

that the communist insurrectionary activities in South-East Asia had been planned and dictated by the International Communist Conference held at Calcutta in February 1948. Those insurrectionary activities were likely to spread far and wide.

44. Looking back over the catastrophic events of the four post-war years, Mr. Tsiang observed that the Soviet Union had combined world communism and imperialism with a view to controlling the whole world. If civilization was to be saved, a co-ordinated plan of world defense must be made. Moreover, China, having an extensive common boundary with the Soviet Union, stood on the frontier of that gigantic imperialistic design. Observers, who had confined themselves to the surface of events, had jumped to premature conclusion that China had failed. Even before 1937 the Chinese Nationalist Government had been doing effective work to prepare the country to meet the challenge of Japanese militarism. Nevertheless, after 7 July 1937, China had fought not with an economic surplus, but by deepening the already deep poverty of the people. In view of those facts, the Chinese representative wondered whether any country, in similar circumstances, could have achieved a different result from that of the Nationalist Government. Although the armed conflict in China had so far been unfavourable to the Nationalist Government, it had nevertheless admittedly cost the Chinese Communists 1,432,900 in wounded, killed, captured and missing. In that connexion, the Chinese representative quoted Representative John Davis Lodge as having stated on 16 August 1949 on the floor of the United States House of Representatives that an army which had caused more losses to the enemy than the Japanese and German troops had been able to inflict on the United States in almost four years of combat, could hardly be described as totally ineffective. Moreover, Mr. Tsiang quoted the *Pittsburgh Press*, of 18 April 1949, as stating that the two billion dollar figure which had been used to discredit the Chinese Nationalist Government consisted of

three major items, namely: lend-lease, the value of surplus military goods sold to the Chinese, and the American contribution to UNRRA; it had added that none of those items had been of any assistance in the war against the Communists. Furthermore, the Chinese Nationalist Government had not been given American financial help comparable to that extended to fight similar circumstances in the European sector.

45. Summing up his submission, the Chinese representative declared that, although the Chinese Nationalist Government was fully aware of the inability of the General Assembly to provide any military help, the Nationalist Government nevertheless expected the General Assembly to draw on the great moral fund it had at its disposal in the discharge of its obligations. Thus it expected that the General Assembly would pronounce judgment on the Soviet Union for obstructing the efforts of the Nationalist Government in re-establishing its authority in Manchuria and for extending military and economic aid to the Chinese Communists; that it would recognize that the cause of China's political independence and territorial integrity was a cause common to all the peoples of the world; and that it would recommend to all Member States to desist and refrain from giving further military and economic aid to the Chinese Communists. Finally, his Government expressed the hope that no State would accord recognition to the Chinese communist régime. In conclusion, Mr. Tsiang stated that his delegation would submit, at the following meeting a draft resolution containing the above-mentioned principles.

46. Mr. LÓPEZ (Philippines) said that in view of the heavily documented statement made by the representative of China, he wished to propose the adjournment of the meeting until the following Monday morning.

In the absence of any objection, it was so decided.

The meeting rose at 6.25 p.m.

THREE HUNDRED AND THIRTY-NINTH MEETING

Held at Lake Success, New York, on Monday, 28 November 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. JESSUP (United States of America) stated that a charge that a Member of the United Nations was violating both a treaty and the Charter was of serious concern to all, particularly when the alleged violation included assistance in attempting the overthrow of a recognized Government and when the parties concerned, as permanent members of the Security Council, had special responsibilities for the maintenance of

international peace and security. It would have been normal for the Member against which the charges had been made to make some reply and the United States delegation regretted that the Soviet Union had not seen fit to do so. Mr. Jessup recalled that equally serious, although not equally well-documented, charges had been made by the Soviet Union against the United States and the United Kingdom, in the discussion of the draft resolution on the "Essentials of Peace". Both those delegations had approved the inclusion of that item in the agenda and had participated fully in the debate. Had they not done so, it was not difficult to imagine the inferences which the Soviet Union delegation would have drawn as to the truth of those charges. However, the present occasion was not the first one when the Soviet Union had refused to participate in the discussion of an item which it regarded as un-

pleasant. The United States deplored such selective participation in the work of the United Nations, particularly in the light of the draft resolution just adopted by the Committee calling upon every Member to participate fully in the work of the United Nations. Mr. Jessup recalled that the Soviet Union delegation had abstained from voting on that provision on the grounds that the Charter had already bound all Members to such action.

