

THREE HUNDRED AND FORTY-FIRST MEETING

Held at Lake Success, New York, on Friday, 2 December 1949, at 10.45 a.m.

Chairman: Mr. Lester B. PEARSON (Canada).

Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and from Soviet violations of the Charter of the United Nations (continued)

1. Mr. MARTÍNEZ MORENO (El Salvador) remarked that although frequent references were made to the Charter in the debates of the General Assembly, its principles were often forgotten and supplanted by political interests of a materialistic character obscured by rhetoric; and for reasons of fear or inconvenience urgent problems relating to peace and security were overlooked. The delegation of El Salvador believed that the present discussion proved that point. In order to defend transitory commercial interests, weak proposals had been offered which were incapable of defending the peace in the Far East. Those weak attitudes were jeopardizing the territorial integrity and political independence of China. Moral condemnation of the aggressor nation had not even been suggested. The attitudes of the great Powers, which should be the guardians of peace, illustrated their lack of foresight and political responsibility. The situation was reminiscent of the Munich era of appeasement which could be forgiven once but not a second time. There was also the case of the Ethiopian appeal against totalitarian aggression. On that occasion, Mr. Litvinov had tried to open the eyes of the West to the intention of the Axis Powers. On the present occasion, the Committee should hear the echo of that appeal now made against the Government which had voiced it at that time.

2. The Committee should not forget that the Soviet Union had participated in the civil war in China. The information offered by the representative of China showed the need for effective sanctions rather than weak evasive resolutions. The representative of China had proved that the Soviet Union had given moral and material aid to the Chinese Communists in violation of the Charter, the Yalta Agreement and the Sino-Soviet Treaty of Friendship and Alliance of 1945. The representative of China had shown (338th meeting) that those actions jeopardized the peace of the Far East and of the world and that they indicated that the Soviet Union was resisting any re-assertion of Chinese sovereignty over Manchuria, particularly in regard to the ports of Dairen and Port Arthur. It had also been shown that the Soviet Union had not respected the status of Mongolia, but had established puppet régimes in Manchuria, Inner-Mongolia, and in the north-western provinces of China. If the Committee was convinced of those facts, there was no reason for not supporting the Chinese draft resolution. Mr. Martínez Moreno asked why, if China was one link in the Soviet Union's chain of conquests, and if, in consequence, there was a threat to international peace and security, the collective measures provided for in Article 1 of the Charter should not be applied. He did not

see why a difference should be made between Greece and China when, in both cases, questions of territorial integrity and political independence were involved. It could not be considered proper to take different positions on questions which were the same.

3. In giving its support to the Chinese draft resolution (A/C.1/551), the delegation of El Salvador was concerned only with the contents of that proposal and not with the actions of the Nationalist Government of China which were the exclusive concern of the Chinese people. El Salvador wished merely to condemn the intervention of the Soviet Union in the territory of a Member State and express its sympathy for the Chinese people and its hopes for their future liberation.

4. The joint draft resolution (A/C.1/552) was vague and not closely related to the item before the Committee. It made no mention of aggression and referred only to the general stability of the Far East. El Salvador would vote for that joint draft resolution without enthusiasm and only if the Chinese draft resolution were to be rejected.

5. Mr. Martínez Moreno stated his delegation's belief that small nations should not remain indifferent or passive in great Power conflicts. They should be active and impartial and, if the great Powers did not promote democratic action, it was the duty of the small nations to do so.

6. Mr. LÓPEZ (Philippines) said that that unhappy story of China's travail was not the first of its kind to be heard in the United Nations nor was it likely to be the last but in the case of China it was a story of genuinely epic proportions. The uneasiness of other delegations had been shown by the nature of their statements, and for the Philippines, which had been close to China for a thousand years, the experience was particularly afflicting. The same would be true for all neighbours of China and it was therefore difficult to remain objective in that matter.

7. The Committee was called upon to pass judgment on an indictment of a kind which was not new to the General Assembly. In the questions of Iran, Greece, Franco-Spain, Korea, Cardinal Mindszenty, Indonesia and Yugoslavia, remedies had been offered for the most part successfully. In those cases the Committee's purpose had been to apply a remedy and not merely to pass judgment. In that particular case, however, China expected no material aid and only sought a moral judgment. But Mr. López felt that the General Assembly was being asked to pass judgment on history. He hoped that if the Committee should prove reluctant to do so, the representative of China would understand that Members were not being insensitive but were honestly facing realities. If the Committee felt unable to give the Chinese delegation entire satisfaction, the latter should level no reproaches against the Committee, because any action that it could take would be inadequate under the circumstances and the request had come too late. The realities of the situation in China emphasized the unreality of the Committee's discussion. It was hard to debate what ought to be done in terms of what should have been done two or three years previously.

