that the Belgian delegation supported the appeal addressed to the great Powers in the four-Power draft resolution (A/C.1/L.16). Count d'Aspremont Lynden noted with confidence the solemn promise made by the three representatives of the Western Powers that they would neglect no effort to bring the Austrian treaty to a conclusion. He also paid tribute to the Minister for Foreign Affairs of Austria, Mr. Grüber, and expressed the hope

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

that, as the representative of a free, sovereign and democratic country, he would shortly come to the United Nations to take the place which was his by right.

7. Mr. POLITIS (Greece) said that the Greek people, which had endured terrible hardships in order to gain independence, was in a perfect position to understand the stress and hardship in which the Austrian people was at present involved.

8. Mr. Grüber had made a clear and objective statement (553rd meeting). Other delegations, particularly those of the Western Powers which were more directly concerned with the fate of Austria, had shed some light on the details of the question. The discussions in the Committee had confirmed that Austria was a victim of the "cold war". Austria was still under foreign occupation. The Austrian people, wounded in its pride and reduced in its independence, was seeking the causes of those hardships. It was calling for an end to its unhappy situation.

9. It was certainly not material difficulties or the pretexts invoked by one of the great Powers concerned that had prevented the signing of the Austrian treaty. It was clear that the failure of the great Powers to reach a decision on the fate of Austria was due to international tensions, which were the problem of the United Nations.

10. Mr. Politis felt that Members should be gratified that the delegation of Brazil, remembering the interest manifested by the United Nations in 1948, had thought it necessary again to confront the United Nations with the Austrian problem (A/2166 and Add.1). While it was true that the delegations of the Soviet bloc had deemed it fit, in that particular case, not to recognize the competence of the United Nations, to boycott any discussion and to ignore any resolution which might be adopted on the subject, he hoped that their statements had been due to a flash of temper and that later they would co-operate in the fulfilment of the Committee's task of maintaining peace.

11. The representative of the USSR had attempted to justify (553rd meeting) his delegation's position by referring to Article 107 of the Charter, stating that it prevented the United Nations from dealing with questions relating to any State which "during the Second World War has been an enemy of any signatory to the present Charter." (553rd meeting). Such an interpretation was inconsistent with the real meaning of that Article. A similar question had been raised during the debate on the reunification of Germany in the *Ad Hoc* Political Committee at the sixth session of the General Assembly. At that time, the representative of Greece had explained, at the 21st meeting of the *Ad Hoc* Political Committee, why Article 107 did not justify the contention that the General Assembly was incompetent to deal with the matter. The question of Austria was similar to that of the reunification of Germany. Moreover, Austria was not an ex-enemy State. That fact had been explicitly recognized by the great Powers in the Moscow Declaration of 1943.

12. Mr. Politis then read quotations from the records of the *Ad Hoc* Political Committee and passages from Professor Kelsen's book, *The Law of the United Nations*, which indicated that Article 107 did not exclude from the competence of the General Assembly discussion

and recommendations of action in relation to former enemy States.

13. Mr. Politis believed that the question of the competence or incompetence of the United Nations could give rise to endless controversies. While it was true that the Charter dealt with the question, each delegation had interpreted the Charter's provisions on competence in its own way. It was well known that, within the framework of that controversy, seemingly valid arguments could be adduced in favour of or against a certain course.

14. In the opinion of the representative of Greece there were, however, certain principles which ought to settle conflicts of opinion. First, there was the principle of the majority, which the minority should not oppose with the veto. When the majority had declared itself competent to consider a subject, that decision should be recognized. Secondly, primary consideration should be given to the general interest of the international community—of which the United Nations was an expression—as opposed to the individual interests of Member States. Thirdly, the General Assembly was a political organ whose mission was not so much to settle disputes as to iron out existing difficulties and create a normal climate for understanding and conciliation.