2. The United States regarded with serious concern the charges made by the Chinese delegation and believed that the Assembly had to take cognizance of them and of the situation in the Far East. One of the basic tenets of United States policy regarding the Far East was to support the United Nations in encouraging the development of an independent China free from foreign control and to maintain peace and security in that area.

3. The First Committee had just been discussing the "Essentials of Peace" and—accordingly, as was inevitable, the debate had become focused upon the foreign policies—and measures of the Soviet Union. In that discussion representatives from all areas of the world had voiced concern over the imperialistic encroachments of the Soviet Union and had urged that the solution should be found in the fulfilment of the principles of the Charter in all good faith. The general charges made against the Soviet Union in that debate found a specific application in the present complaint before the Committee. The specific problem was one of maintaining an independent, unified and free country against the encroachments of a foreign Power.

4. Throughout its modern history, China had struggled for its independence and integrity against both internal pressures and external forces. Mr. Jessup reviewed briefly the problems which had confronted China during the last century as a result of its great increase in population and of the impact of foreign commerce and new ideas. Instead of adapting itself to the situation, the Chinese Empire had crumbled. The international mores of that period had now been superseded by the principles of the Charter. However, in the earlier period, the United States had taken the lead in an attempt to safeguard China's integrity and independence and had never entertained any territorial ambitions in China. Indeed, a major feature of United States policy had been to aid China in preserving its integrity against Russian and Japanese imperialism.

5. At the time of the Russian occupation of Manchuria at the turn of the century, the United States had exerted its influence to maintain the territorial and administrative entity of China by means of notes to the Russian and other Governments. Subsequent Russian pressure for a privileged position in Manchuria had brought a similar response from the United States. Repeatedly thereafter, during the clashes between Russian and Japanese imperialism in North China, the United States had sought to establish respect for the integrity of China. Mr. Jessup cited the Root-Takahira Agreement of 1908, the proposal to remove Manchurian railways from Japanese and Russian competition, the United States reaction to Japan's Twenty-One Demands, and the role of the United States at the Washington Conference of 1922, as attesting to his Gov-

ernment's policy of upholding China's integrity. The United States also had co-operated with the League of Nations in its efforts to deal with Japanese aggression.

6. United States aid to China during the Second World War and its efforts to bring about internal peace were well known as was the insistence of the United States, over Soviet Union objection, that China should be included as one of the great Powers in the prosecution of the war and organization of peace and, consequently, as one of the permanent members of the Security Council. The continuing concern of the United States for the independence of China had been reflected on 5 August 1949 in a statement calling attention to the dangers of Soviet Russian imperialism and reaffirming the basic principles of United States policy which were opposed to China's subjection to or dismemberment by any foreign Power, whether by open or clandestine means.

7. The friendship between the United States and China transcended governmental relations and included educational, cultural, religious and social ties. The United States attitude could be seen in the contribution made to China's educational and social reconstruction. It was against that background of consistent support for the independence and integrity of China that the United States viewed with special concern charges which indicated a continuation of previous Russian attempts against China's integrity.

8. Mr. Jessup believed that the First Committee should examine what the Assembly was being asked to do and what it ought to do in the present case. Clearly, in considering the case, the Assembly would not be interfering in the domestic affairs of a Member State. The representative of China had urged the General Assembly¹ to give guidance to nations in the conduct of their relations with China. Appropriate principles were contained in Article 2 of the Charter and the General Assembly could, in any given case, indicate the particular application of those principles.

