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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 74

The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of General Assembly resolution 1497 (XV) of 31 October 1960 (A/4802 and Add.1, A/4884; A/SPC/55; A/SPC/L.77) (continued)

1. Mr. TEVOEDJRE (Dahomey) said that he first wished, on behalf of his Government, to pay tribute to the thirteen Italian soldiers who had recently met their deaths in the Congo, as victims of duty in the service of the United Nations.
2. The problem of Bolzano had been carefully considered by the Committee during the fifteenth session of the General Assembly. At that time the two parties to the dispute had shown a spirit of understanding, and had thus given an example of a realistic way of approaching the peaceful settlement of disputes between States. It had therefore been somewhat surprising to learn that the dispute between Austria and Italy, two countries which had contributed so much to the flowering of European civilization, had not yet been settled. However, it was encouraging that both parties desired a rapid settlement. His country, a friend to both parties, was anxious to assist in reconciling the two points of view within the framework of the principles by which the international community was guided.
3. Two facts emerged from the accounts given by the Austrian (289th meeting) and Italian (290th meeting) Foreign Ministers of the unsuccessful negotiations which had taken place at Milan, in January, at Klagenfurt in May, and at Zürich in June, 1961 concerning the implementation of the Paris agreement of 1946.^{1/} First, the parties were not agreed as to the degree of autonomy to be granted to the German-speaking element in the Province of Bolzano; or, more specifically the Austrian Government was not satisfied with the manner in which the Italian Government had implemented the Paris agreement. Secondly, the parties were not agreed as to the method of settling the dispute should the negotiations ultimately fail. With regard to the second point, his delegation feared that excessive preoccupation with possible failure of the negotiations might deflect the parties from the best solution of all—

a freely accepted compromise. It might constitute a sort of loophole and prevent the negotiators from making the necessary concessions because they might hope to find an outside solution which would allow them to vindicate their respective theses completely. At present each party, instead of concentrating on negotiation, was seeking a solution elsewhere; but if such a solution were imposed from outside, even with their ultimate consent, it would mean that there was a winner and a loser.

4. The Austrian Minister for Foreign Affairs had made it clear that his country did not claim self-determination for the German-speaking element in the Province of Bolzano. It was certainly not desirable, in that sensitive part of Europe, to raise awkward frontier problems of the kind from which the world had suffered so much. The main issue was a legal one—the interpretation of the Paris agreement of September 1946. His delegation would therefore favour recourse, if necessary, to the International Court of Justice, which was the body competent to deal with that sort of legal dispute.

5. General Assembly resolution 1497 (XV) provided for the possibility of the parties having recourse to means other than the International Court of Justice, if they agreed upon such means. But it was not for the United Nations to lay down any particular procedure; Article 33 of the Charter clearly left the choice of means to the parties concerned. However, the only realistic way of dealing with the lack of agreement between Austria and Italy on the degree of autonomy to be granted to the German-speaking element in Bolzano was for the parties to continue direct negotiations. The main reason for the interruption of the negotiations had doubtless been the acts of violence and terrorism which had occurred. But it did not seem that the door had been finally closed to negotiation. Dahomey and the other African States of the "Brazzaville group" had, in the recent declaration of the Conference of Abidjan, made in 1960, reaffirmed their faith in the method of the "dialogue", i.e., negotiation and compromise as between conflicting arguments and interests. Consequently, he urged that the two parties should make every effort to rule out pointless inflexibility of attitude and superficial gains.

6. It was in Italy's interest to implement the Paris agreement scrupulously by giving, as part of its national legislation, appropriate guarantees to the German-speaking element. It was in Austria's interest to make the necessary concessions so as to avoid tension with its neighbour and friend of long standing, by ensuring that small groups of agitators did not use Austrian territory for the preparation of acts of terrorism and subversion which would prevent the negotiations from proceeding in a favourable atmosphere. The two Governments should co-operate in putting an end to those subversive activities. Such co-operation would clarify the situation and make it easier to resume the negotiations. Austria, as a member of the

^{1/} United Nations, *Treaty Series*, vol. 49 (1950), No. 747, annex IV.

international community, had done well to bring before the United Nations its dispute with another Member of the Organization. His own country, as another member of the international community, was keenly interested in the problem. Nevertheless, it was to be hoped that the matter would be settled before the next session of the United Nations, so that the Committee would no longer have the somewhat embarrassing duty of dealing with what was after all a minor quarrel between two neighbouring States, both highly civilized and experienced, while far more pressing problems faced the world. He reserved the right to speak on the draft resolution in document A/SPC/L.77 after he had had time to study it.