8. The Philippine delegation had followed the only feasible course and had sponsored the joint draft resolution. The judgment requested was implicit therein. The principles which it contained looked backwards as well as forwards and applied to all nations which found themselves at the present time, or might find themselves in the future, in the same situation as China. It was to be hoped that with the aid of those principles and with their innate love of liberty the Chinese people would be enabled to regain their independence.

9. Sir Mohammad ZAFRULLA Khan (Pakistan) said there could be no doubt as to the direction in which Pakistan's sympathies lay. However, the representative of China had presented the Committee with a very difficult problem. Had it been of a purely political nature and had the solution suggested by China been one which the Committee was competent to adopt, the course taken by his delegation would have been clear; but under the circumstances, it could support only part of the Chinese draft resolution, but it could not support the core of it, which called upon the General Assembly to make a judicial pronouncement and imposed upon it judicial or quasi-judicial functions. Despite Pakistan's sympathy with the people and Government of China in their sufferings, it could not endorse the finding as requested.

10. The first two paragraphs of the Chinese draft resolution were of a general character and his delegation could support them. The third and fourth paragraphs, however, presented difficulties. In connexion with the findings presented in the third paragraph, he wished to point out that only one side had been heard. That remark was not intended to suggest that when a party which had been indicted chose not to offer any defence, the United Nations could not reach an opinion. The difficulty was that the Committee could not reach a finding without an investigation of a judicial character. Whatever might be the future development of the United Nations, it was doubtful whether the General Assembly was as yet in a position to undertake such an investigation. It appeared to be rather a matter for the proper judicial organ. The same difficulty arose in connexion with the fourth paragraph, for if the General Assembly was unable to make a finding it could not determine what the situation was. The difficulty would not be so great if the matter were obvious and conclusions could be reached on the basis of a *prima facie* presentation. But even if the view as to the juridical nature of the question were incorrect, a lengthy investigation would be needed and the third and fourth paragraphs could not, for the present, be endorsed. Pakistan would have to abstain on the fifth paragraph. With regard to the sixth paragraph, even the representative of China would admit that recognition depended largely on factors with which the previous part of the draft resolution had little connexion. Pakistan could not support that paragraph and would oppose any recommendation seeking to compel Member States not to accord recognition to a régime which in view of the practice upon which recognition must depend might establish a case for recognition. The seventh paragraph contained a legitimate request and Pakistan could support it.

11. Pakistan had sponsored the joint draft resolution (A/C.1/552) knowing that the problem

was a very difficult and delicate one and feeling that the draft contained all the essentials with regard to which the United Nations ought to be anxious in respect of the situation in China.

12. Mr. VALENZUELA (Chile) said that the debate had given the impression that the Committee was facing a crucial question involving the survival of the United Nations. Yet, the debate had begun at a time when little or nothing could be done. It was regrettable that the question had not been brought up two or three years beforehand. That was particularly true when it was considered that the participation of the Soviet Union in the activities of the Communist Party in China had been known for years. Every event since the meeting between Sun Yat-sen and Joffe in 1923 was well known. A publication on the foreign policy of the Soviet Union published by the *Oxford University Press* in 1945 had devoted no less than seventy-five pages to list the various interventions of the Soviet Union in China, Sinkiang, Manchuria and Mongolia. How the present leaders of the Chinese Communist Party had achieved their high positions was also well known.

13. In theory, civil wars were internal matters. However, there were civil wars which were either created by foreign intervention or which later came under the control of a foreign Power once they had started. Mr. Valenzuela stated that the rebellion in China was not a popular movement but an insurrection controlled and supported by Moscow. Without the aid of the Soviet Union, the Chinese Communist Party could not have been victorious.

14. The Committee had to consider whether the Soviet Union had presented threats to the political independence and territorial integrity of China and to the peace of the Far East through violations of the Sino-Soviet Treaty of 1945 and of the United Nations Charter. It was evident that the Soviet Union's attitude in the Chinese civil war was that of an interested party. The United Nations could only pass moral condemnation, as provided for in both the draft resolutions. The Chinese draft resolution, in its findings concerning the Soviet Union, stated facts that had not been denied. The final paragraph urged Members of the United Nations to refrain from taking advantage of the situation in China. The only doubtful paragraph was that which asked that diplomatic recognition should not be accorded to a communist régime. That paragraph, however, only constituted a recommendation and said nothing regarding consular and commercial relations. Chile would support the Chinese draft resolution as a whole and in its separate parts.