9. The United States delegation considered the problem before the General Assembly to differ from that confronting individual Governments in determining their policies towards China. The General Assembly had to set standards for the guidance of States in the application of the principles of the Charter. Regardless of each individual Government's attitude towards the problems of the civil strife in China, it was clearly in the interests of all that the principles of the Charter be maintained with regard to China. Establishment of standards required co-operative effort and could not be achieved through unco-ordinated and perhaps conflicting prosecution of national policies.

10. The representative of China had alleged that the Soviet Union had violated the Sino-Soviet Treaty of Friendship and Alliance of 1945 and its accompanying exchanges of notes, and had cited in particular the questions of the restoration of Chinese control over Manchuria and the administration of the Port of Dairen. The United States delegation believed that the only effective disposition of that part of the case would be through adjudication by some such tribunal as the

¹ See *Official Records of the fourth session of the General Assembly*, 223rd plenary meeting.

International Court of Justice. Such a course would require the consent of both parties and although the Soviet Union had not as yet given any indication of its readiness to submit legal controversies to the International Court of Justice, the United States hoped that the Soviet Union would co-operate more fully in that respect and give reality to Chapter XIV of the Charter.

11. A second charge was that the Soviet Union, in violation of the Charter, had jeopardized the independence of China by interference in its internal affairs and by assistance in the violent overthrow of the recognized Government. The complaint alleged an attempt at foreign domination of China through the Soviet-controlled communist movement masked as a national crusade. While it was for the people of China to decide the nature of their future institutions and policy, the United States believed that the General Assembly should work for the re-establishment of international conditions which would make it possible for the Chinese people to determine those matters freely without outside interference.

12. The representative of China had also alleged that the Soviet Union, contrary to the Charter, had infringed Chinese integrity by establishing special régimes in Manchuria and in the Inner-Mongolian and north-western provinces of China. That allegation was of special concern to the United States since it involved a violation of the Yalta Agreement on the basis of which the Sino-Soviet Treaty of 1945 had been concluded. It had been the United States view that limited rights should be granted to the Soviet Union at Dairen and on the Chinese Eastern and South Manchurian railways. Such rights would not have impaired the sovereignty of China, and it had never been thought that the Soviet Union would impair that sovereignty by seeking complete control of the Dairen area and the railways or by establishing puppet régimes in the northern provinces. Serious questions arose as to whether certain provisions of the Yalta Agreement had been carried out in good faith by the Soviet Union. Three months previously, the United States Government had indicated that Soviet Union demands upon the Chinese Government in connexion with the negotiation of the Sino-Soviet Treaty of 1945 had exceeded the provisions of the Yalta Agreement. There was cause for concern that a further attempt was being made to dismember China.

13. The United States believed that it would be proper for the General Assembly to reaffirm standards for the guidance of all nations in their relations with China. The representative of China had pointed out that the Nine-Power Treaty of 1922, although concluded in an era of imperialistic encroachments upon China, had given that country an opportunity for constructive development. However, the Nine-Power Treaty had been cast in terms of banning encroachments upon Chinese sovereignty which would injure the rights of other foreign States. At the present time, international thought had progressed beyond the "open-door" policy and the Charter had established the general concern with any disputes or situations likely to endanger the maintenance of international peace. It continued to be true that the conscience of the world could find expression in a multi-partite declaration and the United States was ready to sponsor such an expression. Such dec-

larations were not futile. Despite attempted encroachments, after the Second World War, China had at least recovered its title to Manchuria. Even the Soviet Union, in a note dated 14 August 1945, had affirmed its respect for the complete sovereignty of China over the three eastern provinces. Such declarations were valuable though they might be flouted momentarily. It was the United States' hope that the General Assembly would give further assistance to China by those means. Accordingly, together with the delegations of Australia, Mexico, Pakistan and the Philippines, the United States delegation wished to present a draft resolution designed to promote international stability in the Far East (A/C.1/552).

