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## CONTENTS

### 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 (concluded). . . . .* 183

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, L.77/Rev.1 and Add.1) (concluded)

1. The CHAIRMAN asked the Committee to consider the draft resolution submitted by the delegations of Cyprus, India, and Indonesia (A/SPC/L.77).

2. Mr. KREISKY (Austria) said that, although draft resolution A/SPC/L.77 did not entirely satisfy his delegation, it was a serious attempt at finding a way towards a solution.

3. Certain representatives had said that the possibilities of negotiation between Austria and Italy were not yet exhausted because they had only begun to negotiate in the past year. In fact, the issue of the South Tyrol had been under discussion for fourteen years, and the Italian Government had ignored Austrian notes and memoranda urging it to carry out the Paris agreement.<sup>1/</sup> Only when the Austrian Government had come to the conclusion that all its efforts had been in vain had it decided, more than a year ago, to raise the question in the United Nations.<sup>2/</sup>

4. Italy's attitude to the problem was clear from the way in which it had set up a special committee for the study of the South Tyrol question. In February 1954 South Tyrolean members of the Italian Parliament had handed to Mr. Scelba, the then Prime Minister, a memorandum on the failure to carry out the Paris agreement and urged that such a committee should be established. On 4 February 1958 they had introduced in the Italian Parliament a bill providing for the genuine autonomy of the South Tyrol. More than two years ago, he himself had suggested that such a Committee should be set up; but Italy had not agreed to do so (A/4884, para. 6) until 24 July 1961, or six days after Austria had requested that the South Tyrol question should be placed on the agenda of the General Assembly (A/4802 and Add.1).

<sup>1/</sup> United Nations, *Treaty Series*, vol. 49 (1950), No. 747, annex IV.

<sup>2/</sup> Official Records of the General Assembly, Fifteenth Session, Annexes (Vol. II), agenda item 68, document A/4395.

5. Many Italians shared the Austrian view. At a recent conference at Bolzano (Bozen), attended by many prominent Italians, it was stated by a member of the same political party as Mr. Segni's, that Italian public opinion did not reflect a democratic spirit in the question of South Tyrol, and that conference had issued a final "communiqué" demanding that the population of the Province of Bolzano (Bozen) should be granted all legislative and administrative powers which were necessary for the safeguarding of the German-speaking ethnic group and for the democratic coexistence and cultural and economic development of the linguistic groups living there.

6. But other views were held in Italy. At a conference held at Rome in September 1961, presided by Mr. Martino, now a temporary spokesman of the Italian delegation in the debate, one speaker had declared, with general approval, that substantial autonomy could not be granted until the ethnic proportions within the Province had changed in favour of the Italian-speaking inhabitants.

7. In the Special Political Committee both the Italian representative, Mr. Martino, and the Italian Minister for Foreign Affairs, Mr. Segni, at the 293rd and 290th meetings respectively, had suggested that the Austrian Government was responsible for illegal acts committed in Italy: but the Austrian Government had repeatedly stated that it rejected acts of violence for political ends, no matter where and by whom they were committed. From the very beginning, Austria had taken all measures required of it as a neighbour of Italy. He would not go into all the instructions to customs and frontier police authorities, the police investigations and the criminal proceedings in Austrian courts; but he recalled that the Austrian Government had proposed to the Italian Government in its note of 4 July 1961,<sup>3/</sup> that an international commission of inquiry should be appointed to establish, by an impartial and conscientious examination, the facts and conditions in the South Tyrol which were relevant to a peaceful settlement of the issue. In its "note verbale" of 1 August 1961,<sup>4/</sup> the Austrian Government had proposed that a commission or a representative of the Secretary-General of the United Nations should conduct an inquiry into the Italian accusations by inspecting the documents at the disposal of the Austrian Government and by examining the measures taken by it and the relevant provisions of Austrian law, as well as the methods used by the Italian Security Police in interrogating detained South Tyroleans. He had before him documents containing evidence given by priests and physicians, proving that the most horrible tortures, comparable only to those committed under Nazi or Fascist rule, had been inflicted on those South Tyroleans. The illegal acts committed

<sup>3/</sup> See: Memorandum of the Austrian Federal Government concerning the South Tyrol Question, annex 6, transmitted to Members of the General Assembly with document A/SPC/55.

