

GENERAL
ASSEMBLY

SIXTH SESSION

Official Records



Monday, 17 December 1951, at 10.30 a.m.

Palais de Chaillot, Paris

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Chairman : Mr. Selim SÄRPER (Turkey).

Tribute to the memory of Lord Perth

1. Mr. KYROU (Greece) drew attention to the announcement in the press of the death of Lord Perth who, as Sir Eric Drummond, had been the first Secretary-General of the League of Nations. He paid a tribute to Lord Perth as an advocate of international understanding and said that, had he continued as Secretary-General of the League of Nations, the world might perhaps have been able to avoid the tragedy of a second world war.

2. The CHAIRMAN, personally and in the name of the *Ad Hoc* Political Committee, associated himself with the Greek representative's tribute to Lord Perth.

Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas (A/1938, A/AC.53/L.11, A/AC.53/L.13, A/AC.53/L.13/Add.1, A/AC.53/L.14, A/AC.53/L.15, A/AC.53/L.15/Add.1, A/AC.53/L.17, A/AC.53/L.18) (continued).

[Item 65]*

3. Mr. FISCHER (Israel) said that the great majority of delegations appeared to approach the discussion only from the point of view of the differences which separated the Western democracies from the countries under communist rule. The result was that representatives yielded to the temptation to reduce the problem of the two Germanies to the single problem

of the clash between radically opposed ideologies, which had caused the world to live in an atmosphere of tension and conflict. The Israel delegation did not believe that it was possible, in considering the problem before the Committee, to exclude the basic fact of the historical record of the German people. In the background of the problem of the two Germanies, there was a specifically German problem and he did not believe that the effects of a few years of occupation were such as to enable the Committee to rule that basic factor out. On the contrary, it was only by taking it fully into account that the Committee would be able to judge the local régimes established under the occupation and clearly envisage a solution of the German question.

4. The purely German aspect of the problem obliged the Committee to take particularly into account three disastrous currents in German history, which had made themselves felt for nearly one hundred years—militarism, imperialism and nazism. The Israel delegation, did not suggest that those phenomena were the expression of permanent and unchanging characteristics of the German people or wish to pass final or indiscriminating judgement; it was none the less true that the misuse of power and of democracy had taken root in Germany and had made that nation a destructive force of international peace and human freedom. The nations whose sons had generously shed their blood to combat militarism, imperialism and nazism would be committing the gravest of errors if they allowed themselves to forget their sacred duty to ensure that such monstrous aberrations were banished for ever. A *rapprochement* between the two great blocs into which the world was divided was the prerequisite of a political *rapprochement* between the two Germanies. In that

* Indicates the item number on the General Assembly agenda.

connexion he reminded the Committee of the penetrating analysis made by the representative of Burma at the 23rd meeting.

5. A number of factual conclusions could be drawn from the discussion. In the first place, it would appear that denazification, in the strict sense of the word, had been carried into effect more radically and with greater vigour in the eastern Zone than in the western Zone. That fact plainly in no way affected the misgivings that representatives might feel regarding the real efficacy of reforms which were not the outcome of a freely adopted system of re-education, since, while the representatives of the eastern Zone had been commendably firm in condemning the nazi regime and its crimes, they had nevertheless shown a certain tendency to regard themselves as being entirely free from responsibility for the German past.

6. Mr. Fischer had already had occasion to stress the necessity for that sense of historical responsibility, without which real rehabilitation was inconceivable and which implied, for the German people, an obligation to repair to the fullest possible extent the damage done in its name by the previous régime. That sense did not seem to exist in East Germany. On the other hand, in official circles in West Germany there was a certain tendency to assume responsibility for the past. If that tendency was expressed in acts of collective compensation, it would be a step the importance of which should not be underrated. A substantial effort had already been made in the limited field of individual restitution and compensation, which contrasted with the attitude adopted in that respect by East Germany. It should be pointed out, however, that West Germany showed too great a tendency to forget the horrors of the Hitler régime and to show reprehensible leniency towards former nazis and war criminals.

7. In both Germanies there was a danger of remilitarization, in one form or another, whether as armed forces camouflaged as police or as units of various sizes incorporated in other armies. Whatever precautions were taken, nothing would prevent the formation of a secret general staff which would seek, as soon as a favourable opportunity arose, to assemble the dispersed forces and assume their effective command, set up a tyrannous régime and once more sow the seeds of misery and death.