7. Mr. QUINTERO (Philippines) noted with satisfaction that the Foreign Ministers of Austria and Italy had expressed their views with dignity and moderation and had shown willingness to discuss the question amicably. Indeed, it had been clear that they were in agreement on many important points. The sovereignty of Italy over any part of Bolzano was not in question; nor was there a boundary dispute between the two countries. Despite the fact that Bolzano was an integral part of the Italian State, Italy had not taken refuge behind the "domestic jurisdiction" provision of Article 2, paragraph 7 of the Charter; it had not refused to deal with Austria concerning people who lived in Italian territory and who, although they spoke the German language, were Italian citizens. By signing the Paris agreement and voting for General Assembly resolution 1497 (XV), Italy had made clear its desire to solve the problem in collaboration with Austria and the other Members of the United Nations. Austria, for its part, was not apparently seeking a revision either of the Austro-Italian frontier or of the Paris agreement of 1946.

8. The controversy between the two countries hinged on the interpretation and implementation of the Paris agreement, and particularly of its provisions regarding the grant of "autonomous legislative and executive regional power" to the German-speaking inhabitants of Bolzano Province and of neighbouring townships. The Italian Government contended that it had fully complied with the agreement's provisions, while the Austrian Government asserted the contrary. As no satisfactory agreement on the matter had been reached, the Austrian Government had proposed that the question be referred to a commission of inquiry, while the Italian Government believed that it should be referred to the International Court of Justice. However, the statements made by the Foreign Ministers concerned did not appear to rule out a resumption of bilateral negotiations, and his delegation hoped that the representatives of the two countries would try once again to settle their differences between themselves. If no agreement could be reached with regard to the implementation of the Paris agreement, it was desirable that both parties should agree on the means whereby the difference could be settled. But if the Committee was left to choose between a commission of inquiry and the International Court of Justice, his delegation would prefer the latter, since the essential issue was one of interpreting the provisions of an international treaty, namely, article 2 of the Paris agreement of September 1946. Being a legal issue, it would be covered by Article 36 of the Charter, which provided that legal disputes should as a general rule be referred by the parties to the International Court of Justice. He believed that the matter could be settled more rapidly by the International Court than by a commission of inquiry, since the latter would have to go into the very controversial question of the facts.

9. He had not yet had time to examine draft resolution A/SPC/L.77 thoroughly, and therefore reserved the right to speak on it later. He noted, however, the Italian representative's statement (294th meeting) that Italy could not support the resolution. He hoped that the draft resolution could be amended or that another resolution, which would receive the Committee's unanimous support, could be submitted.

10. In conclusion, he expressed to the Italian delegation the condolence of the Philippine delegation on the death of the Italian airmen who had been performing their duty in the cause of peace.

11. Mrs. QUAN (Guatemala), on behalf of the people and Government of Guatemala, expressed condolence to the Italian delegation in connexion with the death of the Italian airmen who had been serving the cause of peace in the Congo.

12. She paid tribute to the Foreign Ministers of Austria and Italy for the moderation and dignity of their statements to the Committee; their attitude confirmed that it was possible for the United Nations to be a centre for harmonizing the actions of nations in the attainment of the common ends set forth in Article 1 of the Charter. Her delegation was one of those considering that General Assembly resolution 1497 (XV), which had been supported by the representatives of Austria and Italy, offered the best basis for a direct understanding between the two countries, leading to a peaceful settlement of the dispute. She regretted that no settlement had been reached, and that the matter had again come before the Assembly—prematurely, in her view, since the means specified in the resolution's operative paragraph 2 had not yet been exhausted.