<sup>4/</sup> *Ibid.*, annex 7.

by the South Tyroleans, which he condemned without reservation, had been directed only against material objects, but the actions on the Italian side as proved by the documents he had mentioned had violated human dignity in a way which urgently required conscientious examination.

8. As the Italian Minister for Foreign Affairs had said at the 295th meeting, certain prominent South Tyroleans had expressed their satisfaction with the agreements reached in 1948, because they had trusted the promises of the Italians; but those promises had not been kept. The Province of Bolzano (Bozen) had not been granted the powers enjoyed by all autonomous regions of Italy, such as legislation and administrative functions in the fields of agriculture and forestry, hunting and fishing, commerce, industry, the tourist traffic, public works, mining, the use of public water resources, social welfare and insurance, public health, traffic and transport, expropriation, the protection of monuments and regional credit institutions. Schools, theatres, films, radio, public housing and the labour exchange were all controlled by the State, not by the Province. The Austrians and the South Tyroleans would be happy if the South Tyroleans enjoyed the same rights as, for example, the Swedish minority under Finnish sovereignty.

9. Italy had objected to the last introductory paragraph of draft resolution A/SPC/L.77 on the grounds that it was fundamentally different from the previous year's resolution, 1497 (XV) adopted by the General Assembly since it referred to "a peaceful and just solution". The Austrian delegation had no objection to adapting the paragraph to the principles of that resolution.

10. With regard to operative paragraph 2 of that draft resolution, the Italian Minister for Foreign Affairs had asked how, if Austria and Italy disagreed on the choice of peaceful means, they could agree more easily on the appointment of a person or body to help them in that choice. He invited the Italian delegation to propose such a person or body there and then. If, in the Committee's judgement, that proposal was objective, his delegation would accept it at once.

11. The Austrian delegation had proposed that the question should be discussed in the Committee as late as possible, because it wanted to give the Special Committee a long period of undisturbed work; because it had heard from the South Tyroleans that Mr. Scelba had made the same suggestion to South Tyrolean members of the Italian Parliament; and because, on 21 September 1961, Austrian representatives had begun talks in New York with the Italian Minister for Foreign Affairs on the establishment of a commission of conciliation or arbitration. Austria had received no satisfactory replies to its proposals concerning the terms of reference, composition and procedure of that commission. It had sent senior officials of the Austrian Foreign Ministry to Rome for further negotiations, but with no result. Even when Austria had consented to arbitration procedures and agreed to accept the decision of an arbitration commission, as Italy had asked, the Italian Government had rejected the Austrian proposals and had insisted on an immediate debate in the United Nations.

12. Austria's only purpose was to be the home of a free and peaceful people. In its long and sorrowful history, it had learned to renounce political ambitions and territorial claims. It asked only for United Nations assistance in a sincere endeavour to find peaceful means of solving a dispute which endangered its

friendly relations with Italy and draft resolution A/SPC/L.77 seemed a suitable instrument for that purpose.

13. Mr. SEGNI (Italy) in the exercise of his right of reply, emphatically denied the Austrian representative's allegations regarding the maltreatment of persons arrested in connexion with the acts of terrorism. The Austrian representative had not substantiated his allegations; furthermore, Austria had never brought forward any such charges in its various notes to the Italian Government.

14. He would reply to other questions raised in the Austrian Foreign Minister's speech at a later stage.

15. Mr. NUAMAH (Ghana) said that the question before the Committee bore a sad resemblance to problems with which the African continent was only too familiar, problems resulting from artificial boundaries fixed by far-away Governments. In Africa, however, such problems usually arose from decisions imposed by authorities in Europe, whereas the problem before the Committee was one of European making. Just as Africans asked that the solution of inter-African disputes should be left to the Africans themselves, it was only right that Africans should take the same attitude towards European disputes which should be left to Europeans to settle. He appealed to both the Governments concerned to work for a peaceful solution of their differences, particularly as European quarrels had so often in the past troubled the peace of all nations of the world.

16. His delegation noted with regret that since the affair was last under consideration by the Committee, bilateral negotiations between the two Governments had been suspended, and acts of violence had occurred in the Province of Bolzano itself.

17. With regard to the action to be taken by the General Assembly, the Ghanaian delegation believed that all the Assembly could hope to do was to help create the conditions for a settlement acceptable to the two parties. It therefore urged both Governments to take all possible action to ensure that there was no recurrence of violence, and to resume negotiations on the basis of the Paris agreement of 1946, as recommended by General Assembly resolution 1497 (XV). Finally, his delegation believed that no useful purpose would be served by the adoption of a resolution which was not acceptable to one or other of the parties involved.

