UNITED NATIONS

OFFICIAL RECORDS OF THE FOURTH SESSION
OF THE GENERAL ASSEMBLY

AD HOC POLITICAL COMMITTEE

SUMMARY RECORDS OF MEETINGS
27 SEPTEMBER — 7 DECEMBER 1949

LAKE SUCCESS, NEW YORK

To be inserted in your copy of:

UNITED NATIONS

Official Records of the Fourth Session
of the General Assembly

AD HOC POLITICAL COMMITTEE

Summary Records of Meetings
27 September - 7 December 1949

CORRIGENDUM 1

English Only

Page 218, line 15:
For "Ethiopia" substitute "Egypt".

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INTRODUCTORY NOTE

These Official Records include the corrections to the provisional records which were requested by the delegations, and such drafting and editorial modifications as were considered necessary.

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The Annex to the summary records of the *Ad Hoc* Political Committee contains a check list of all *Ad Hoc* Political Committee documents and accompanying indications of the inclusion of other documents pertaining to that Committee's agenda in the various volumes of Official Records of the fourth session.

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AD HOC POLITICAL COMMITTEE

AGENDA

The General Assembly, at its 224th plenary meeting held on 22 September 1949, decided to allocate the following items of the agenda of the fourth session to the *Ad Hoc* Political Committee for consideration and report:[1]

1. The problem of the independence of Korea: report of the United Nations Commission on Korea (*item 22*).
2. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (*item 27*).
3. Report of the Interim Committee of the General Assembly (*item 25*):
   (*a*) Promotion of international co-operation in the political field;
   (*b*) Constitution, duration and terms of reference of the Interim Committee.
4. United Nations Field Service: report of the Special Committee (*item 26*).
5. Admission of new Members: reports of the Security Council (*item 17*).
6. International control of atomic energy: resolutions of the Atomic Energy Commission (transmitted by the Security Council) and report of the permanent members of the Atomic Energy Commission (*item 23*).
7. Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (*item 24*).

The General Assembly at its 238th plenary meeting held on 2 November 1949 decided to withdraw the following items from the agenda of the First Committee and to re-allocate them to the *Ad Hoc* Political Committee[1]:

8. Report of the Security Council (*item 10*).
9. Palestine (*item 18*):
   (*a*) Proposals for a permanent international regime for the Jerusalem area: report of the United Nations Conciliation Commission for Palestine;
   (*b*) Protection of the Holy Places: report of the United Nations Conciliation Commission for Palestine;
   (*c*) Assistance to Palestine refugees: report of the Secretary-General.
10. Question of Indonesia (*item 20*).

[1] The letters by which the President of the General Assembly transmitted this agenda to the Chairman of the *Ad Hoc* Political Committee were circulated as documents A/AC.31/2 and A/AC.31/10.

CORRECTIONS SUBMITTED AFTER THE EXPIRATION OF THE TIME-LIMIT

The following corrections were received by the Secretariat after the expiration of the time-limit and are reproduced below upon the request of the delegations concerned.

CORR. 1

CORRIGENDA, REQUESTED BY THE DELEGATION OF CHINA, TO THE 4th MEETING

Paragraph 31, lines 11 and 12:

Delete "independent" and substitute "industrious".

Paragraph 32, last line:

Delete "freedom" and substitute "liberation".

Paragraph 36, last line:

Delete "selfish considerations and a will to dominate" and substitute "by its own interests for domination and conquest".

Paragraph 37, lines 6 and 7:

Delete "might eventually provoke outright conflict" and substitute "threatening the peace of the entire Far East".

Paragraph 37:

Delete the last sentence and substitute "He warned against the non-co-operation of the Soviet Union and her efforts to prevent the unity of Korea, which were part of a single design for domination of Asia and the world".

AD HOC POLITICAL COMMITTEE

FIRST MEETING

Held at Lake Success, New York, on Tuesday, 27 September 1949, at 3 p.m.

Temporary Chairman: General Carlos P. RÓMULO (Philippines).