13. It was unfortunate that acts of violence had occurred in the Province of Bolzano since the adoption of the resolution, and she fervently hoped that the harmonious relations existing between Italy and Austria would not be menaced by such acts, which would hinder the peaceful settlement of the dispute that the two Governments were trying to settle in a spirit of co-operation. However, not all the events since October 1960 had been discouraging. During the first half of 1961, the two Governments had initiated three series of negotiations which, although they had not resulted in an agreement, had demonstrated the good will of both parties. She thought that without bringing the matter again before the United Nations, Italy and Austria should attempt to implement operative paragraph 2 of resolution 1497 (XV). It was only fair to point out that, as a demonstration of its willingness to implement the Paris agreement, Italy had appointed a special committee composed of members of Parliament and representatives of the local government and of economic interests, chosen "according to the respective proportions of the linguistic groups", for the purpose of examining the local situation (A/4884, para. 6). The Austrian Government, had, for its part, frequently stated that the autonomy which it claimed for the people of South Tyrol could be achieved within the framework of the Italian Constitution and in conformity with the Paris agreement. Thus Austria recognized not only the existence of an international treaty but also the sovereignty of Italy over the territory in question. Those facts would seem to provide sufficient basis for continuing the negotiations, and she hoped that the two Governments could renew their efforts to agree on one of the means specified in operative paragraph 2 of resolution 1497 (XV). The Committee was not in a position to recommend any specific

means not accepted by both Governments; it could only appeal once more to both of them, in the terms of its previous resolution, to continue with good will to seek for the present dispute a final solution which each could accept.

14. Mr. ELDEM (Turkey), while regretting that the question temporarily dividing two countries with which Turkey maintained the most cordial relations had again been brought before the United Nations, said that he had been most favourably impressed by the conciliatory tone of the statements made by both sides, and by the parties' obvious desire to arrive at a just solution of their dispute in conformity with the Paris agreement of September 1946. Without taking sides in the matter, his delegation was glad to note that circumstances appeared more favourable than during the last session, when the Committee's main task had been to define the actual nature of the dispute. His own delegation, like many others, had then expressed the view^{2/} that the basis and scope of the rights of the German-speaking people of the Province of Bolzano, and the concomitant obligations of the Italian Government, could be considered only in so far as they were covered by implementation of the Paris agreement of 1946. Any attempt to invoke some other principle in support of the German-speaking population's demands, such as the principle of the self-determination of minorities, would in his view imply recognizing, for minorities in general, rights which were not normally accorded to them and which would be incompatible with the provisions of the Charter and the practice adopted by the United Nations. It would constitute a dangerous precedent and an endless source of disputes and disturbances.

15. In the preamble to General Assembly resolution 1497 (XV) it had been carefully stressed that a dispute had arisen between Austria and Italy in regard to the implementation of an agreement; and in its operative part the resolution had urged both parties to resume negotiations with a view to finding a solution for all differences relating to the implementation of the Paris agreement of September 1946. Both parties had declared their intention of complying with the resolution. Although the Austrian Government had expressed the view that the principle of self-determination offered the only means of finding a truly satisfactory solution for the problem, the Austrian Foreign Minister had stated at Milan on 27 January 1961 that his Government regarded full regional autonomy for the Province, in accordance with article 2 of the Paris agreement, as a satisfactory solution for both parties. Hence there appeared to be no insurmountable difficulties. The essential requirement was to decide, by careful analysis of the clauses of the agreement, how far its present implementation was in accordance with its provisions, and what adjustments needed to be made. Recalling the series of negotiations which had taken place between the two Governments, he stressed that it was by patient elimination, one by one, of all the points in dispute that positive results were most likely to be achieved. The unfortunate acts of violence which had occurred had certainly not assisted matters. On the other hand, the Italian Government had made a generous gesture in delegating certain executive powers to the Province of Bolzano and in setting up a special committee, including German-speaking members of Parliament, to study the problems of the Alto Adige area.

^{2/} Official Records of the General Assembly, Fifteenth Session (Part I), Special Political Committee, 182nd meeting.