15. In the light of those aims, the Greek delegation considered that the General Assembly was competent to deal with the question of the Austrian treaty. It did not dispute the right of the great Powers, directly and exclusively, to settle the question. However, if Austria represented a vital sector in the "cold war", and if the "cold war" was inspired not by a premeditated plan of domination but, rather, by fear and lack of confidence, it was quite possible the United Nations might play a salutary rôle at the seventh session of the Assembly.

16. Mr. Politis felt it quite proper to remind the great Powers that they might at any time need the help of a smaller nation.

17. It was in that spirit that the draft resolution had been submitted by the delegations of Brazil, Lebanon, Mexico and the Netherlands. By adopting that draft resolution, the General Assembly would reaffirm its interest in the Austrian question.

18. Mr. Politis stated that it would be with full knowledge of its responsibility that the United Nations would address an appeal to the interested countries to sign a peace treaty. That appeal would also signify that the United Nations was always ready to make a positive contribution if it were considered possible and desirable. Furthermore, the Austrian people would know that in its time of cruel hardship, the United Nations was with it heart and soul.

19. Mr. TSIANG (China) said that the speech of the Austrian Minister for Foreign Affairs had been one of the most impressive he had ever heard in the United Nations because of its plea for the elementary rights of an ancient people and because of its portrayal of the terrible burdens and sufferings endured by the Austrian people in the last seven years.

20. The fact that the Austrian people had found it necessary to come to the United Nations to plead for its national independence was a sad commentary on the world situation. The Austrians had been denied

the satisfaction of their elementary aspirations because the peace treaty had not been signed. The conclusion of that treaty had been delayed because of certain demands by the Soviet Union.

21. The USSR demanded to be allowed to inherit the so-called German assets in Austria. Those assets were merely the fruits of the spoliation of Austria by Hitlerite Germany. Such a demand, Mr. Tsiang felt, was revolting.

22. The USSR also demanded that Austria go further with so-called denazification. Mr. Tsiang believed the United Nations would concede that Austria was probably above the average world level in democracy and freedom. To accuse Austria of maintaining Nazi elements in its national life seemed to him to be a mockery of fact. Nazism meant a totalitarian State, the glorification of military power and conquest, the denial of individual freedom and the exaltation of the State. That philosophy did not fit Austria.

23. The Soviet Union also demanded that Austria be further demilitarized. Austria had been demilitarized. However, even if all its economic resources were to be used for military preparedness, he did believe that Austria could be a menace to the peace and security of the world.

24. Finally, the Soviet Union had raised the question of Trieste as an obstacle to the conclusion of the treaty. Mr. Tsiang said that the representative of Yugoslavia had put it very well when he had said (554th meeting) that neither in logic nor in law was there any connexion between Trieste and the treaty of peace with Austria.

25. The representative of China stated it would be a duty and an honour for his delegation to support the four-Power draft resolution.

26. Mr. NAJAR (Israel) observed that history, which had often been glorious and often tragic, either united or separated peoples. For a thousand years Vienna had had a Jewish colony which had been illustrious in the arts and in science. During Nazism and the persecutions and sorrows which followed, a dark and sombre page of history had been written.

27. The four-Power draft resolution reflected human interest in the fate of Austria and its people. It also reflected confidence in the will and capacity of the Austrian people to erase the inevitable marks of occupation by Hitlerite Germany from 1938 onwards and the subsequent developments. Those marks were unquestionably material, but they were also moral.

28. The joint draft resolution did not ask Member States to make any grand gesture. It did not ask them to take the place of the four occupying Powers, to intervene in their relations, or to modify international agreements. It did ask them to express the hope that real independence would be conferred upon the Austrian people.

29. The intention of the victorious Powers after the Second World War to destroy the roots of the Nazi evil in Europe and to repair the damage caused by that inhuman régime reflected a deep comprehension of the problem of the rights of peoples to self-determination. Mr. Najjar believed that States which did not respect fundamental human rights within their

own territories represented a certain potential risk to international Society. Austria had taken great strides towards cleaning up its political life.