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Opening of the meeting by the President of the General Assembly

1. The CHAIRMAN declared open the first meeting of the *Ad Hoc* Political Committee.

Election of Chairman, Vice-Chairman and Rapporteur

2. Mr. AMBY (Denmark) nominated Mr. Entezam (Iran) to the office of Chairman. He recalled that Mr. Entezam had been one of the signatories of the Charter at San Francisco and had brilliantly discharged his duties as Chairman of the Fourth Committee at the third session of the General Assembly.

3. Mr. ORDONNEAU (France), Mr. CHOUAIB (Afghanistan), Mr. MACEACHEN (Uruguay), Mr. KHALIDY (Iraq), Mr. LIU CHIEH (China), Mr. HENRÍQUEZ UREÑA (Dominican Republic), Mr. ARCE (Argentina) and ABDUL RAHIM Bey (Egypt) warmly supported the nomination.

4. The CHAIRMAN noted that, no other candidature having been submitted, Mr. Entezam appeared to be the Committee's unanimous choice.

Mr. Entezam (Iran) was elected Chairman by acclamation.

Mr. Entezam took the chair.

5. Mr. D'SOUZA (India) nominated Mr. Castro (El Salvador), whose eminent qualities were well-known, for the office of Vice-Chairman.

6. Mr. MORALES MARENCO (Nicaragua) supported Mr. Castro's candidature.

7. Mr. HOFFMEISTER (Czechoslovakia) nominated Mr. Naszkowski (Poland). His diplomatic experience made him a particularly suitable candidate for the office of Vice-Chairman of the *Ad Hoc* Political Committee, one of the most important Committees of the General Assembly.

8. Mr. KISELEV (Byelorussian Soviet Socialist Republic) supported the nomination.

A vote was taken by secret ballot.

At the invitation of the Chairman, Mr. Alexis (Haiti) and Mr. Amby (Denmark) acted as tellers.

Number of votes cast, 58;
Blank forms, 4;
Valid votes, 54.

Number of votes obtained:

Mr. Castro (El Salvador), 45;
Mr. Naszkowski (Poland), 9.

Mr. Castro (El Salvador), having obtained the required simple majority, was elected Vice-Chairman.

9. Mr. C. MALIK (Lebanon) nominated Mr. Nisot (Belgium) for the office of Rapporteur. Mr. Nisot's devotion to duty and his objectivity were a guarantee for the success of the *Ad Hoc* Political Committee's work.

10. Mr. ANZE MATIENZO (Bolivia) warmly supported the nomination.

11. Mr. HOFFMEISTER (Czechoslovakia) regretted that the principle of geographical distribution had not been observed in the election of the Vice-Chairman. For that reason, and without reflection on the candidate himself, his delegation would be obliged to abstain from voting in the election of the Rapporteur.

12. Mr. KISELEV (Byelorussian Soviet Socialist Republic) shared the Czechoslovak representative's view and stated that his delegation would abstain from voting for the same reason.

13. Mr. GONZALEZ ALLENDES (Chile) thought that the principle of geographical distribution need not be taken into consideration in electing the officers of a Committee.

14. His delegation would support the candidature of Mr. Nisot.

Mr. Nisot (Belgium) was elected Rapporteur without opposition.

Consideration of the agenda: letter dated 26 September 1949 from the President of the General Assembly to the Chairman of the *Ad Hoc* Political Committee (A/AC.31/2)

15. The CHAIRMAN called on the members of the Committee to express their views on the programme of work as it appeared in the letter from the President of the General Assembly (A/AC. 31/2).

16. Mr. TOBAR (Ecuador) proposed that the agenda should be adopted without change.

That proposal was adopted unanimously.

17. The CHAIRMAN asked the Committee whether it wished to proceed immediately to the examination of the first item on the agenda, namely, the problem of the independence of Korea.

18. Mr. ALEXIS (Haiti) suggested that examination of that item should be deferred to a later meeting so as to enable members of the Committee to study more closely the report of the United Nations Commission on Korea.

19. Mr. C. MALIK (Lebanon) therefore moved the adjournment of the meeting.

It was so decided.

The meeting rose at 4 p.m.

