



Fifteenth session  
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

Report of the Special Political Committee

Rapporteur: Mr. Angel SANZ BRIZ (Spain)

1. In a letter dated 23 June 1960 (A/4395), the Minister for Foreign Affairs of Austria requested the inclusion in the agenda of the fifteenth session of the General Assembly of an item entitled "The problem of the Austrian minority in Italy". In an accompanying memorandum, Austria complained that the Paris Agreement of 5 September 1946, which provided for legislative and executive autonomy of the South Tyrolean population in order to protect the ethnic and cultural character of the Austrian population in that area, had been interpreted and applied by Italy in a way that contradicted its purpose in essential respects. For several years, efforts through negotiations between the Austrian and Italian Governments had failed to achieve a solution to the question, and the situation had become more and more acute. Accordingly, Austria requested the General Assembly, under Articles 10 and 14 of the Charter, to consider the dispute between Austria and Italy in order to bring about a just settlement based on democratic principles, by which the Austrian minority in Italy would be conceded a true autonomy so as to enjoy the self-administration and self-government it needed for the protection of its existence as a minority.
2. By a letter dated 4 October (A/4530), Austria transmitted a further memorandum on the subject, and on 12 October Italy also transmitted a memorandum (A/SPC/44), in connexion with the question.
3. During the consideration of the agenda of the fifteenth session, the General Committee, at its 128th meeting on 23 September, decided, upon the proposal of

Canada, to recommend that the title of the agenda item be amended to read: "The status of the German-speaking element in the Province of Bolzano (Bozen). Implementation of the Paris Agreement of 5 September 1946".

4. The General Assembly included the item as thus amended in the agenda at the 898th plenary meeting on 10 October, and at the 904th plenary meeting on 13 October, decided to refer it to the Special Political Committee for consideration and report.

5. The Special Political Committee decided to take up the question as the first item of its agenda, and considered it at its 176th to 185th meetings, held between 18 and 27 October 1960.

6. On 14 October, Austria submitted a draft resolution (A/SPC/L.45 and Corr.1), whereby the General Assembly, considering, inter alia, that the dispute which had arisen between Austria and Italy centred on the question of the area to which substantial and effective regional autonomy should be granted in order to safeguard the existence of the Austrian minority, would (1) recognize the justified demand of the South Tyroleans for substantial and effective regional autonomy; (2) recommend that the two parties concerned resume without delay negotiations aiming at the establishment of the Province of Bozen/Bolzano as an autonomous region with legislative and executive power; and (3) invite the two parties to submit a report on the result of their negotiations to the General Assembly at its sixteenth session.

7. At the 182nd meeting of the Special Political Committee on 25 October, Austria submitted a revised draft resolution (A/SPC/L.45/Rev.1), whereby the Assembly would invite Austria and Italy to enter without delay into negotiations on the implementation of the Paris Agreement of 5 September 1946 in order to find a just and democratic solution, and would request the Secretary-General to place himself at the disposal of the parties to provide them with any assistance they might require during the course of the negotiations, either directly or by means of a representative.

8. At the same meeting, Argentina, Brazil, Paraguay and Uruguay, submitted a joint draft resolution (A/SPC/L.46 and Corr.1) according to which the General Assembly would (1) urge the two parties concerned to resume negotiations with a view to finding a solution for all differences relating to the implementation of the Paris Agreement; (2) recommend that in the event of these negotiations

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not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of submitting the said differences to the appropriate jurisdictional bodies; and (3) likewise recommend that the countries in question should refrain from any action which might impair their friendly relations.

9. At the 183rd meeting on 26 October, the Committee adopted a proposal of the representative of Ireland that the voting be postponed in order to allow an attempt to be made to combine the two draft resolutions before the Committee and produce a version that might be more widely acceptable.

10. At the 184th meeting on 26 October, the representative of Ireland introduced the following three proposals co-sponsored by Bolivia, Ceylon, Cuba, Cyprus, Denmark, Ecuador, Ghana, India, Iraq, Ireland, Jordan and Mexico:

(a) An amendment (A/SPC/L.47) to the revised Austrian draft resolution (A/SPC/L.45/Rev.1) that would, inter alia, modify operative paragraph 1 to invite the parties to conduct negotiations without delay on the implementation of the Paris Agreement in order to find a solution in conformity with the principles of justice and international law; and would modify operative paragraph 2 to recommend that in the event of the negotiations referred to not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of seeking a solution to their differences by other peaceful means of their own choice.