16. But it seemed probable that the parties would have serious difficulty in reaching an agreement on some points. His delegation did not think that an international commission of inquiry was the most appropriate method of settling the dispute. The matter hinged not on the assessment of the facts, as to which there seemed to be no difference of opinion, but on the interpretation of the clauses of an agreement; since that was an essentially legal matter, a legal tribunal would appear to be the most suitable instrument. The Austrian Government seemed to fear that the procedure of the International Court of Justice would be very slow; but once agreement had been reached on the principles for a solution of the dispute, and once the parties had expressed their willingness to abide by them, the inconvenience of a long wait became less important. He hoped that the two nations, so closely linked by their culture and their interests, would redouble their efforts to arrive at an amicable solution of their differences.

17. Mr. PAVICEVIC (Yugoslavia) said his delegation had stressed, during the discussion of the problem at the fifteenth session,^{3/} that direct negotiations between the two countries were the most appropriate means of seeking a satisfactory solution. The main consideration underlying General Assembly resolution 1497 (XV) had been the need for efforts by both sides to find a solution by those means, whilst refraining from any action which might damage good neighbourly relations between them. The problem of national minorities could be settled only by securing for them full democratic rights, equality of rights, and free expression of their national characteristics; any other policy could only lead to harmful results, both for the parties concerned and for international peace and stability. His delegation still favoured direct bilateral negotiation as the best way of achieving those objectives, and urged the interested States to intensify their efforts in that direction.

18. Italy and Austria were close neighbours of Yugoslavia, which maintained the best relations with both of them. He noted with satisfaction the efforts made by both Governments, since the fifteenth session, to settle their dispute; but he regretted that those efforts had not yet resulted in the desired solution. His delegation continued to hope that the two Governments would resume direct negotiations, and that there would be no repetition of the unhappy events which had taken place in the Province of Bolzano. Meanwhile, he hoped that the Special Political Committee would make the necessary efforts to find formulae which might help the parties concerned to reach a just and amicable settlement.

19. Mr. SANZ BRIZ (Spain) said that Spain was bound by ties of close friendship to both Austria and Italy, and regretted that no solution acceptable to both parties had so far been found. He had listened with great interest to the statements by the Foreign Ministers of Italy and Austria, which were admirable in their moderation. Difficulty had arisen in the implementation of General Assembly resolution 1497 (XV), as a result of which Austria had thought it necessary once again to refer the dispute to the General Assembly; however, not all the resources provided for in that resolution had been exhausted, and his delegation therefore urged the two Governments to increase their efforts to achieve harmony and understanding. If further negotiations did not yield positive results, the dispute could always be referred to the International Court of Justice, or to

^{3/} *Ibid.*, 181st meeting.

any other body for conciliation acceptable to both parties.

20. His delegation wished to convey its sympathy to the Italian Government in connexion with the Italian airmen who had lost their lives in the Congo in the service of the United Nations.

21. Mr. DOSUMU-JOHNSON (Liberia) wished to convey his delegation's heartfelt condolence to the Italian Government on the occasion of the tragic murder of thirteen Italian airmen in the course of duty in the Congo.

22. The problem now under consideration had already been discussed at great length by the Special Political Committee at the fifteenth session, after which the General Assembly had adopted resolution 1497 (XV) urging both sides to resume negotiations with a view to resolving their differences. However, events since January 1961 had not been very encouraging: violence had broken out in the South Tyrol, and, while Italy favoured recourse to the International Court of Justice, Austria preferred an international commission of inquiry. While his delegation conceded that inclusion of the question on the agenda of the sixteenth session was premature, it nevertheless felt that judicial notice should be taken of the situation. The resources provided for in resolution 1497 (XV) had not yet been exhausted; the Paris agreement of 1946 was now an integral part of the law of both Austria and Italy, and those countries were thus bound to accept its terms unequivocally. It should not therefore be impossible for them to settle their differences over the interpretation of that agreement by means of adroit negotiation; after all, both parties were committed to the provisions of the United Nations Charter and sought the ultimate objective of peace.