8. As the Colombian representative had said at the 21st meeting, it would be absurd to believe that the United States, France or the United Kingdom were planning aggression, since those countries had twice been leaders in the struggle against aggressive militarism, personified by Wilhelm II and Hitler. It was not therefore fear of the Germans being associated in aggression that concerned the Israel delegation when Germans were invited to meetings to set up a defensive system. It was concerned at the presence of the wolf among the shepherds. Its concern was similar to that expressed by the representatives of Haiti, Colombia and Greece who thought that the specifically German aspects of the problem should be taken into account whereas the commission of investigation proposed in

the draft resolution submitted by France, the United Kingdom and the United States (A/AC.53/L.11), was to be appointed solely to consider electoral conditions. The discussion had in any case shown that it would be useless to send such a commission of investigation to Germany. No serious attempt had been made to prove that conditions in East Germany were such as to permit the holding of free elections. On the other hand, such conditions undoubtedly existed in West Germany. In the circumstances, it might be asked what there was to be investigated. The Swedish draft resolution (A/AC.53/L.15 and A/AC.53/L.15/Add.1) seemed to be more realistic. Nevertheless, in laying down the conditions which must be met before elections were organized, it omitted one condition which the Israel delegation considered essential and that was effective guarantees against the return of nazism. It could not be argued that that grave omission was justified by facts proving that the condition was already met.

9. The two draft resolutions before the Committee appeared to be equally inappropriate as a means of facilitating a solution of the German problem, since neither took into account the specifically German aspect of the question. If German unification and sovereignty were to be achieved on peaceful lines, the world must lay down basic conditions. It must make sure that the Germans would not once again set up by democratic methods an authority which would use its power only to destroy the democratic institutions from which it sprang. Both Germanies must agree or be led to agree collectively to assume Germany's historical responsibility and to ensure the final uprooting of nazism, imperialism and militarism. Only then would the free nations be able to encourage Germany to choose, by free elections, the leaders of a truly regenerated new Germany.

10. Mr. TRUCCO (Chile) wished first of all to deal with the allegations that the inclusion of the question of German elections in the agenda was illegal and that the appointment of the proposed commission of investigation would be a violation of the Charter and an interference in matters within the domestic jurisdiction of a State. The most ingenious communist dialectics could not extract any further meaning from Article 107 of the Charter, because it expressly stated that the States signing the Charter in 1945 could take any action, in relation to ex-enemy States, that they might deem necessary and that the ex-enemy States could not appeal to the United Nations to prohibit or revoke such action. The Article in no way forbade the United Nations to take action with regard to ex-enemy States within the framework of the principles of the Charter. If the victorious Powers had concluded a treaty of peace with Germany and the United Nations had intervened to infringe the provisions of that treaty, the Chilean delegation would have been the first to protest and would have opposed any action likely to weaken the juridical structure of an international agreement. However, there was no treaty of peace with Germany and the action proposed by the United Nations, far from constituting interference in the domestic affairs of a State, was intended to facilitate

the carrying out of an obligation assumed by the four Powers and the implementation of one of the principles of the Charter, the right of peoples to self-determination.

11. It was true that the United Nations had already taken similar action to that envisaged in the three-Power draft resolution. In that connexion Mr. Trucco did not think that it would be appropriate to cite the case of Italy; a treaty of peace had been concluded with Italy and the question raised was that of recommendations to the signatories of the Treaty requesting them to reconsider certain clauses. It was because they had not wished to impair the integrity of the Treaty that the sponsors of the proposals had withdrawn them and the problem had not been taken up by the General Assembly. On the other hand, the action taken by the United Nations with regard to Greece, the Berlin blockade and Korea, proved that, under Article 14 of the Charter, the United Nations was competent to recommend measures for the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations.

12. The only organs competent to decide the legality of the inclusion of an item in the Assembly's agenda—the General Committee and the General Assembly itself—had already come to a decision and that decision should be final. By refusing to accept it and to give the proposed commission of investigation free access to the Zone under its control, the USSR would be applying the right of veto to the General Assembly and would paralyze United Nations work for the strengthening of peace and the right of self-determination.