(b) An amendment (A/SPC/L.48) to the four-Power draft resolution (A/SPC/L.46 and Corr.1) which would, inter alia, modify operative paragraph 2 to recommend that in the event of the negotiations not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of seeking a solution of their differences by other peaceful means of their own choice.

(c) A joint draft resolution (A/SPC/L.49) providing, in its operative paragraphs, that the General Assembly (1) invite Austria and Italy to conduct negotiations without delay on the implementation of the Paris Agreement in order to find a solution in conformity with the principles of justice and international law; (2) recommend that in the event of the negotiations not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of seeking a solution of their

differences by other peaceful means of their own choice; and (3) likewise recommend that the countries in question should refrain from any action which might impair their friendly relations.

11. At the same meeting, the Committee agreed to a proposal of the representative of Argentina that it postpone voting on the draft resolutions and amendments before it in order to make a further effort to reconcile the various texts.

12. At the 185th meeting on 27 October, the representative of Argentina introduced a seventeen-Power draft resolution (A/SPC/L.50), sponsored by Argentina, Bolivia, Brazil, Canada, Ceylon, Cyprus, Denmark, Ecuador, Ghana, India, Iraq, Ireland, Jordan, Mexico, Norway, Paraguay and Uruguay, which incorporated a number of provisions contained in the two joint draft resolutions previously submitted to the Committee. Under its operative paragraphs, the General Assembly would (1) urge the two parties concerned to resume negotiations with a view to finding a solution for all differences relating to the implementation of the Paris Agreement of 5 September 1946; (2) recommend that in the event of the negotiations referred to not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of seeking a solution of their differences by any of the means provided in the Charter including recourse to the International Court of Justice or any other peaceful means of their own choice; and (3) likewise recommend that the countries in question should refrain from any action which might impair their friendly relations.

13. Upon the motion of the representative of Argentina at the 185th meeting, the Committee agreed without objection to give priority in the voting to the seventeen-Power draft resolution (A/SPC/L.50).

14. Following statements by a number of representatives, including those of Austria and Italy, that they would support the seventeen-Power draft resolution, the Chairman stated that if there was no request for a vote on the draft resolution, he would consider it adopted by acclamation. The seventeen-Power draft resolution (A/SPC/L.50) was accordingly adopted by acclamation.

15. The sponsors of the other draft resolutions that had been submitted to the Committee did not press for votes on their proposals.

RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

16. The Special Political Committee accordingly recommends to the General Assembly the adoption of the following draft resolution:

The status of the German-speaking element in the  
Province of Bolzano (Bozen). Implementation of  
the Paris Agreement of 5 September 1946

The General Assembly,

Having considered item 68 of its agenda,

Considering that the status of the German-speaking element in the Province of Bolzano (Bozen) has been regulated by an international Agreement between Austria and Italy, signed in Paris on 5 September 1946,

Considering that the said Agreement establishes a system designed to guarantee the German-speaking inhabitants of the said Province "a complete equality of rights with the Italian-speaking inhabitants within the framework of special provisions to safeguard the ethnical character and the cultural and economic development of the German-speaking element",

Bearing in mind that a dispute has arisen between Austria and Italy in regard to the implementation of the Paris Agreement of 5 September 1946,

Desirous of preventing the situation created by the dispute from impairing the friendly relations between the two countries,

1. Urges the two parties concerned to resume negotiations with a view to finding a solution for all differences relating to the implementation of the above Agreement;

2. Recommends that in the event of the negotiations referred to in paragraph 1 above not leading to satisfactory results within a reasonable period of time, both parties should give favourable consideration to the possibility of seeking a solution of their differences by any of the means provided in the Charter of the United Nations including recourse to the International Court of Justice or any other peaceful means of their own choice;

3. Likewise recommends that the countries in question should refrain from any action which might impair their friendly relations.