SECOND MEETING

Held at Lake Success, New York, on Wednesday, 28 September 1949, at 3.30 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

The problem of the independence of Korea: report of the United Nations Commission on Korea (A/822, A/830, A/904, A/905, A/906, A/928, A/931, A/936, A/936/Add.1, A/956, A/969)

1. The CHAIRMAN recalled that when the First Committee had taken up the problem of the independence of Korea, during the third session of the General Assembly, the Rapporteur of the Temporary Commission on Korea had been invited to submit his report to members of the Committee. He suggested that the *Ad Hoc* Committee should adopt the same procedure.

It was so decided.

At the invitation of the Chairman, Mr. Liu Yu-wan, Rapporteur of the United Nations Commission on Korea, took his place at the Committee table.

2. Mr. LIU Yu-wan (Rapporteur of the United Nations Commission on Korea) pointed out that the report of the United Nations Commission on Korea (A/936), which included a substantive part and a series of documents, dealt with the Commission's work from its arrival at Seoul on 30 January 1949 up to the end of July. Since that date, the Commission had continued to meet at Seoul, but the development of the situation in Korea had not necessitated any amendments to the report, which had been adopted unanimously on 28 July 1949.

3. In tracing the development of the Commission's work, he recalled that, in view of the fact that the Governments of the United States and the USSR had found it impossible to reach agreement on the methods of achieving the independence of Korea in accordance with the Cairo, Yalta and Potsdam Agreements, the General Assembly had, on 14 November 1947, adopted resolution 112 (II) on Korea and had established the Temporary Commission on Korea; that Commission's terms of reference had consisted in supervising the elections that were to take place in Korea for the establishment of a national assembly and a national government.

4. The Temporary Commission had been unable to obtain the co-operation of the Soviet Union and had been refused entry into North Korea. It had been able to supervise elections only in the territories to which it had access; those territories, however, contained two-thirds of the population. As a result of the free elections of 10 May 1948, the Korean National Assembly had been convened on 30 June 1948 and on 15 August 1948 the Government of the Republic of Korea had been solemnly proclaimed. Meanwhile, another Government had been arbitrarily set up in North Korea. Thus, the problem of the independence and the unification of Korea was complicated by the existence of two rival political régimes.

5. The Temporary Commission had included all those facts in its report to the third session of the General Assembly[1]. By resolution 195 (III) of 12 December 1948, the General Assembly had decided to approve the conclusions of the report and to set up the United Nations Commission on Korea, in order to accomplish the objectives set forth in the resolution of 14 November 1947 and to implement the provisions of the resolution of 12 December 1948 on Korea.

6. Mr. Liu Yu-wan stressed the main provisions of that resolution, namely, the General Assembly's recognition of the Government of the Republic of Korea as the only lawful Government, having effective control over that part of Korea where the Temporary Commission had been able to observe; a recommendation that Member States and other nations take that fact into consideration in establishing diplomatic relations with the Korean Government and an invitation to the occupying Powers to withdraw their troops as soon as possible; and finally, the General Assembly's appeal to the Member States concerned, to the Government of the Republic of Korea and to all Koreans to afford every assistance to the United Nations Commission on Korea in the fulfilment of its responsibilities. The resolution also called upon Member States to refrain from any acts derogatory to the results to be achieved by the United Nations in bringing about the independence and unity of Korea.

7. Furthermore, the resolution laid the following responsibilities upon the United Nations Commission on Korea:

"(*a*) Lend its good offices to bring about the unification of Korea and the integration of all Korean security forces in accordance with the principles laid down by the General Assembly in the resolution of 14 November 1947;

"(*b*) Seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea;

"(*c*) Be available for observation and consultation in the further development of representative government based on the freely-expressed will of the people;

"(*d*) Observe the actual withdrawal of the occupying forces and verify the fact of withdrawal when such has occurred; and for this purpose, if it so desires, request the assistance of military experts of the two occupying Powers."

8. In order to carry out the first of those tasks, it had been necessary for the Commission to have access to North Korea. It was unable, however, to communicate with the Authorities of North Korea, since the Government of the Republic of Korea was the only one recognized as lawful by the United Nations; moreover, the Government of the Republic of Korea was unwilling to establish direct contact with the authorities of North Korea and preferred that such contact should be established through the agency of the Soviet Union. Mr. Liu Yu-wan recalled the efforts made by the Commission to enter into contact either with the Government of

[1] See *Official Records of the third session of the General Assembly*, Supplement No. 9.

the USSR or with General Kim Il Sung, who had been asked to facilitate the Commission's visit to North Korea: all those efforts had been in vain and the Commission had received no reply, either to the telegram it had sent on 18 February 1949 to the Government of the USSR, or to the letter sent to General Kim Il Sung. The impossibility of establishing contact with the representatives of North Korea had prevented the Commission from carrying out its task with regard to the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea.

