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at 10.50 a.m.

New York

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Chairman: Mr. Thor THORS (Iceland).

AGENDA ITEM 71

Complaint of violation of the freedom of navigation in the area of the China seas (A/2741, A/2741/Add.1, A/AC.76/L.24)

1. Mr. Y. MALIK (Union of Soviet Socialist Republics) said that the item under discussion was of great international significance. An abnormal situation had been created in the area of the China seas by the systematic attacks of the Chiang Kai-shek forces, acting under the protection and authority of the United States, on foreign merchant shipping. Those attacks could only be described as acts of piracy on the high seas; they involved the following and seizing of vessels, the coercion and—in at least two cases—murder of members of their crews, and the looting of their cargoes.

2. Since 1949, piratical attacks on foreign merchant ships by the Chiang Kai-shek forces based on the island of Taiwan (Formosa) had increased in frequency and violence. Such attacks had been made against ships flying the flags of the USSR, Poland, the United Kingdom, Denmark, the Netherlands, Italy, Panama and various other States. The British Parliamentary Under-Secretary for Foreign Affairs had confirmed that there had been 141 such attacks on British ships alone; the captain of one and the chief mate of another had been killed. A Danish and an Italian ship and some ten ships flying the Panamanian flag had suffered similar attacks, and their cargoes had been looted.

3. On 23 June 1954, the Soviet tanker *Tuapse*, carrying lighting kerosene, had been stopped by a destroyer south of Taiwan, forced to change course and followed. It had been seized, its cargo looted and its crew subjected to violence, and both vessel and crew were still being held in Taiwan.

4. In the same area two Polish ships, the *Praca* in December 1953, and the *Prezydent Góttwald* in May 1954, had been similarly attacked and seized. Before the attacks, military aircraft, some of them bearing United States Air Force markings, had flown over the vessels. That fact among others confirmed that the United States Air Force was taking direct part in the piratical attacks. In July 1954, American military aircraft had fired on two other Polish merchant vessels, after carrying out reconnaissance flights over them, and in August of the same year, a number of USSR merchant ships had been subjected to similar reconnaissance flights. The USSR Government had protested against those acts in a note to the United States Government.

5. None of the piratical attacks by Chiang Kai-shek's forces could have been carried out without the knowledge and approval of the United States Military Command. It was United States support which had enabled those forces, after fleeing China, to find a haven on Taiwan. President Truman's order of June 1950 had given them the protection of the United States Seventh Fleet, and in August 1954 President Eisenhower had declared that that order remained in force. The control and occupation of the island by United States military forces and its protection by United States naval forces amounted to the seizure of Chinese territory. Moreover, the official statement that the United States would use armed force to defend the puppet régime on Taiwan underlined the fact that it was interfering in the internal affairs of the People's Republic of China. That interference had been given official authority by the mutual defence treaty concluded on 2 December 1954 between the United States Government and the Kuomintang group. Mr. Chou En-lai, the Foreign Minister of the People's Republic of China, had described the agreement as an attempt to legalize the armed seizure of Taiwan and use it as a base for extending aggression against China and preparing a new war. It was especially significant that under the terms of the treaty the United States had assumed the right to base land forces on the island, in addition to the naval and air forces already there and in the Pescadores, in defiance of the fact that the territory of Taiwan belonged to the People's Republic of China.

6. In view of the confirmed fact that the United States authorities were in absolute control of Chiang Kai-shek's forces on Taiwan, and could therefore authorize or prohibit the acts carried out by those forces, the United States must take full responsibility for the piratical attacks which were being made on merchant shipping in the China seas. Between July 1950 and June 1954 the Chiang Kai-shek administration had received from the United States financial assistance to the extent of almost \$1,500 million. A group of military advisers and experts, headed by General William C. Chase, were systematically organizing and training the Chinese forces on Taiwan and equipping them with the most modern weapons, ranging from rifles to naval vessels and jet aircraft. Those forces were clearly subordinate to the United States Military Command. In view of that fact, and of the fact that the United States Air Force was taking direct part in reconnaissance flights designed to pin-point targets for attack, the United States could not disclaim responsibility for the violation of freedom of navigation in the area of the China seas.

7. Mr. Malik cited the writings of Martens, Fauchille and Lauterpacht to show that such practices were condemned by international law. In the view of Martens, any encroachment on the freedom of the seas constituted a crime against all States which they were legally entitled to resist. According to Fauchille, all

States enjoyed the basic right of freedom of navigation in order to facilitate the development of their international relations. Lauterpacht described as an act of piracy not only the actual seizure of merchant vessels and the use of violence against their crews, but intimidation through menace; for example, chasing a ship for the purpose of attack. Moreover, the principle of freedom of navigation had been confirmed in all international treaties on the subject for centuries. The piratical attacks which were being carried out by the Chiang Kai-shek forces were a flagrant violation of that principle.

8. The United Nations could not countenance such crimes; it should condemn them categorically as a serious obstacle to international trade and a factor tending to increase tension in the Far East. Accordingly, the USSR was submitting a draft resolution (A/AC.76/L.24) by which the General Assembly would condemn the violation of freedom of navigation in the area of the China seas and call upon the United States Government, as the party chiefly responsible, to put an end to them. The adoption of the USSR proposal would help to secure respect for international law, would remove a threat to peace in the Far East and would strengthen international peace and security.