30. The intention of the Austrian Government to repair the consequences of Nazism had not yet received the complete implementation that might have been expected. The question of uninherited goods—that was to say, the goods of the victims of Nazism who had left no heirs because of the massacres of entire communities—had not been solved. Legislation on reparations for the victims of Nazism was incomplete and fell far short of that promulgated in Italy or Western Germany. Mr. Najjar added that his delegation's concern was shared by other Powers.

31. Negotiations were to be held shortly to settle those problems, and effective legislative action had also been proposed. On that basis, the delegation of Israel wished to place its confidence in the Austrian people and its leaders and would vote in favour of the four-Power draft resolution.

32. Mr. SANGUINETTI (Argentina) said that the Argentine people felt the tragedy through which the Austrian people was living. Despite the treaties signed by the great Powers, the Austrian people was suffering the same vicissitudes seven years after the end of hostilities.

33. A number of representatives had explained that the problem must be resolved by the four occupying Powers. It should be noted, however, that the joint draft resolution in no way interfered with the four-Power negotiations. It had a moral force, and Mr. Sanguinetti hoped that it would have some influence with the negotiating Powers. It would give the Austrian people the feeling that the United Nations had heard its voice and had not abandoned it.

34. For those reasons, the Argentine delegation would vote in favour of the joint draft resolution.

35. Mr. LEGER (Canada) associated his delegation with the numerous delegations which had welcomed the Foreign Minister of Austria.

36. The Canadian delegation had followed with close attention the fruitless negotiations on the question of an Austrian treaty, but even had it had little knowledge of those negotiations the attitudes and tactics of the various delegations in the Committee would have shown clearly where the responsibility for the distressing situation rested.

37. In his exposé the Foreign Minister of Austria had emphasized the fact that the continuance of the occupation of Austria was a destabilizing factor in Europe. The representative of Brazil also had stated (553rd meeting) that the sponsors of the draft resolution had been prompted solely by a desire to reduce tension in Central Europe and had not attempted to prejudice the cause of the Austrian deadlock.

38. While the United Kingdom, the United States and France had welcomed the initiative of the sponsors of the joint draft resolution, the representative of the USSR had invoked Article 107 of the Charter, and had announced that he would neither participate in the present discussion nor consider his Government bound by any resolution which might be adopted. In

the opinion of the Canadian delegation, the draft resolution did not contravene Article 107 in any way.

39. The Canadian delegation welcomed the initiative of the four sponsoring Powers and hoped that the appeal would inspire the great Powers, and particularly the USSR, to respond in a favourable and generous way in order to restore to an unhappy country its just birthright.

40. Mr. BELAUNDE (Peru) pointed out that, unlike previous great wars, the Second World War had not been followed by a period of peace and mutual understanding. Instead, psychological warfare had continued and there was a threat of a third world war.

41. Austria's situation was symptomatic of that state of affairs. Seven years after the conclusion of the war Austria had not been reincorporated into the community of nations. Only one interest could explain the fact that an acceptable basis for a treaty with Austria had not been found.

42. It was not enough to say that Austria had assumed the responsibilities of the nazis and that therefore the Assembly had not competence to discuss the matter. There had been in Austria an imposed government which was no longer in existence. The personality of Austria was sacred and worthy of respect. That had been recognized by the Charter in its enunciation of the principles concerning equality of rights and the self-determination of peoples.

43. The representative of Peru believed that Article 107 did not prevent the United Nations from making recommendations concerning Austria. It would be contrary to morality and the spirit of San Francisco if a victim of nazi Germany could not claim the protection of the principles of the Charter.

44. While the United Nations had to restrict itself to doing what it was able to do, from the moral point of view what it could do was very great. The time had come when, confronted by the Soviet Union's opposition, the Committee should recommend to the Powers concerned that they should conclude a treaty with Austria, that unfortunate State. The Soviet Union knew full well that Austria was a necessity for the equilibrium of Europe.

45. The Hispanic peoples were sympathetic to the Austrians, who had synthesized Latin influences with germanism in its best sense. For those reasons, the Peruvian delegation would enthusiastically support the joint draft resolution.