9. Furthermore, the Commission had been confronted by a new obstacle, namely, the policy of the Government of the Republic of Korea, which considered trade with North Korea as an instrument of subversive propaganda. Finally, the artificial frontier of the 38th parallel had become the scene of an increasing number of incidents, which had led to the virtual disappearance of trade between North and South Korea.

10. With reference to the sub-paragraph (*c*) of the Commission's terms of reference, according to which the Commission had to be available for observation and consultation in the further development of representative government based on the freely-expressed will of the people, he stressed that, in that case also, the Commission had been confronted with many difficulties. The Commission took the view that that particular provision of the General Assembly resolution applied to Korea as a whole, whereas the Government of the Republic of Korea considered that the resolution should be implemented only north of the 38th parallel. Thus, the consultations that had been envisaged between the Government of North Korea and the Commission with a view to the extension of representative government had proved impossible. The North Korean authorities, for their part, had consistently disregarded the Commission's efforts to implement the provisions of the General Assembly resolution. The Commission had therefore been obliged to confine its observations to the information it had been able to collect during journeys through different territories and in conversation with individuals or organizations. On the basis of those observations, the Commission considered that the Government of the Republic of Korea was in full control of the situation and that it had achieved considerable progress towards establishing a representative government, especially in view of the very short time it had had and of the extent of the problems with which the young Republic had been confronted. Insurrections had been quelled, especially in the Cholla Namdo and Cheju Do regions, and the Government of the Republic of Korea was in a position to enforce order and respect for the law in the territories under its jurisdiction. That Government was now recognized by twenty Member States, including four permanent members of the Security Council. Nevertheless, the security of the Republic of Korea, indispensable if a representative régime was to be developed in that country, could be ensured only if the authorities of North Korea were enabled freely to recruit and equip large numbers of soldiers and conclude military agreements with neighbouring countries. At the same time the Commission thought that many internal difficulties might be overcome if the political basis of the Government was widened.

11. The Commission did not feel it was competent to undertake any responsibility with regard to the withdrawal of occupying forces from Korea. It must confine itself to observing the actual withdrawal of the occupying forces and verifying the fact of withdrawal when such had occurred. The Commission had adopted that attitude because it had been unable to observe the actual withdrawal of occupation forces of the USSR from the northern zone, which had been announced by the USSR authorities. The Governments of the United States and the Republic of Korea took the same view with regard to the withdrawal of the United States occupation forces.

12. The Government of the United States had informed the Commission of the plan it had adopted for the withdrawal of troops and had assured the Commission of its full co-operation. Furthermore, the United States had told the Commission that it would not object if the Commission were assisted by USSR military experts in its task of observing and verifying the withdrawal of United States troops, provided that the same right was given to United States military experts in North Korea and that the Korean Government was consulted on the United States' wish to obtain the assistance of USSR military experts. On 13 June 1949 the Commission had decided to observe the withdrawal of the last of the United States troops. It had not considered it necessary to request the assistance of the military experts, as authorized by the General Assembly resolution.

13. Mr. Liu Yu-wan then recalled the statement made on 27 July 1949 by the United Nations Commission on Korea (page 11 of the report), from which it appeared, first, that the withdrawal of United States troops had been completed on 29 June 1949; secondly, that the right of control exercised by the United States Government over Korean security forces had come to an end on 30 June; thirdly, that the United States Government no longer had any military equipment or stores in Korea.

14. At the time it was verifying the withdrawal of United States forces from Korea, the Commission had informed the USSR Government, on 4 July 1949, through the Secretary-General of the United Nations, that it was ready to put into effect the provisions of the General Assembly resolution of 12 December 1948 on USSR occupation forces. That communication, together with preceding communications, had remained unanswered. It had been impossible to integrate all the Korean security forces, as required by the General Assembly resolution of 14 November 1947, the Commission having been unable to make any progress as far as the political side of its work was concerned.