23. Direct negotiations were in every way preferable to recourse to bodies such as the International Court of Justice or a special commission; he therefore proposed that the Committee devise suitable machinery whereby negotiations between Austria and Italy could be resumed. It was true that serious difficulties had been created by recent events in the South Tyrol, but such difficulties could best be removed by frank and friendly discussion. It was important that the Committee should act positively to help solve that dispute, for any feeling of impotence in such a case could only increase a sense of helplessness in a world already hypnotized by the danger of world war. His delegation would therefore support any resolution for the establishment of a "compromise commission". He reserved the right to speak later on the draft resolution submitted by Cyprus, India and Indonesia (A/SPC/L.77).

24. Mr. SARNEY (Brazil) wished to convey to the Italian Government his delegation's sorrow and indignation at the murder, while in the service of peace, of the thirteen Italian airmen in the Congo.

25. After briefly recalling the terms of General Assembly resolution 1497 (XV), he expressed his regret that the negotiations which had since taken place between Austria and Italy had yielded no practical results. However, the situation had in no way changed, despite the increase in acts of terrorism which the Austrian Government was the first to regret and condemn; the General Assembly could therefore do nothing but reiterate its recommendations of the previous year, for only the parties concerned could reach a constructive solution and it was not the General Assembly's business to impose any particular course of action on them. The positions of the two Governments

were less opposed than might appear at first sight: Austria had no intention of interfering in the internal affairs of Italy, although it did not accept the Italian interpretation of article 2 of the Paris agreement; Italy, for its part, was trying to find a solution satisfactory for the German-speaking minority and acceptable to everyone else concerned. All the Committee could do, therefore, was to urge the two Governments to seek an appropriate solution, so that the problem would not appear again, the following year, on the agenda.

26. Draft resolution A/SPC/L.77 was a praiseworthy effort to find a way out of the present impasse; but since one of the parties rejected its provisions, his delegation could not support it, because only measures freely adopted by both Austria and Italy would lead to the desired result.

27. Mr. VELAZQUEZ (Uruguay) said that his delegation still maintained the views which, when the same item had been under discussion at the fifteenth session, had prompted it to join in sponsoring the draft resolution subsequently adopted unanimously by the General Assembly as resolution 1497 (XV). The recognition, in the second preambular paragraph of that resolution, that the status of the German-speaking element in the Province of Bolzano had been regulated by the Paris agreement made it clear that the dispute between Austria and Italy was a legal problem of interpreting a treaty, determining whether it had been violated, and examining how far the political institutions of the Province conformed to that treaty. Fortunately, the validity of the treaty itself was not in question.

28. The nature of the problem had not changed since the adoption of resolution 1497 (XV), and the negotiations referred to in its operative paragraph 1 could not be regarded as concluded. Since no basic human rights were in jeopardy, there was still time for such negotiations to bear fruit.

29. As to the means of solution referred to in operative paragraph 2 of the resolution, his delegation still felt, as it had at the fifteenth session,^{4/} that the matter should be dealt with by a legal body. Developments had not reached a stage at which the General Assembly should take action under Article 14 of the Charter. The two parties to the dispute should give effect to the resolution and, by so doing, reaffirm their faith in the principle of the settlement of disputes by peaceful means and their respect for international law.

30. Mr. PERERA (Ceylon) referred to the close ties of friendship between his country and Austria and Italy, both of which had made such great contributions to civilization. His delegation had listened carefully to the statements made by the Foreign Ministers of the two Governments. It was clear that the situation, which had arisen from nazi-fascist diplomacy, had unfortunately worsened since the unanimous adoption of General Assembly resolution 1497 (XV), and the Special Political Committee now found itself again considering the dispute. He then gave a brief résumé of the events leading up to Austria's decision to submit the dispute to the sixteenth session of the General Assembly, quoting from the explanatory memorandum by the Austrian, (A/4802/Add.1), and the memorandum by the Italian, Government (A/4884).