13. The USSR representative had alleged that the action contemplated by the United Nations would be an unwarranted interference in the domestic affairs of a State. Mr. Trucco was convinced that no Member State, apart from the Soviet Union and the countries of the Eastern bloc, wished to interfere in the domestic affairs of a sovereign State. If the legal representatives of the eastern Zone of Germany refused to allow the proposed commission of investigation to enter that Zone, the commission would restrict its studies to the territories where it would be favourably received. It could only be said that there had been unwarranted interference on the part of the United Nations if the Organization tried to impose a commission of investigation by force and compelled the eastern Zone of Germany to allow the commission to enter its territory.

14. The Chilean delegation was convinced that, as in the cases of Korea and Greece, the USSR would try to paralyze any United Nations action and prevent the peoples concerned from freely expressing their aspirations, but it hoped that the situation would not develop as it had in Korea, where refusal to grant the necessary support to the Organization had been followed by military aggression.

15. The USSR objected to free and secret elections in Germany because such elections would bring about the collapse of the domination which it exercised. In spite of oppression by an implacable military, and police machine, the Communist Party could only

count, on obtaining, at the most, 33 per cent of the votes, as the Soviet Union controlled only one-third of German territory. The large number of emigrants fleeing from communist tyranny showed how the German people welcomed the régime imposed on them and made clearer the reasons for the USSR Government's objection to the efforts made by the United Nations to achieve the political unification of Germany.

16. The Polish representative had stated (22nd meeting) that Mr. Adenauer, Chancellor of the German Federal Republic, did not wish to effect the unification of Germany. It was no secret, however, that it was as a result of a request made by Mr. Adenauer himself that the General Assembly had decided to include in its agenda the question of setting up an impartial commission to study the question of general elections in Germany. Similarly, the Polish representative's statements that the German Democratic Republic alone wished to bring about the unification of Germany were contradictory to the position taken by the representatives of the USSR and its satellite States, who had lost no time in stating that East Germany would never allow a United Nations commission, which wished to lay the foundations of a unified Germany, to visit its territory. Likewise the Polish representative had stated that the United Nations was merely a tool in the hands of Powers opposed to the unification of Germany.

17. The Polish representative doubtless did not view the political unification of a country or the right of peoples to self-determination in the same light as the representatives of free peoples. No one had forgotten that the Soviet Union forces, caring little for that principle, had entered Poland in 1939 at the very moment when that country was fighting desperately against German imperialism. It was not surprising that the opinion of the representative of a country which owed allegiance to the USSR was different from that held by the representatives of free peoples.

18. Referring to the facts which the recent discussions had brought to light, Mr. Trucco said that the representatives of the two Zones had agreed that differences existed between the two occupation Zones as regards political, economic and social conditions. That was a fact which in itself justified the setting up of a United Nations commission of investigation to determine to what extent those differences would affect free elections in the whole of Germany. Furthermore, the representatives of West Germany had expressed the wish that free elections should take place in Germany under the auspices of an impartial commission, while, according to the representatives of East Germany, the problem should be solved directly by the representatives of the German people.

19. In Mr. Trucco's opinion, the problem could be solved only by the creation of an international commission, as the solution recommended by the representatives of East Germany would only prolong the problem indefinitely. It was for that reason that the Chilean delegation could not support the draft resolution submitted by the Swedish delegation, which laid down,

in terms identical with those used by the Soviet delegations, the principle that it was impossible to solve the problem. He felt that by voting for that draft resolution Member States would acknowledge their impotence in the face of the actions of a minority which, not content with illegally using its right of veto in the Security Council, tried to hamper the work of the General Assembly.

20. Close and friendly ties linked the Chilean people to the German people, and it was to be hoped that the people of that great country would be able to decide its own fate freely. It was time that those who governed the German Democratic Republic understood that the country must not again be the victim of an imperialist dictatorship. Germany could still escape the fate of other eastern European countries which were now under the yoke of governments controlled by the Soviet Union because they had not held free elections in good time. In the eyes of the rulers of the USSR there was no greater crime for a communist State than to wish to prove its independence. The case of Yugoslavia was a typical example. There was still time for Germany to escape Soviet domination. For that reason Mr. Trucco believed that the United Nations should assist Germany with all the means at its disposal, and should not repeat the errors and weaknesses of the League of Nations. It should take an active part in re-establishing democracy in the whole of Germany by assisting that country to organize free elections.