15. The closing words of the Commission's report might appear somewhat pessimistic; if, however, the Commission had been unable to complete the task entrusted to it by the General Assembly, it was not because of any lack of effort or perseverance on its part, but because of a series of circumstances beyond its control. The USSR Government's opposition was most regrettable; that opposition had made it impossible

for the Commission to establish contact with the northern part of Korea. The 38th parallel was still the major obstacle to the establishment of friendly relations between the two parts of the country. The barrier which it represented should be broken down; that was the first task which the General Assembly should undertake.

16. The problem of Korea's unification was further from being solved than it had been the previous year; in spite of the Commission's renewed efforts, no appreciable result had been obtained. The Government of the Republic of Korea had welcomed the Commission and had asked it to continue its work; it had, however, refused to take part in any official talks with the representatives of the Authorities of North Korea. The Government of the Republic of Korea not only desired the withdrawal of USSR forces, but also the removal of all traces of the USSR occupation of Korea, the purging of the régime in the North, the disbandment of security forces in North Korea and the liquidation of all political organizations supported by the USSR. The North Korean authorities, for their part, made the same demands from the Government of the Republic of Korea. Unfortunately the spirit of compromise did not seem to exist in Korea, a fact which the Commission had had to face and which should be taken into consideration when its report was being examined.

17. The Commission's terms of reference were inadequate to the task for which it was responsible. The Commission was enjoined to "lend its good offices . . .", "be available for observation . . ." and "seek to facilitate . . ." which meant that it was empowered to act only when its services were requested. The removal of political and economic barriers and the unification of a large country were positive tasks for the fulfilment of which the Commission should be given positive powers. The Commission's terms of reference did not allow it any initiative and, in spite of its desire to acquit itself of its task, it had been able to adopt only a passive attitude.

18. Finally, Mr. Liu Yu-wan wished to dispel the impression which seemed to have been created that the Commission had suggested, or was suggesting, to the General Assembly that the Korean problem should be referred to the two Powers principally concerned—the United States of America and the Union of Soviet Socialist Republics. He solemnly declared that that impression was completely false. The Commission had emphasized in its report that the unification of Korea could not be achieved as long as the Soviet Union opposed all the Commission's efforts. It had likewise stated that the antagonism which existed between the Soviet Union and the United States was one of the causes mainly responsible for the existing situation, and that no progress could be made unless those two Powers could reach agreement.

19. Moreover, it should be remembered that the Republic of Korea had placed its hopes in the United Nations and expected the Organization to find a solution for the many problems which assailed it, all the more so since the Republic was, to some extent, a creation of the United Nations. The presence of the United Nations Commission in Korea had had a stabilizing effect on that country's situation. That was a fundamental fact to be remembered during the consideration of the report. Like the Temporary Commission, the United Nations Commission on Korea was convinced that the prestige and authority of the United Nations should be employed in solving the problem, which should remain before the General Assembly; for its part, the General Assembly should try to attain the full co-operation of all its Members, and particularly of the United States and the Soviet Union, and should take every measure necessary for the attainment of Korea's complete independence and unity.

20. Mr. LOPEZ (Philippines) thought that, before proceeding to the discussion of the report, the *Ad Hoc* Political Committee should decide to invite the representatives of the Republic of Korea to attend, without the right to vote, all the Committee's meetings devoted to the consideration of Korea's independence. He submitted a formal proposal to that effect, and hoped that in view of the urgency of the question the Committee would examine that procedural matter without delay, in accordance with rule 109 of the rules of procedure, which authorized such deviations from the rule of twenty-four hours' notice.

21. Mr. CHAI (Secretary of the Committee) read the draft resolution submitted by the Philippine delegation (A/AC.31/4).

"The Ad Hoc *Political Committee,*

"Believing that the participating of the duly accredited representatives of the Government of the Republic of Korea is essential to a full and free discussion of the problem of the independence of Korea,

"Decides to invite the delegation of the Government of the Republic of Korea, under the Chairmanship of Mr. Pyung Ok Chough, to participate, without the right to vote, in the debate in this Committee on the Korean question."