15. The operative part of the joint draft resolution was inadequate. It called upon all States to respect the political independence of China, although it was well known that the Chinese People's Republic, born under the control of the Communist Party, was already a member of the Soviet bloc and had, therefore, lost its independence. The following paragraph invited States to respect the right of the Chinese people to choose their political institutions freely, yet events in eastern Europe were an illustration of what could be expected to occur. The third paragraph called for respect for existing treaties, although the Sino-Soviet Treaty of 1945 had already been disregarded. The fourth paragraph urged States

to refrain from seeking spheres of influence when it was known that no nation other than the Soviet Union would be able to acquire them. It also asked States not to seek special rights or privileges in China, but the only privileges would in fact be given by and to the Soviet Union. The joint draft resolution was an example of extreme diplomatic prudence. The Chilean delegation would vote for it only if the Chinese draft resolution were to be rejected.

16. Sir Carl BERENDSEN (New Zealand) said that, while the present anomalous position of his delegation would be understood, he would be failing in his duty if he did not offer a few general observations on the matter before the Committee. His delegation approached that question with the deepest concern. The debt owed to China by the freedom-loving peoples was fully realized and could never be forgotten. China had been engaged in the war of the West long before the latter knew that it was in a war. It could be said that the Second World War had started with the Japanese attack on Manchuria. It was a reflection not without significance that the present situation in China had also originated in Manchuria. The world was bound to remember the lessons of 1932 and not to follow too closely the sombre pattern of events that had followed suit. All had witnessed the valiant defence put up by China against Japanese aggression at a time when very little assistance had been possible. All had watched with sympathetic interest the attempt to establish in that great country true democracy for all.

17. Remembering those facts, it was impossible not to sympathize with the Chinese people in the circumstances to which they had been reduced. Sir Carl said that serious defects had been attributed to the Nationalist Government, defects which were said to have increased as time passed. It was said that the Nationalist Government had never been or might have ceased to be one holding and deserving the respect of the Chinese people and of the world. He did not know whether that was in fact so. It must be remembered, however, that the Chinese Government had joined in the fight for democracy against what had seemed for a while insuperable odds. Whatever the merits or demerits of that Government, the people of China deserved well of the world, and particularly of those who had participated in the Second World War. It was distressing beyond measure to see how little could be done to help that people in their present straits, and it was regrettable that the charges under discussion had been brought to the United Nations so late. He could sympathize, however, with the moving presentation made by the Chinese representative, and knew that that sympathy was shared by the vast majority of the Committee.

18. Asking what the United Nations could do, Sir Carl said that Mr. Tsiang's request for sympathy and understanding could be granted, as could some of the other requests made in the Chinese draft resolution. Other requests made in that proposal were, however, beyond the Committee's reach or even wishes. It was painful to realize the gap existing between what members of the Committee would wish to do to help the Chinese people and what could actually be done. Turning to the joint draft resolution, the New Zealand representative said that he could not

object to anything in that proposal as far as it went, but that it did not go very far. All that was said in that draft resolution was true, but he wondered just how the United Nations, and in particular China, would benefit if it were to be adopted. That proposal might well be as much as the United Nations could do in the existing situation, but if such were indeed the case, it would be proper to say so and to express deep and bitter regret that such should be the fact. It would be improper to pretend that the situation was being faced squarely and that something was being done about it. If the General Assembly was indeed intending to wash its hands of the matter, it would do well to acknowledge it openly and honestly.

19. Sir Terence SHONE (United Kingdom) said that in view of the fact that the question already been dealt with in detail by a number of speakers, he merely wished to explain his delegation's attitude towards the two draft resolutions before the Committee. The United Kingdom delegation would support the joint draft resolution and would vote against that submitted by the Chinese delegation. In the circumstances, the joint draft resolution provided for the most appropriate action which the United Nations could now take on that very difficult and delicate question. His delegation's vote against the Chinese proposal should not be taken to mean that all paragraphs of the latter were unacceptable, for, as the Chinese representative had pointed out, the last paragraph of the Chinese draft resolution corresponded closely with the general lines of the joint draft resolution. While it was no doubt true that from a purely formal point of view it would be perfectly possible for the General Assembly to adopt both drafts, his delegation considered that the spirit, if not the letter, of the joint draft resolution conflicted with the proposal submitted by the Chinese delegation, and that it would be inappropriate for the Committee to vote in favour of both.

20. The joint draft resolution sought to define, by reference to the Charter, the principles which all Members of the United Nations should observe in their relations with China. On the other hand, the Chinese proposal not only invited Members to pass judgment on USSR policy in relation to China, but also to take sides in the unfortunate civil war in that country, and would bind Member States in their attitude towards one side. That method of approach was incorrect, while the method proposed in the joint draft resolution was correct.