14. After reading the text of the draft resolution, Mr. Jessup observed that its adoption could not be expected to cure all the difficulties inherent in the Chinese question. However, the draft did emphasize certain elements of concern to the United Nations: first, the maintenance of the sovereignty, territorial integrity, and political independence of China; second, the right of the Chinese people to maintain political institutions free of foreign control; third, the observance in good faith of treaty obligations; fourth, a ban on the establishment by foreign powers of spheres of influence or of puppet régimes; and fifth, the proscription of special privileges which would give foreign Powers an exclusive position. Mr. Jessup believed that a pronouncement by the General Assembly on those matters would not be futile. The draft resolution represented the application to the Chinese question of certain basic principles of the Charter, and of the resolution on the "Essentials of Peace". It also represented the traditional policy towards China of many nations and would offer an expression of the General Assembly's concern for the welfare of the people of China.

15. The draft resolution stated principles which would be endorsed by the Chinese Government, by the great body of the Chinese people, and by anyone concerned with the true interests of China. Any nation pledged to the Charter could adhere to it. Indeed, failure to endorse it might be interpreted as an indication of imperialistic purposes in China. Mr. Jessup, therefore, hoped that the draft resolution would receive unanimous approval, although one Member was charged with violating the principles which it contained and that after its adoption all States would govern their relations with China in accordance with its principles.

16. China had suffered bitterly from the Second World War and the ensuing civil conflict. No State should be permitted to take advantage of those disturbed conditions. The United Nations was well aware of the Japanese efforts to dominate China and the Far East which had led to the point where they had plunged Asia and the whole world into war. The United Nations should ensure that the domination of China by one imperialism had not been displaced to make way for another. The rescue of China should not be nullified by acquiescence in new imperialist conquests by devices more subtle than outright war.

17. In conclusion, Mr. Jessup stated that the purpose of submitting the joint draft resolution was to show the specific application of certain basic principles of the Charter to the existing situation in China. If those principles were ac-

cepted and put into effect, the United Nations would have made a notable contribution to the maintenance of general peace and to the efforts of the Chinese people to promote in China the growth of free institutions, social progress and better standards of life.

18. Mr. PLIMSOLL (Australia) stated that the representative of China had presented a grave charge. Everyone was moved by the sufferings of China over a long period and recalled its contribution to the defeat of German and Japanese aggression. Having endured Japanese aggression since 1931, China had been entitled to hope for a period of peaceful reconstruction after the war. China, however, had become embroiled in civil strife which was no less arduous. Everyone was concerned with aiding China to attain stability and peace.

19. With regard to the charges which had been made, the Australian delegation did not believe that it would be appropriate, at the present time, for the General Assembly to adopt a resolution along the lines presented by the representative of China (A/C.1/551) which found one Member guilty and would determine rather too precisely the future conduct of the relations of nations with China. It seemed better to recall the principles of the Charter and apply them specifically to China. The Australian delegation accordingly had joined in the sponsorship of the joint draft resolution (A/C.1/552). That joint draft referred to relevant portions of the Charter and presented four rules of conduct. The two main principles to be observed were respect for the political independence of China and respect for the right of Chinese people to choose freely their form of government without foreign interference. Since the representative of China had said they were not being observed those principles had to be re-stated. The political independence of the Members was one of the bases of the United Nations and it was essential for the future of the Organization that it be respected. The second principle contained in the joint draft resolution did not attempt to prescribe any type of government or social institutions for China but stated that such government and institutions should be freely selected by the Chinese people and freely maintained without outside interference or foreign control.