31. As one of the sponsors of General Assembly resolution 1497 (XV), his delegation thought that the

^{4/} *Ibid.*, para. 9.

circumstances which had inspired that resolution were still applicable. The resources specified in its operative paragraph 2 were not yet exhausted, and he hoped that the parties concerned would renew their efforts to reach an agreement; he drew their attention to Article 33 of the Charter, and asked whether all the possible avenues there set forth had been explored. If the parties decided that they could not reach agreement by means of negotiation, the dispute would have to be referred to the International Court of Justice; his delegation felt, however, that such a step should be taken only as a last resort. In the first place, the question at issue was not a purely legal one; in the second place, recourse to arbitration was feasible only if both parties agreed to accept the decision by the arbitrating body, which was not the case in the present instance.

32. Turning to draft resolution A/SPC/L.77, he said that operative paragraph 2, which contained the essence of the resolution, vitiated the very purpose for which it had been drafted. It was premature at that stage to provide for an actual failure of negotiations; under operative paragraph 2 of resolution 1497 (XV), recourse to the International Court of Justice was viewed only as one means of settling the dispute, and was in any event to be regarded as the last resort. Any new resolution should not change the emphasis of resolution 1497 (XV). All the General Assembly could do was to offer an advisory opinion; an effective settlement of the dispute depended essentially on the willingness of both parties to come to an agreement. His delegation therefore urged Italy and Austria to continue their efforts in that direction.

33. Mr. GALLEGOS (Ecuador), moved by the friendship between his country and Italy, expressed to the Italian Minister for Foreign Affairs Ecuador's grief at the death of the thirteen Italian airmen who had lost their lives in the Congo on a mission of peace.

34. Since neither Austria nor Italy had changed its approach to the question at issue, the former regarding it as a political and the latter as a legal problem, his delegation still held the views it had expressed at the fifteenth session.^{5/} However, as the delegation of a pacifist country, it condemned the acts of violence which represented the only new development since the fifteenth session. It would examine carefully any draft resolution designed to solve the problem by peaceful means; if no such proposal proved satisfactory to both parties, it would urge them to pursue their efforts to comply with General Assembly resolution 1497 (XV).

35. Mr. KREISKY (Austria) said that he had been encouraged by the profound understanding shown by most speakers on the current item and was grateful to all those delegations which had shown their interest by participating in the discussion. Under the circumstances, he did not intend to make any further remarks on the subject, and would comment on the draft resolution (A/SPC/L.77) at the next meeting.

36. Mr. SEGNI (Italy) warmly thanked all those delegations which had expressed solidarity with and sympathy for his country as it mourned the flyers who had fallen in the Congo in the cause of peace and of the United Nations.

37. He was grateful to the participants in the discussion for their demonstration of their sound grasp of the problem, and for the constructive suggestions they had made.

38. The Austrian Government, in expressing a desire that the Province of Bolzano should be granted autonomy, wilfully disregarded the fact that the Province had since 1948 enjoyed regional autonomous powers adequate to safeguard the ethnical character and the development of the German-speaking population of Alto Adige. The value of the Italian Government's actions in that connexion could be determined only in terms of the Paris agreement. As was clear from the memorandum of the Italian delegation circulated at the fifteenth session^{6/} the autonomy of the Province of Bolzano had been determined in consultation with local representative German-speaking elements in accordance with paragraph 2 of the Paris agreement. The leaders of two South Tyrolean political parties had expressed formal satisfaction with the Special Statute^{7/} of the Trentino-Alto Adige Region, and it had been endorsed by official spokesmen for the Austrian Government. Since 1948, therefore, the German-speaking inhabitants of the Province of Bolzano had enjoyed the rights defined in paragraph 1 of the Paris agreement, and those rights had been fully safeguarded. The Italian Government, in establishing the Province of Bolzano as an autonomous Province within the Trentino-Alto Adige Region, had aimed at a balanced distribution of powers and functions between the provincial and the regional authorities; the arrangement was to the economic advantage of the Province and did not affect its autonomy. Furthermore the Italian Government, in the course of its bilateral negotiations with Austria, had offered to increase that autonomy by delegating to the Province more administrative functions of the State and the Region. His Government had fully implemented the Paris agreement and the 1948 Statute and was prepared to safeguard, by legislative action, the continuity and stability of the arrangements made.