21. His delegation's vote against the Chinese draft resolution should not be interpreted as a wish to acquit the Soviet Union of the charges brought against it, which had been impressively supported by the statement of the representative of China (338th meeting), and could not be dismissed lightly. Nor did the USSR delegation's refusal to take part in the debate strengthen its case. Nevertheless, the Committee had not thought fit to examine that aspect of the matter in detail, and it was doubtful whether it would be appropriate or useful to do so. As for the second operative paragraph of the Chinese draft, he understood that it was not suggested that economic sanctions should be employed. If the wording of that paragraph were to have any significance, however, it was difficult to see what

else could be meant. He had no doubt that all Member States, or at least those taking part in the debate, would wish to avoid any action which could be regarded as taking sides in the Chinese civil war or interfering in Chinese internal affairs. In Sir Terence's view, that principle, if accepted, would automatically preclude any suggestion of imposing an economic blockade of the areas of China controlled by the communist régime.

22. He felt bound to deal with the third operative paragraph of the Chinese draft in some detail, in view of the fact that the Chinese representative had implied that the United Kingdom Government would be prepared to sacrifice the Chinese people in an effort to preserve British commercial interests in China. That was an entirely unjust and unwarranted allegation. Sir Terence would not say anything at that time about his Government's intentions regarding recognition of the communist régime in China, which, as had been pointed out, was a matter to be decided by individual Member States. He could say something, however, about the principles on which the decision as regards recognition would be based. The primary consideration was that the decision should conform to the facts of the situation. If the Government in question was in effective control of the whole country or the greater part of it, there was at least a *prima facie* case for recognition. While other considerations must be taken into account, the decision must rest on fact rather than sentiment. That view was supported by the very passage from Professor Lauterpacht's book quoted at the previous meeting by Mr. Tsiang. Recognition did not imply any moral judgment, and did not constitute approval of the Government recognized.

23. His delegation had the utmost sympathy for the people of China, who were the chief sufferers in the struggle, and would certainly not

wish any action to increase that people's hardships. He fully shared the New Zealand representative's view that the Chinese people deserved well of the world. However, he could not agree that recognition or non-recognition of the communist régime would necessarily exercise a major influence for good or ill on the lives of the vast majority of the Chinese people. It was certainly not true that such recognition would be a betrayal, and it could be argued that if the communist régime controlled the destinies of the majority of the people of China, normal diplomatic and commercial relations could be established with advantage to that people. Though he did not wish to overweigh that single aspect of a most complex problem, for those reasons his delegation could not agree that Member States should bind themselves for an indefinite period to withhold recognition from the communist régime.

24. In conclusion, Sir Terence said that if the vote was taken paragraph by paragraph, his delegation would vote against each paragraph of the Chinese draft resolution, in accordance with the principle, which it had always supported, that a Committee should only recommend one resolution to the General Assembly where one was divergent from, or precluded, another.

25. Mr. JORDAAN (Union of South Africa) said that, while the Chinese delegation need have no doubts as to where the sympathies of his delegation lay, in the absence of instructions from his Government, he must abstain from voting on both draft resolutions. He hoped to have received instructions by the time the item reached the General Assembly.

26. At the request of Mr. TSIANG (China), the CHAIRMAN stated that the vote on the draft resolutions before the Committee would be postponed until Monday, 5 December.

The meeting rose at 12.20 p.m.

THREE HUNDRED AND FORTY-SECOND MEETING

Held at Lake Success, New York, on Monday, 5 December 1949, at 10.45 a.m.

Chairman: Mr. Selim SARPER (Turkey).

Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and from Soviet violations of the Charter of the United Nations (*continued*)

1. The CHAIRMAN stated that a new joint draft resolution submitted by Cuba, Ecuador and Peru (A/C.1/553) was now being distributed.

2. Mr. TRUJILLO (Ecuador) said that the proposal submitted by his delegation, together with the delegations of Cuba and Peru, constituted the real solution of the problem before the General Assembly. The delegation of China had made certain well-founded accusations which the First Committee had been unable to consider as they deserved. Without an exhaustive study of the problem, however, the United Nations could not

carry out its duty towards China, which had sacrificed itself in the struggle against Japan, in defence of democratic principles, and whose present difficulties, it had been contended, were largely the legacy of events that had taken place during the war.

3. The third paragraph of the Chinese draft resolution (A/C.1/551), which dealt with aid provided by the Soviet Union to the Chinese Communists, revealed the similarity of that problem to the Greek question. The United Nations could therefore scarcely adopt different attitudes in the two cases. That would be a disastrous precedent which might prove fatal to the prestige of the United Nations. Was it thought that the Chinese question was less important than the Greek question? A tendency had, indeed, become apparent to avoid detailed discussion, as if the Committee were in a hurry to end the session or afraid of what a thorough examination might reveal. In order, however, to make a decision based on full knowledge of the facts, the First