9. Mr. TSIANG (China) said that the item under discussion, like the previous item on acts of aggression against the People's Republic of China, had obviously been proposed for cold war reasons. The language used by the USSR representative amounted to outright propaganda and was unworthy of the United Nations. The USSR representative's statement on the previous item, and those of the other Soviet block delegations, illustrated their deep-rooted hostility towards his, Mr. Tsiang's, Government, which they considered had no right to exist.

10. China, and later Taiwan, had been the primary target of international communism since the end of the Second World War, and his Government, which had always observed the principles of international law, could hardly be blamed for exercising the recognized right of self-defence in the struggle for its very existence. No sovereign Government needed any encouragement from third parties in the exercise of that right, and the Soviet representative's reference to the United States was simply another illustration of the cold war purposes of the item under discussion.

11. Turning to the specific charges made by the USSR representative, the Chinese representative pointed out that the Polish merchant vessel *Praca* had originally been owned by the Chinese Communists and had allegedly been sold in 1951 by the Communist enterprise, the China Ocean Transportation Company of Peking, to a Polish State enterprise. In July 1952, it had been resold to the newly-established Chinese-Polish Ocean Transportation Company, which had a Chinese Communist general manager and had its headquarters in Tientsin. That information was confirmed by the papers seized on the ship. The case of the *Prezydent Góttwald* was similar; it was also owned by the Chinese-Polish Ocean Transportation Company.

12. As for the Soviet tanker *Tuapse*, that vessel had been carrying a full cargo of petroleum, which was a strategic material, listed in General Assembly resolution 500 (V) as one of the materials covered by the embargo against the Chinese Communists. The Chinese representative pointed out that his Government had acted accordingly; it could scarcely have allowed petro-

leum to be delivered to Shanghai for later use as fuel for Soviet-built jet planes in their raids on Taiwan.

13. The USSR had already been condemned under General Assembly resolution 505 (VI) for violating its treaty obligations and the principles of the Charter by assisting the Chinese Communists in the war on the Chinese mainland. The USSR had embarked on its course of aggression against his Government when the large stores of Japanese war materials captured by the Soviet Army in Manchuria at the end of the Second World War had been used to equip a Chinese Communist army of 200,000 men. Another act of gross aggression had been carried out in July 1949, when three USSR vessels of 1,000 tons each in the Gulf of Chihli had fired on Chinese vessels which were trying to suppress the Communist insurrection. That incident had been the subject of a protest to the Soviet Government dated 22 August 1949. But the same policy had been continued: the flow of strategic supplies from the USSR and its satellites had enabled the Chinese Communists to undertake large scale aggression in Korea, and at the present time more war materials were being supplied to the Chinese Communists for the "liberation" of Taiwan.

14. With regard to the vessels of other maritime Powers mentioned in the Soviet indictment, Mr. Tsiang said that his Government had never refused to enter into negotiations in connexion with incidents involving *bona fide* neutral merchant vessels, and the great majority of complaints had in fact been settled in that way. If in its efforts to prevent the Chinese Communists from acquiring war and strategic materials, it unwittingly injured the interests of legitimate neutral shipping, his Government was prepared to give satisfaction, by negotiation on each incident as it occurred.

15. Mr. COLLIARD (France) said that his Government was in a special position on the question under discussion, having been requested by the Soviet Government to lend its good offices in negotiations regarding the case of the *Tuapse*. The Chinese Nationalist Government had accepted the offer of mediation, and negotiations were still continuing. Neither of the parties had informed the French Government that it desired negotiations to be terminated, but the Chinese Nationalist Government had requested their suspension until the conclusion of the United Nations debate on the subject. Consequently, the French Government must exercise particular care not to prejudice the good offices which it hoped to lend.

16. The parties to the *Tuapse* dispute had given the Committee conflicting versions of the events. He would not attempt to clarify the situation, but wished to make certain explanatory remarks.

17. The Chinese Nationalist Government had authorized the French *Chargé d'affaires* in Taipei to visit the *Tuapse's* officers and crew and inspect the ship. That had been done on 17 October 1954, and the results had been communicated to the Soviet Government. The French *Chargé d'affaires* was doing his utmost to ensure the welfare of the officers and crew.

18. Whilst it wished to remain completely impartial, the French Government attached particular importance to the freedom of the high seas in peacetime, and had always actively supported that principle. The French delegation was well aware, however, that it was difficult to apply such general principles to particular cases. It had not always been easy in the past to settle such incidents by diplomatic means or by arbitration. Never-

theless, possibilities for a solution undoubtedly existed in the present case.

19. He assumed that the debate in the Committee would conclude by the adoption of a draft resolution or resolutions. His delegation did not consider that the results obtainable by debate and the adoption of resolutions were likely to be as satisfactory as those which might be obtained by negotiation or by other measures. His delegation had not sought the debate and would take no part in shaping its course; but it would have to decide its course of action on the draft resolutions which would undoubtedly be presented.

20. He would abstain on any draft resolution which

took a definite stand on the issues involved, or which condemned or supported either party. On the other hand, he would welcome any constructive draft resolution which left the door open for such pacific means of settlement as good offices, mediation, arbitration or juridical decision.

21. While its final decision, obviously, would depend on the specific text proposed, his delegation would be predisposed to vote in favour of a conciliatory draft resolution which would not be incompatible with the mission of good offices which the French Government had undertaken.

The meeting rose at 12.5 p.m.