46. Mr. JOOSTE (Union of South Africa) said that the purpose of the debate was to make a solemn and urgent appeal to those in whose hands the re-establishment of an independent Austria rested. He pointed out, however, that all States which had participated in the Second World War had the right to be heard on the Austrian question. It was not the intention of his delegation to exacerbate the feelings of any of the great Powers which were parties to the Moscow Declaration.

47. The delegation of the Union of South Africa would be the last to associate itself with any action which would constitute a negation of the rights of any Member State under the Charter. In the present

case, however, it did not see how Article 107 precluded discussion of the item before the Committee. The action which was contemplated in the joint draft resolution did not seek to "invalidate" or to "preclude" any action; it sought to ensure speedy and valid action. In addition, Austria was a liberated rather than an ex-enemy country. Three of the four great Powers which had established Austria's special status in the Moscow Declaration of 1943 had agreed to have this matter discussed in the United Nations. It would be unrealistic to deny the United Nations the right of making an appeal because of the wishes of the fourth Power, particularly when the matter was one that affected the rights and the freedom of the Austrians rather than those of the people of the Soviet Union.

48. Mr. Jooste referred to the questions of the independence of Korea and the reunification of Germany, which the United Nations had declared to be within its competence despite the invocation of Article 107 by the Soviet Union. Those problems, too, had resulted from the inability of the United States and the Soviet Union to agree on the implementation of war-time agreements. Furthermore, the Soviet Union delegation had participated in discussions on the merits of both those matters. Mr. Jooste reiterated his delegation's view that the United Nations was competent to deal with the matter before the Committee.

49. He reminded the Committee that while the United Nations had concluded peace treaties with nations with which they had once been at war, and had even assisted new States to emerge, Austria, which had been promised its freedom in 1943, had continued to live in bondage. Moreover, the Austrian economy continued to be drained to an extent which was making it virtually impossible to achieve reconstruction and to maintain political stability. His Government was convinced that, unless Austria was set firmly on its feet, the situation in that country could give rise to continued friction and dispute. Since the drain on Austria's economy resulted from the occupation of its territory, his Government considered the evacuation of all occupation forces at the earliest possible moment highly important.

50. In conclusion, the representative of the Union of South Africa declared that he had been instructed to support an urgent appeal to the governments primarily concerned to make a renewed and urgent effort to reach agreement and conclude a treaty with Austria.

51. Mr. COCK (Colombia) recalled the occupation of Austria in March 1938 by the troops of the German Reich, an event which he had witnessed personally. He could not understand how it was possible that Austria had remained occupied after the Second World War or, what was worse, that the occupation should appear to perpetuate itself.

52. He pointed out that, according to the Moscow Declaration and the agreements reached at the Potsdam Conference, Austria was not to be regarded as an enemy State. On the contrary, it had been a tacit ally similar to other States which had been subjected to invasion. He concluded by suggesting that a treaty reaffirming friendship was required as well as the restoration of liberty.

53. Motivated by its concern for justice, the Colombian delegation would support the joint draft resolution.

54. Mr. SHABANDAR (Iraq) recalled remarks made by Chancellor Dollfuss of Austria in a League of Nations debate twenty years before in which he had warned certain members of a committee that they were digging the grave of the League of Nations even while convinced themselves that they were engaging in high politics; the Chancellor had described some as having their feet planted in the twentieth century while their heads were back in the nineteenth. The representative of Iraq felt that the United Nations was travelling along the same path travelled by the League of Nations twenty years before. It was the path of force and injustice. At that very moment, Mr. Shabandar declared, the Holy City of Jerusalem was about to be traded away for a mess of pottage which was being offered by Israel. In this connexion, he recalled the accusations which had been made against the League of Nations on the ground that it had sacrificed Ethiopia to certain petroleum interests.

55. His delegation sympathized with Austria as one of the numerous victims of aggression and would vote in favour of the joint draft resolution before the Committee. It was invidious, however, to clamour for justice in Europe while at the same time ignoring justice in Asia and in Africa. While Austria had suffered for the past seven years from the injustice constituted by the presence of an army of liberation, Tunisia had suffered for the past seventy years and Morocco for the past forty years from the presence of armies of protection.