18. Mr. HOOD (Australia) expressed doubt as to whether a vote on draft resolution A/SPC/L.77 at the present stage was desirable. The General Assembly should endeavour to assist the parties without taking sides, and he understood that efforts were taking place at the moment to formulate a new proposal which would achieve that end. He therefore suggested that the meeting should be suspended for a short period.

19. The CHAIRMAN proposed that the meeting should be suspended for thirty minutes.

*It was so decided.*

*The meeting was suspended at 11.30 a.m. and resumed at 12 noon.*

20. Mr. ROSSIDES (Cyprus) said that the sponsors of the draft resolution had agreed on a revised version (A/SPC/L.77/Rev.1 and Add.1), which was co-sponsored by a number of other delegations. The original version had provided for the possibility that the two

parties to the dispute would be unable to reach agreement themselves. In order to avoid the need for further discussion of the question at the next session, it had recommended that they should designate organs or persons to facilitate further implementation of resolution 1497 (XV). Italy, however, had objected to that provision, and, since Austria had not insisted on its retention, the sponsors had deleted it. In its revised version the draft resolution was still a constructive proposal, calling for further efforts to find a solution in accordance with the earlier decision of the General Assembly. The sole aim of the sponsors was to arrive at a procedure which met the wishes of both sides, and it seemed that the revised version achieved that aim. It was to be hoped that Italy and Austria would be able to continue negotiations in a spirit of mutual understanding and to end the unnecessary friction between them.

21. Mr. JHA (India) said that the sponsors of the draft resolution wanted nothing more than to find a text which would help Austria and Italy to settle their differences and which would be acceptable to both. Resolution 1497 (XV) had been such a text and had been taken as the basis for draft resolution A/SPC/L.77. Since Italy, however, had regarded operative paragraph 2 as an undue extension of the General Assembly's authority, which had not been the intention of the sponsors, his delegation would have been willing to withdraw the proposal. But fortunately the revised version seemed to be acceptable to everyone, and in particular to the two parties most concerned, and he therefore hoped that it would be adopted unanimously.

22. Mr. EL-ERIAN (United Arab Republic) said that his delegation had hoped throughout that it would be possible to adopt a draft resolution satisfactory to both sides. The revised draft resolution (A/SPC/L.77/Rev.1 and Add.1) seemed to meet that requirement and the United Arab Republic was glad to add its name to the list of sponsors. He hoped that Austria and Italy would be able to solve their difficulties in the spirit of friendship which characterized their relations in other respects.

23. Mr. GARCIA PIÑEIRO (Argentina) suggested that the words "en litigio" in the provisional Spanish ver-

sion of the revised draft resolution should be replaced by "interesadas".

*It was so agreed.*

24. Mr. KREISKY (Austria) said that he understood the operative part of the revised draft resolution to mean that the parties could employ any of the means which were provided in the Charter or which accorded with United Nations practice in order to solve the dispute between them. On that basis he would be able to support the revised draft resolution and he wished to thank the sponsors for their successful efforts in finding an acceptable solution.

25. Mr. SEGNI (Italy) said that he too was grateful to the sponsors for submitting the revised draft resolution, which was acceptable to his delegation. He hoped that the negotiations between his country and Austria would soon reach a happy conclusion and that the question would not have to be raised in the United Nations again.

26. Mr. PERERA (Ceylon) asked whether, in the operative part of the revised draft resolution, it was necessary to retain the reference to operative paragraph 3 of resolution 1497 (XV), which was a general exhortation rather than a recommendation for specific action.

27. Mr. JHA (India) said that no negotiations could be successful unless the countries concerned refrained from any action which might impair their friendly relations, as operative paragraph 3 of resolution 1497 (XV) recommended. He therefore considered that the reference should be maintained.

*The revised draft resolution (A/SPC/L.77/Rev.1 and Add.1) was adopted unanimously.*

28. Mr. PLIMPTON (United States of America), explaining his delegation's vote, said that he wished to pay a tribute to Italy and Austria for the spirit of moderation and conciliation they had shown and to the sponsors of the revised draft resolution for their efforts to find a satisfactory solution. He hoped that the Committee's unanimous vote would prove a good omen for future negotiations between the parties.

The meeting rose at 12.30 p.m.