21. Sir Gladwyn JEBB (United Kingdom) recalled the many violent attacks on the policies of the United Kingdom, the United States and France by the representatives of the Soviet bloc. The Federal Republic of Germany had also been subjected to severe criticism. The purpose of the attacks had been to prove by contrast that the German Democratic Republic pursued a blameless and entirely constructive policy. He did not propose to spend hours going through those allegations but would merely mention in passing two which had struck him as among the most fantastic.

22. Thus, the USSR and Byelorussian representatives had declared that the United Kingdom and the United States, in uniting the economies of their two Zones of occupation in Germany in December 1946, were, in fact, dividing Germany. That was indeed paradoxical, particularly when it was recalled that the two Western Powers had tried to bring about the economic unity of Germany while the USSR authorities in the eastern Zone had persistently tried to isolate their Zone from the western Zone. The Western Powers had invited the Soviet Union to join them at any time.

23. The Polish representative, in an attempt to show that the Federal Chancellor, Mr. Adenauer, had been a nazi, had disinterred a newspaper cutting dated 1929. He had, however, forgotten to mention that Mr. Adenauer had withdrawn from public life under the nazis and, on at least one occasion, had been arrested by them.

24. Sir Gladwyn did not propose to counter such questionable allegations. He would confine himself to rejecting categorically, on his Government's behalf,

the implication that the United Kingdom policy in general, and the proposal to set up a commission of investigation in particular, were designed to place the Federal Government in a state of subservience, to perpetuate the division of Germany, to encircle the USSR or to pave the way for a third world war.

25. He wished, however, to deal with a number of points more directly related to the question under discussion.

26. The divergent views which the Committee had heard on conditions in the two Germanies were the strongest possible argument in favour of setting up an impartial commission of investigation without delay. Direct dispassionate observation was the only way of showing which of the two parties was right and which was wrong. The Iraqi representative had expressed that view, with which he whole-heartedly agreed.

27. It had been suggested that the problem of German elections ought to be settled by discussions between the Germans themselves. However the population of East Germany did not possess an administration which represented its wishes or intentions. As the representative of Haiti had said (23rd meeting), the *Ad Hoc* Political Committee should not be deluded by the fact that the administration of East Germany called itself a democratic republic. Such a democratic republic was in reality nothing less than an unpopular dictatorship.

28. The representatives of East Germany, like those of West Germany, asked for free, democratic and secret elections. The aims of the two parties did not, therefore, appear to be far apart. But the plain fact was that the West Germans believed that the East German declarations were valueless since they bore little, if any, relation to the conditions actually existing in the Soviet Zone. There would therefore be no point in the representatives of the two sides concerned consulting. What was wanted now was an impartial assessment of the facts.

29. It might be argued that the question of elections in Germany ought to be settled by the four occupying Powers without bringing in the United Nations. While that would be ideal, it was unfortunately a fact that the efforts of the three Powers to achieve agreement had repeatedly failed. Little progress was likely to be made at the moment since the four Powers also disagreed on the facts of conditions in Germany. That was why a new approach to the problem should be tried by invoking the aid of the United Nations.

30. It was also true that, if created, the commission of investigation would probably not be able to carry out its task immediately. As the representative of Burma had said (23rd meeting), the United Nations could exert its influence only by means of moral pressure. Moral pressure which simply consisted in referring the question back to the four Powers did not seem very effective. The United Nations, could, however, express its full approval of the idea of a commission in the hope that, even if that body found it impossible to carry out its work immediately, the moral influence of the

Organization's decision might later lead the USSR Government and the East German authorities to co-operate with the commission. That was probably the reasoning behind the amendment submitted by the delegations of Canada, Denmark, Iceland, Netherlands and Norway (A/AC.53/L.17), and it was in the light of that amendment that the United Kingdom delegation was unable to support the main provision of the Swedish draft resolution even though it recognized the praiseworthy effort made by the Swedish delegation to help solve a complicated problem.