20. In addition, the joint draft resolution called for respect of existing treaties. That also was a principle of the Charter. The Chinese Government had entered into agreements with Member States and it was the intention of the draft resolution that they should be observed in all their provisions except when modified by the agreement of both parties. That paragraph of the draft resolution referred to past and present obligations which should continue to be observed. The fourth paragraph dealt with the question of future relations. It was clear that the acquisition of spheres of influence or the creation of régimes within China under foreign control was contrary to the Charter. Equally clearly any attempt to dismember China would be contrary to the Charter. The provision that special rights or privileges within China should not be sought was a natural development of international relations with China in the twentieth century. It was now recognized that other nations could no longer impose onerous terms upon China. During the Second World

War, the remaining extra-territorial rights had been eliminated and no Power could now seek to acquire them. Mr. Plimsoll believed that the third and fourth principles enunciated in the joint draft resolution followed logically from the first and second and offered guidance to nations in their relations with China. If all Members of the United Nations conformed to those principles, the Chinese people would have an opportunity for peace and reconstruction. It was with that object that the Australian delegation had joined in the sponsorship of the draft resolution.

21. Mr. KYROU (Greece) recalled that his delegation, in voting for the inclusion of the present item on the agenda of the General Assembly, had expressed the view¹ that, whatever the merits of the case, it was the duty of the General Assembly to examine any complaint from a Member nation of the existence of a threat to its political independence and territorial integrity. Having been a victim of armed aggression itself, the Greek people felt a deep sympathy for the sufferings of the people of China at the hands of communist imperialism. Obviously, therefore, in the present debate, the Greek delegation would favour action by the General Assembly to protect any nation that was threatened by armed aggression from abroad. However, that attitude did not stem merely from Greece's own experience. The main reason was that the Greek delegation believed that the Charter placed an obligation upon all Member States to insist that international law be universally respected, that any violation, either open or camouflaged, of the principles of the Charter should be punished, and that all Member Governments should conduct their relations in a spirit of good neighbourliness. Respect for those principles was of vital concern to all Member States because so long as a Government was resolved to disregard international law in furtherance of its own selfish interests, no one could say at what point it would stop. The existence of an aggression against one Member of the international community contained, in itself, a menace of similar aggression against all the others. That fact had been heavily emphasized by the tragic results of the Munich Agreement. Mr. Kyrou hoped that the Committee would recognize its grave responsibility and adopt a firm decision in the sense that international law must be universally respected if world peace was to be assured.

22. Mr. VAN LANGENHOVE (Belgium) said that his delegation had listened with particular interest to the Chinese representative's statement because their two countries had long maintained close and friendly relations and because the Belgian people had felt a deep sympathy for China during its long ordeal.

23. No one could fail to note that, out of the four items which had figured on the agenda of the First Committee during the present session, three were closely related in their substance. Indeed, that relationship had been expressed in the titles of two of the items, relating to Greece and China, both of which contained the phrase "threats to political independence and territorial integrity". It was evident that the main obstacle which prevented consolidation of peace at the present time was the fact that many States felt

¹ See *Official Records of the fourth session of the General Assembly, General Committee, 67th meeting.*

that they were being threatened from abroad. The task of the Committee was not to examine the internal situation in China, but to investigate the international aspect of the situation. In that respect the situation was very similar to that prevailing in Greece and the Chinese representative had merely confirmed the facts already well known, namely that China was a victim of external intervention and that assistance was provided from outside the country, in the form of large quantities of armaments and war materials, to the insurgent forces which were fighting the regular Chinese Government. All that further illustrated a certain policy which had been the principal subject of discussion during the preceding meetings of the Committee.

24. The scope of that policy and its essentially imperialistic character could be easily assessed by comparing its manifestations in the Far East and in Europe. Actually what the world was witnessing was the manifestation of a neo-imperialism which, although similar to preceding forms, possessed some new features capable of creating a misunderstanding as to its true character. The doctrinal and ideological basis of that neo-imperialism had been admirably described during the debate on the preceding item on the Committee's agenda. Essentially, it was an ideology which claimed universality on the one hand and, on the other, the right to dominate both in the spiritual and temporal domains. In so far as China was concerned, that neo-imperialism had not as yet taken the form of direct annexation as had been the fate of the Baltic States in Europe. Yet, although information was notably lacking, there could be little doubt that the Chinese representative had been correct in stating that in Outer-Mongolia effective control was being exercised by certain advisers and agents who had been placed in all the key positions of the Government. A similar objective could be seen in the proposals which the Soviet Union had submitted to the Chinese Government on 24 November 1945 and 27 March 1946. Those proposals were designed to place 154 industrial and mining enterprises in Manchuria, representing more than 80 per cent of heavy industry, under joint Chinese-Soviet management. It had been stipulated that the Director-General entrusted with control of those enterprises should be appointed by the Government of the Soviet Union and his deputy by the Chinese Government. Such tactics were not original in any way and were reminiscent of the methods used in eastern Europe.