22. The CHAIRMAN recalled that there was a precedent for such a measure; when the report of the United Nations Temporary Commission on Korea was being considered, during the General Assembly's third session, the First Committee had decided to hear the representatives of the Government of the Republic of Korea[1].

23. Mr. TSARAPKIN (Union of Soviet Socialist Republics) stated that his delegation was strongly opposed to the Philippine draft resolution, as it could not agree that the representatives of the so-called Government of the Republic of Korea should take part in the discussions of the Committee. As had been said by the USSR delegation before, in similar circumstances, the Government of the Republic of Korea was a mere tool in the hands of the American Authorities and had been set up in conditions of terror and police brutality which had made impossible the carrying out of free elections.

24. The USSR delegation also wished to remind the Committee that there was in existence in Korea a Government which really represented the country as a whole, namely the Government of the Democratic People's Republic of Korea, set up by the Supreme Council, a body which had been elected democratically by the people both of North Korea and South Korea. In the opinion of

[1] See *Official Records of the third session of the General Assembly, Part I, First Committee,* 230th meeting.

the USSR delegation, it was to the representatives of that legitimate Government that the Committee should give a hearing; the Soviet Union therefore formally proposed that the representatives of that Government should be invited to attend the meetings of the Committee (A/AC.31/5).

25. Mr. ICHASO (Cuba) recalled that Cuba was among the twenty countries which had officially recognized the Government of the Republic of Korea, the only Government which was truly representative and sincerely anxious to achieve the unity of the country. The Cuban delegation therefore supported the Philippine draft resolution.

26. Mr. FAHY (United States of America) observed that, if the so-called Government of the Democratic People's Republic of Korea really represented the mass of the population, it would surely have allowed the United Nations Commission on Korea to enter North Korea in order that it might appreciate the fact for itself.

27. Mr. KISELEV (Byelorussian Soviet Socialist Republic) maintained that it was ridiculous to suggest that the Government of the Republic of Korea, which had been put into power by the American Authorities, who were using it to govern the country, really represented Korea as a whole; on the contrary, the facts showed clearly that it was only a puppet Government and could not be regarded in any way as the expression of the people's will. The Byelorussian SSR was therefore categorically opposed to the Philippine draft resolution.

28. The Byelorussian SSR urged, on the contrary, that the Committee shoud invite the representatives of the Government of the Democratic People's Republic of Korea to share in its work. That Government, freely and democratically elected, did indeed represent the population of North Korea, and also that of South Korea, which had secretly participated in the voting.

29. Mr. ZEBROWSKI (Poland) reminded the Committee that the USSR delegation had been the first to propose, in 1947[1], that representatives of the people of Korea should participate in discussing the problem of Korean independence; he added that if that proposal had not been rejected by the majority of the Committee[2], the United Nations would perhaps have avoided various errors which it had subsequently committed.

30. He emphasized the illegal character of the so-called Government of the Republic of Korea. It had been illegal, in the first instance, to bring the question of Korean independence before the United Nations. In the second instance, it was contrary to the spirit of the Charter and to the principle of the right of self-determination of peoples for the representatives of the Korean people to be refused any opportunity of participating in the discussions of the matter. Finally, it had also been contrary to the will of the General Assembly to carry out elections concerning only part of Korea; the elections which had taken place in South Korea had been agreed to by an illegal organ of the General Assembly, namely, the Interim Committee, following a proposal made by another equally illegal organ, the United Nations Temporary Commission on Korea; moreover, the elections had been marked by acts of terrorism and despotism, a fact which even the United Nations Commission on Korea had been unable to deny completely. In the circumstances, the Polish delegation could not agree that the Committee should address an invitation to the puppet Government, which was made up of the most reactionary elements in the country.

31. The Polish delegation, on the contrary, unreservedly supported the USSR proposal. The Government of the Democratic People's Republic of Korea had succeeded the first democratic Government set up in 1945, which had grown directly out of the popular resistance movement against the Japanese occupation. It should be emphasized that, from the very beginning, the authorities in North Korea had been engaged in eradicating all traces of Japanese imperialism, improving the well-being of the masses by various reforms, including agrarian reform, thus creating the material conditions which were essential to the free expression of the people's will; no similar achievements could be attributed to the so-called Government of the Republic of Korea.