31. Article 107 of the Charter had given rise to contradictory interpretations and to differences of opinion which had not yet been settled, but the summary record of the 361st meeting of the Security Council held on 4 October 1948, showed that there was nothing in the statements made by Mr. Jessup and by Sir Alexander Cadogan to suggest that any one of the occupying Powers was precluded from making a proposal to the United Nations for the use of their good offices in connexion with Germany which could be considered by other Member States. Mr. Jessup and Sir Alexander Cadogan had pointed out that the question of Article 107 had not even arisen in 1948 since the Berlin dispute had been one purely between the four Powers; furthermore, none of the occupying Powers could be forced by the United Nations to act in conformity with the Charter with regard to Germany. It was particularly clear from the statements made by Mr. Jessup that Article 107 did not exclude from the jurisdiction of the United Nations all matters relating to ex-enemy States regardless of the circumstance of the Powers concerned. If Article 107 had been designed for that broader purpose, it would have been easy so to provide in unequivocal language as had been done in Article 2, paragraph 7, of the Charter.

32. Sir Alexander Cadogan had also stated that it was inadmissible to claim that Article 107 debarred the Security Council from examining or discussing any action taken or authorized by the governments responsible for such action in relation to an ex-enemy State.

33. The sponsors of the three-Power draft resolution were not seeking any judgement against the USSR on the grounds that it had violated the United Nations Charter by its actions in Germany. All that the sponsors of that draft claimed was that the right of the United Nations to consider their proposal should be clearly established. In the light of the statements made by Mr. Jessup and Sir Alexander Cadogan, as well as of the facts to which he himself had referred, it seemed incredible that the Soviet bloc should attempt to prove that Article 107 of the Charter would be in any way violated by the adoption of the three-Power draft resolution.

34. It had also been argued that the setting up of the proposed commission would violate Article 2, paragraph 7, of the Charter, which precluded the United Nations from intervening in matters essentially within the domestic jurisdiction of States. However, as the Colombian representative had rightly pointed out (21st meeting), the three-Power draft resolution

did not in any way suggest that a United Nations commission should try to force its way into Germany, still less to overthrow the existing administration there. It simply asked the authorities of the Federal Republic, of Berlin and of the Soviet Zone, to grant facilities for the proposed commission to circulate freely in all those territories.

35. The Government of the Federal Republic and the authorities of the three western sectors of Berlin, representing two-thirds of the German people, had requested a commission of investigation and were eager to grant it full facilities. If, as the authorities of East Germany said, they desired free elections to be organized throughout Germany, they would welcome a similar opportunity. Moreover, if conditions in East Germany and in the eastern sector of Berlin were as the authorities of that region had described them, it was to their advantage to permit a commission to assure itself of that state of affairs.

36. Nevertheless, Sir Gladwyn did not wish to indulge in recrimination. The United Kingdom Government would do everything in its power to reach a practical settlement of the German problem. It was for that reason that it had requested that the issue should be included in the Assembly's agenda.

37. Although he personally believed that the original draft resolution submitted by France, the United Kingdom and the United States (A/AC.53/L.11) had been clear, the three delegations would be happy in principle to support both the amendment submitted by Canada, Denmark, Iceland, Netherlands and Norway (A/AC.53/L.17) and that submitted by Bolivia, Brazil, Colombia, Cuba and Uruguay (A/AC.53/L.18). The amendments to the latter part of the original draft resolution wisely stated that the commission's conclusions could comprise recommendations relating to the new measures which it might prove necessary to take in order to establish in Germany the conditions necessary for the organization of free elections. They also provided that the commission would report to the Secretary-General on the results of its efforts and that, if it were not able to make the necessary arrangements immediately in the Zones concerned, it could make another attempt to carry out its task when the German authorities of the Federal Republic, of Berlin and of the Soviet Zone, gave it the assurance that they would grant permission for it to enter their territory. If the situation had not changed by the time of the next General Assembly they would no doubt have to think again. Finally, the new paragraph 5, incorporating the Swedish proposal, indicated that the United Nations would offer its help in guaranteeing the freedom of elections when the time came.