25. A more complex situation arose in connexion with the military and economic assistance that had been furnished to the forces fighting the regular Government of China and seeking to replace it with a new Government. Doubtless, the existence of such external aid was not, in itself, sufficient ground for challenging the independence of the new Government. But there existed a much more valid reason for doubting its independence in the fact that the principal representatives of the new régime had received their authority from the leaders of a political party who were, at the same time, leaders of a foreign State and whose political philosophy demanded absolute obedience from their adherents. Clearly, that meant the subordination of national interests to the interests of the foreign State concerned and the existence of such subordination was borne out by the evidence adduced by the Chinese representative.

26. Moreover, the Committee had standards by which to judge the situation in the experience of recent developments in the relations between the Soviet Union and Yugoslavia. The fundamental cause of the conflict between those two States was obviously that Yugoslavia, despite the communist conviction of its leaders, had been unwilling to subordinate its own national interests to those of the Soviet Union. As the Yugoslav representative had himself stated (330th meeting), Yugoslavia had refused to accept the role of a dependent territory which had been accepted by the leaders of other States in eastern Europe. A situation had arisen in that part of Europe and in the Far East which had not been envisaged by the authors of the Charter. The latter had laid down guarantees for the peoples of territories that had not yet achieved self-government, but they had been silent with respect to peoples who had been used to govern themselves, but had had the power of self-government removed from them. It would be inconceivable that the Committee should remain indifferent to their fate and that while wasting time combating the colonialism of yesterday, it should be blind to the imperialism of the present day which was aimed at the subjugation of peoples capable of self-government. Doubtless, the power of the United Nations to act at the present time was very limited. But the United Nations must have the courage to look reality in the face and pronounce itself unequivocally upon the situation as it existed. Only thus would the United Nations be discharging one of its essential functions, namely to harness the moral forces implicit in the fundamental principles of the Charter.

27. Mr. van Langenhove reserved the right of his delegation to state its position regarding the specific proposals contained in the draft resolutions at the end of the general debate.

28. Mr. TSIANG (China) drew the Committee's attention to certain aspects of the joint draft resolution which, he stressed, was not incompatible in substance with the draft resolution submitted by his delegation (A/C.1/551). In fact, the joint draft resolution merely dealt in greater detail with the substance of the final paragraph of the Chinese draft resolution, omitting all reference to its three preceding provisions. The Committee must decide therefore whether those other provisions of the Chinese draft resolution were in fact necessary or not. Mr. Tsiang explained the substance of the provisions contained in the Chinese draft resolution and stated the considerations which should guide the Committee's decision.

29. First, the Chinese draft resolution contained a determination that the Soviet Union had violated the Charter and the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945. The Committee must decide whether the evidence which he had adduced was sufficient to form a basis for such a determination and whether a determination in that sense would be necessary or wise.

30. Secondly, the draft resolution urged all Member States to desist and refrain from giving military and economic aid to the Chinese Communists. In that connexion the Committee must decide whether or not such a request was contrary to the principles of the Charter and whether Member States should be permitted to continue to give military and economic aid to the Chinese

Communists. Likewise, it must be decided whether the request exceeded the obligations imposed upon the General Assembly by the Charter.