39. He had no wish to widen the rift between Austria and Italy by dwelling on the acts of violence committed in the Province of Bolzano and Austria's responsibility for them; moreover, no arguments could alter the facts which his delegation had placed on record. It was to be hoped that the disapproval of those acts expressed by Austria during the discussion (293rd meeting), and the condemnation voiced by other delegations, would induce the extremists to discontinue them. It was satisfactory to note that Austria was now taking steps to investigate the terrorist organization on its side of the frontier.

40. The Italian approach to the question at issue—namely that it was a matter of the implementation of a treaty—was based on the second preambular paragraph of General Assembly resolution 1497 (XV). The quarter of a million human beings whose fate, according to the Austrian representative, was at stake were in fact far better protected than any other minority in the world, and their privileges went far beyond basic minimal human rights. His delegation was grateful to those delegations which had drawn the obvious conclusion from the legal nature of the dispute: namely, that it should be referred to the International Court of Justice. Italy's preference for that course was based on all the relevant rules, including the Charter, the European Convention on the Peaceful Settlement of Disputes, signed at Strasbourg, and General Assembly resolution 171 (II) of 14 November 1947. Unless it was

^{5/} Transmitted to Members of the General Assembly with document A/SPC/44.

^{7/} Special Statute of Trento-Adige (Autonomy Statute) signed 26 February 1948.

^{5/} *Ibid.*, 182nd meeting, paras. 28 and 29.

held that the Paris agreement should be modified—a step which Italy would never accept—the only proper course was to abide by those rules.

41. Although the draft resolution (A/SPC/L.77) had been introduced with the best of intentions, it was completely unacceptable to Italy. The second preambular paragraph faithfully reflected the Austrian interpretation of the facts. It implied that the bilateral negotiations between Austria and Italy had ended in June 1961; but they had been resumed in September and were not yet concluded. The third preambular paragraph, to the effect that a peaceful and just solution should be found, in reality restated an Austrian position which the United Nations had already rejected last year, and was an attempt to shift the basis of the discussion; the peaceful and just solution lay in the implementation of the Paris agreement.

42. Similarly, the first operative paragraph departed from the corresponding provision of General Assembly resolution 1497 (XV), in which the differences between the two Parties were clearly recognized as relating to the implementation of the Paris agreement; the situation had thus been clearly defined, and any departure from that definition would be dangerous. The second operative paragraph was both dangerous and inopportune; instead of facilitating bilateral negotiations, it would contribute to their failure. If Austria and Italy were not now in agreement on the choice of the peaceful means, how would they agree more easily on the designation of the person or the body which should aid them in that choice? The designation of organs or persons as proposed could only lead, after protracted negotiations between the two parties, to another agreement in place of the Paris agreement, and return the problem to the starting-point. The recommendation in the third operative paragraph, that the two countries should "continue in refraining from

any actions which might impair their friendly relations", implied that the acts of violence committed in Italy and organized in Austria had not happened; the result might be to encourage those responsible for such acts. His delegation expected no less than a clear repudiation of acts contrary to international law and could not conceive of a General Assembly decision which, even by implication, encouraged such acts. For those reasons, his delegation would vote against the draft resolution.

43. The Italian Government remained prepared to settle the dispute through direct negotiations. Members of the Committee should bear in mind that, since the placing of the current item on the General Assembly's agenda at the Austrian Government's request, there had been two favourable developments. Firstly, the Committee established by the Italian Government to examine the local situation had begun its work; for the information of the Austrian Minister for Foreign Affairs, that Committee included all the German-speaking members of the Italian Parliament and the results of its work would be utilized to the full by the Italian Government. Its work would not be fruitful, however, if the United Nations did anything to prevent it from functioning in a calm and co-operative atmosphere. Secondly, direct talks had been resumed and some changes in the Austrian position appeared to have improved the prospects for agreement; since the problem could be solved only by agreement between the two parties, nothing should be done by the United Nations to jeopardize those prospects. The Italian Government still regarded General Assembly resolution 1497 (XV), which remained in effect, as an adequate basis for the continuation of the bilateral negotiations, which most speakers in the discussion appeared to favour. Italy hoped that that course would bring the two sides together in an agreement.

The meeting rose at 11.10 p.m.