38. The Polish representative had asked why the Government of the Federal Republic, which in 1950 had been prepared to accept control of elections by either the four Powers or by an international body, was not now prepared to accept a four-Power commission of investigation. In the first place, an impartial commission was quite different from a four-Power commission. Furthermore, the bitter experiences of

the Federal Republic had no doubt made it feel that United Nations supervision was essential in order to ensure that the elections should be truly free.

39. Sir Gladwyn recalled that Mr. Selwyn Lloyd, the United Kingdom representative, had told the Committee (15th meeting) that, if the commission of investigation were to be refused entry into the Soviet Zone, there would appear to be no advantage in its proceeding to its investigation in the territory of the Federal Republic and in the western sector of Berlin. It had been with that in mind that paragraph 2 of the operative part of the three-Power draft resolution provided that the commission should carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin and in the Soviet Zone of Germany. A partial inquiry could not in fact achieve any practical result since it would not make it possible to determine the conditions existing throughout the whole of Germany. The Government of the Federal Republic and the authorities of the western sector of Berlin were eager to facilitate the work of the commission of investigation. It was to be hoped that the authorities of East Germany would do likewise.

40. It was not certain that the proposed commission would be able to function immediately, but nevertheless it was important to pay particular attention to the selection of its members. In agreement with the delegations of the United States and France, the United Kingdom delegation proposed that the commission should be made up of representatives of Brazil, Iceland, Netherlands, Pakistan and Poland. In spite of the negative attitude shown in the Committee by the Polish representative, Sir Gladwyn hoped that Poland would agree to serve on the proposed commission of investigation.

41. Finally, the United Kingdom representative assured the Committee that the three Powers had not submitted their draft resolution for propaganda purposes. Neither was the proposal a manoeuvre in the "cold war". The truth was that the three Western Powers found themselves, like the Soviet Union, in an uncomfortable dilemma. Both sides wanted Germany to be united, free, peaceful and democratic; both agreed that that aim could be achieved only by truly free elections. Yet neither side was prepared to agree to the methods suggested by the other. It would be desirable for both to agree at least on the principles of an investigation by an impartial body. Sir Gladwyn still hoped that the countries of the Soviet bloc would not boycott the proposal of the three Powers and that they would thus make it possible for the question to be settled.

42. Mr. TAKIEDDINE (Lebanon) recalled that, in his statement at the 15th meeting, the United Kingdom representative had appealed to the Committee to consider the question before it dispassionately and not to embark on a discussion of the future of Germany which would give rise to further controversy. The Lebanese delegation supported that appeal for prudence. The German problem was particularly delicate and should be approached most cautiously.

43. The three-Power draft resolution was praiseworthy, but if its implementation meant that international tension would increase, then it had better be abandoned. Again, it was fallacious to cherish too many illusions about the proposed commission's chances of success. The statements by the USSR representative and by the representatives of the eastern Zone of Germany already showed that the authorities in that Zone would consider the establishment of the commission as interference in the internal affairs of Germany and as a violation of the Potsdam Agreement and of the United Nations Charter.

44. Without going into the legal aspect of the question, which had already been taken up by several representatives, the Lebanese delegation could not fail to note that the concept of sovereignty had for some years been undergoing a peculiar kind of evolution. The very fact that a State subscribed to the United Nations Charter and accepted the commitments implicit in it seemed to involve the renunciations of part of its sovereignty. But there was reason to believe that the statements by certain representatives, who had declared, on several occasions, that the action contemplated by the United Nations represented interference in the internal affairs of Germany and a violation of the Potsdam Agreement, simply meant that the authorities of East Germany did not intend to facilitate the work of the commission.

45. In the circumstances, it seemed that the time had come to say that the organizing of general elections throughout Germany and the future of Germany depended primarily on Germany itself and the four occupying Powers. Would it not be advisable to address a solemn appeal to those Powers to make mutual concessions, without which no co-operation was possible? Should not the German people also be reminded that the unification of Germany could not be accomplished against its will and that it alone would suffer the consequences of the failure of efforts in that direction?

46. The only point on which there seemed to have been unanimity was on the need for unification. It was high time to bring to an end the isolation of a people of 70 millions, who, in the course of the centuries, had made a magnificent contribution to knowledge and civilization. The measures contemplated by the General Assembly would allow that people to re-establish contact with the free world through the United Nations. Whatever doubts might be felt about the success of such measures, they could not be dismissed *à priori* if they contributed towards strengthening peace in Europe, towards the conclusion of a peace treaty with Germany and towards re-establishing the German people in the community of free nations.