56. Essentially the Austrian problem was one of the simplest to solve. What was lacking, however, was a modicum of good will and the willingness to make a fine gesture. It was up to the great Powers to offer an example, since they were the mightiest and ought to be the wisest. In conclusion, Mr. Shabandar endorsed the appeal made by the representatives of India and Iran (554th meeting).

57. Sir Percy SPENDER (Australia) said that since June 1946 the authority of the Austrian Government had extended to all areas of Austria, including the Soviet zone. In practice, however, Austrian authority had not been complete in the Eastern zone and the cost of the occupation had been a heavy burden on the Austrian people.

58. He reviewed the negotiations which had gone on for over six years during which the Western Powers had made very substantial concessions. Unlike the Soviet Union, they had given up all claims to German assets as part of reparations from Germany, and had agreed to allow the Soviet Union to exercise permanent economic influence in Eastern Austria. Though disagreement had been reduced to relatively minor points, the Soviet Union had sought to introduce extraneous and irrelevant questions such as that of Trieste. Matters had remained deadlocked since the 258th meeting of the Deputies of the Foreign Ministers in December of 1950.

59. In order to reopen negotiations, the Western Powers had proposed as a means of breaking the deadlock a simple and abbreviated instrument in accordance with the Moscow Declaration. That proposal had been rejected on various grounds. The Western Powers had

then agreed to add to the abbreviated draft treaty agreed articles on all the points raised. That, too, had been rejected. It was clear that the Soviet Union did not desire a treaty because it wished to prolong its occupation in order to continue the fortuitous extension of its power outside its own borders. The Soviet Union's repeated protestations in favour of peace were contradicted by its authoritarian and belligerent behaviour. That was just another facet of a concentrated and carefully prepared campaign to dominate and control—part of a design for world hegemony.

60. Sir Percy then discussed the question of competence. He pointed out that the joint draft resolution before the Committee did not attempt to set out the details of the action which might be taken but merely appealed to the responsible Powers to take action. In the view of his delegation, Articles 106 and 107 did not apply to the recommendations envisaged in the joint draft resolution. The Assembly was not asked to intervene. Moreover, the Australian Government did not regard the Austrian Government as an ex-enemy in the terms of Article 107. Nor did Articles 2 (paragraph 7), 10 and 12 apply to the case in point.

61. Mr. SARPER (Turkey) spoke of the particularly good relations which existed between the Austrian people and the Turkish people, which were neighbours not only geographically but also in thought, feeling, and world outlook. The Turkish delegation had actively supported the application of Austria for admission to the United Nations because it had felt that the Organization stood to gain from the Austrian contribution. It had already been established that Austria was not an ex-enemy country and that it had been one of the first victims of unprovoked aggression. No one government—or even four governments—had the right to let a people suffer because the four Powers could not reach agreement among themselves. Three of the Powers directly interested were willing to give peace and independence to Austria and, consequently, the representative of Turkey joined his colleagues who had addressed an appeal to the fourth Power not to obstruct an agreement on that issue.

62. He announced that his delegation would vote in favour of the joint draft resolution.

63. Mr. A. K. HUNEIDI (Syria) supported the appeal to the great Powers contained in the joint draft resolution because of his country's firm belief in the justice of the claim of the Austrian people and in the necessity for bringing the occupation of Austria to an end. The Syrian Government had always believed in the right of peoples and nations to self-determination and had always supported the cause of peoples striving for their freedom and independence.

64. The lack of success of negotiations which had lasted for five years confronted the world and, therefore, the United Nations with a problem which could not be ignored. Since the joint draft resolution was merely an appeal to the governments concerned to renew their efforts to reach agreement, the matter was within the competence of the General Assembly.

65. In conclusion, the representative of Syria pledged his delegation's full support to that appeal and earnestly hoped that its moral weight would help the Austrian people regain their freedom and independence.

The meeting rose at 5 p.m.