31. Thirdly, the Chinese draft resolution contained a recommendation to all Member States not to accord diplomatic recognition to any régime organized by the Chinese Communists. The question arose whether recognition of the Chinese communist régime was consistent with international law and the Charter and whether it would promote international peace and security which were the special concern of the United Nations. Mr. Tsiang stated his intention to explain at a later time why his delegation insisted upon the three provisions to which he had referred, in addition to the point covered by the joint draft resolution. In the meantime he asked that the Committee consider the points which he had raised.

32. Mr. STOLK (Venezuela), while not prepared to discuss the substance of the question, asked for a clarification by the authors of the contents of the two draft resolutions before the Committee. For his part Mr. Stolk doubted whether it was in order to issue an appeal to all Member States to stop aiding the Chinese Communists at the present time. The title of the agenda item related to the existence of threats to the political independence and territorial integrity of China and to the peace of the Far East resulting from violations by the Soviet Union of the Charter and of the Sino-Soviet Treaty of

Friendship and Alliance of 14 August 1945. Clearly, the first task should be to ascertain whether the accusation was correct. If the General Assembly was to issue an appeal, it should be based on proven facts. In his opinion, the General Assembly should not issue an appeal indiscriminately to all States but only to such States which it had been proved had violated the Charter or had aided the Chinese Communists. If, on the other hand, the General Assembly merely wished to make a declaration of principle in order to "promote the stability of international relations in the Far East", without assessing the validity of the charges which had been made, then clearly the draft resolution should contain nothing more than a general statement of principles.

33. Mr. MUNIZ (Brazil) pointed out the importance of the two draft resolutions which had been submitted to the Committee and stated that his delegation would require time to study them and to consult its Government. He therefore proposed that the debate be adjourned until the General Assembly had completed consideration of the agenda item relating to "Condemnation of the preparations for a new war, and conclusion of a five-Power pact for the strengthening of peace".

34. The CHAIRMAN put the motion for adjournment to the vote, in accordance with rule 105 of the rules of procedure.

The motion was adopted by 36 votes to 2, with 8 abstentions.

The meeting rose at 12.30 p.m.

THREE HUNDRED AND FORTIETH MEETING

Held at Lake Success, New York, on Thursday, 1 December 1949, at 3 p.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. TSIANG (China) pointed out that the joint draft resolution submitted by the delegations of Australia, Mexico, Pakistan, the Philippines and United States (A/C.1/552) was not inconsistent with the Chinese draft resolution (A/C.1/551), the main points of the joint draft resolution being embodied in the last point of the operative part of the Chinese draft resolution.

2. The latter contained, however, three other points, which were no less important. In the first place, it asked the General Assembly to determine that the USSR had violated the Charter of the United Nations and the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945. Mr. Tsiang reminded the meeting that he had already given evidence of those violations (338th meeting), which added up to a case of outright aggression.

3. As for the question whether it might not be advisable, as suggested, to refer those charges of violation of the Charter and the Sino-Soviet Treaty

to the International Court of Justice, strictly speaking only one of those violations came within the scope of international law, and that was the shipment of Chinese troops through the port of Dairen. The Government of the Soviet Union had contended at the outset that the status of Dairen as a free port debarred its use for military purposes. The Chinese Government had replied that Dairen's status as a free port did not mean that China had lost its rights to use it for purposes other than commercial ones, since the treaty provided that China should retain its sovereign rights over the port. Later, the USSR had changed its line of argument and had adduced the technical state of war with Japan as a reason for preventing China from stationing troops in Dairen. The Chinese Government had replied that the treaty between China and the USSR did not prevent China from exercising sovereign rights over Dairen once Japan had surrendered unconditionally to the Allies.

4. Mr. Tsiang further pointed out that the decision of the USSR delegation not to take part in the Committee's discussion showed that the Soviet Union had no case. Since, moreover, that State had not ratified the Statute of the International Court of Justice, any legal appeal would be futile. Nevertheless, the Chinese delegation would agree that the question of Dairen should be brought before the International Court of Justice, provided that the USSR did not fail to