47. However, some aspects of the measures must be carefully weighed. First, the proposed commission must be composed of members whose impartiality could not be doubted by any of the parties concerned. It must not therefore include any representative of the occupying Powers. Secondly, the commission should be nothing but an investigating body, which would

refrain from interfering in Germany's domestic affairs. Thirdly, a time-limit should be fixed for the commission to report on the results of its investigation—a point which had been omitted in the three-Power draft resolution; the time-limit should not exceed eight months so that the commission's report could be submitted to the General Assembly's seventh session. Finally, the Secretary-General should select with particular care the staff to be seconded to the commission.

48. The Lebanese delegation would submit an amendment to the three-Power draft resolution which would include those various suggestions.

49. Mr. SEVILLA SACASA (Nicaragua) recalled that the subject had been included in the agenda at the request of the Federal Republic of Germany, whose Government had publicly announced that the main objective of its policy continued to be the re-establishment of German unity in a free and united Europe, and that that unity should be the result of a decision freely taken by the German people. He added that the Western Powers had stressed the need for effecting unity by free elections, with universal suffrage and a direct and secret ballot, for the establishment of a constituent assembly which would lay the foundations for the unification of Germany—an objective which was the just ambition not only of the German people but also of all free men throughout the world.

50. Those who desired to see that aspiration realized would welcome the day when it would be possible to receive as a member of the universal community of nations, a Germany genuinely democratic, industrious, freed from the terror imposed by the hitlerite dictatorship and devoted to peaceful and constructive tasks.

51. The time had come for the United Nations to strive to remove the obstacles in the way of unification by acting, in the spirit of the Charter, as a friendly arbitrator and propose formulae which would render it possible to consult the opinion of the German people, freely expressed, in accordance with the principle of self-determination of peoples.

52. The question whether the United Nations was or was not competent to take up the matter had been debated at length. The Nicaraguan delegation agreed with the point of view maintained by a number of representatives, and supported by eminent authorities in the field, concerning the legal scope of Article 107 of the Charter, which it considered permissive and not mandatory. It further considered that the provisions of that Article were in no way at variance with the action suggested in the three-Power draft resolution.

53. Nor could that action be alleged to violate Article 2, paragraph 7, of the Charter or to constitute interference in the domestic affairs of Germany. Nicaragua was an ardent champion of the principle of non-intervention, which it regarded as one of the strongest foundations of any international structure. It had maintained that view at all the inter-American and international conferences in which it had participated. It was, however, convinced that the appointment of a United Nations commission would not infringe that principle, since, although Article 2 stated that nothing contained in the Charter should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State, the *de facto* position of Germany since the war could not be said to give it the rank of a sovereign State. United Nations intervention would have the purpose of assisting in the re-establishment of a unified and sovereign German State, and its intervention had indeed been requested by 46 million people inhabiting three-quarters of the territory of Germany.

54. The Colombian and other representatives had feared that the proposed commission might be refused access to the eastern Zone of Germany and that a situation similar to that in Korea in 1948 might develop. The Nicaraguan delegation did not entertain those fears. It was convinced that a division existed and was profound, a fact made quite plain by the spokesmen of the two Zones of Germany. Nevertheless it believed that even if the proposed commission were refused access to the eastern Zone of Germany, its work in the western Zone would be no less useful, since it would show whether the assertions of the representatives of West Germany were correct. Such a survey, and an unjustifiable refusal of admittance by the eastern Zone, would enable the whole world to form an idea of the mysterious situation beyond the "iron curtain".

55. All Germans, the free on the one side and the oppressed on the other, wanted Germany to be united. The United Nations could not refuse them the encouragement which the establishment of the proposed commission would offer, or confirmation of its belief that a united Germany could contribute to the progress of civilization. Much was to be hoped from the German people, once it had devoted itself to constructive tasks and banished militarism.

56. The Nicaraguan delegation would therefore vote for the three-Power draft resolution as amended by the delegations of Bolivia, Brazil, Colombia, Cuba and Uruguay (A/AC.53/L.18).

The meeting rose at 1.35 p.m.