32. The Government of the Democratic People's Republic had been created as a result of free elections which had been marked by the success of the main democratic parties of Korea, not only in the North but also in the South of the country. That Government was making a genuine effort to ensure Korean unity and independence; it had been the first to request the withdrawal of foreign troops, and had initiated the conferences of April 1948 and June 1949 which had been attended by most of the political parties in Korea. The Government had been recognized by a large number of countries, including Poland.

33. Mr. LIU CHIEH (China) was surprised that the so-called Government of the Democratic People's Republic, which had so far refused to have any interview or conversation with the members of the United Nations Commission on Korea, was now seeking the admission of its representatives to a committee of the General Assembly.

34. Mr. VOYNA (Ukrainian Soviet Socialist Republic) recalled that, in support of the Philippine proposal, the representative of China had quoted the report of the United Nations Commission on Korea, a body which had been constituted in contravention of the provisions of the Charter. The report was a highly tendentious document, and could not provide a justification of the proposal in question.

35. Mr. Voyna recalled that even United States newspapers had reported in June 1949 that the South Korean Assembly had protested against the Government of Mr. Syngman Rhee; he was surprised, therefore, that the United States delegation should be supporting the Philippine proposal.

36. Furthermore, it had been stated in the *New York Herald Tribune* of 13 June 1949 that South Korea was nothing but a protectorate of the United States, and that the régime which had been established there would collapse overnight if United States support were withdrawn.

[1] See *Official Records of the second session of the General Assembly, First Committee,* 87th meeting and Annex 16d.

[2] *Ibid.,* 91st meeting.

37. Mr. Voyna regretted that the Rapporteur of the United Nations Commission on Korea had not given an accurate account of the situation in South Korea.

38. The *Ad Hoc* Political Committee could not invite persons who did not enjoy the confidence of their own people to take part in its discussions.

39. For that reason, the delegation of the Ukrainian SSR opposed the Philippine delegation's proposal and supported the USSR proposal that representatives of the Government of the Democratic People's Republic of Korea should be invited to take part in the discussion on the problem of the independence of Korea.

40. That Government had been constituted in an entirely democratic manner. In North Korea, 99.7 per cent of the voters had taken part in the elections; in South Korea, despite the terror organized by the Authorities in that area in order to prevent the population from electing its representatives to the parliament of the Democratic People's Republic of Korea, 77.48 per cent of the voters had taken part in the elections. The Supreme Council of the Democratic People's Republic of Korea was composed of 570 deputies from both North and South Korea. Those deputies included workers, peasants, civil servants and other intellectual workers representing all classes of the population.

41. The representatives of that democratic Government should be the only ones to be invited to take part in the discussions of the Committee on the independence of Korea.

42. Mr. TSARAPKIN (Union of Soviet Socialist Republics) recalled that the representative of China had been against inviting representatives of the Democratic People's Republic of Korea to take part in the discussion on the grounds that the Government of that Republic had not wished to have any relations with the United Nations Commission in Korea.

43. He stressed that the problem of the independence and unification of Korea should be resolved by the Korean people itself. It was essential therefore that no pressure should be exerted on the people of Korea with a view to influencing its decisions. Some delegations had already had occasion to state, at the time of the creation of the United Nations Temporary Commission on Korea, as well as of the present Commission, that those organs had been set up in an irregular manner and in violation of the Charter; furthermore, some Governments which had been invited to take part in the work of those Commissions had refused to send their representatives.

44. The Government of the Democratic People's Republic of Korea was therefore fully entitled to ignore those irregularly constituted organs.

45. Moreover, it could not be claimed that the Government of South Korea represented the population of the country, since United States control extended to all fields of public life in that area. The United Nations Temporary Commission on Korea had itself recognized that the elections of 10 May 1948 had not been properly conducted; in effect, the Commission had stated that owing to the exceptional circumstances prevailing in South Korea at that time, the elections had not proceeded normally; in other words, they had not proceeded in a satisfactory manner. He recalled in that connexion that the world Press had reported the disturbances which had taken place in South Korea at the time of the elections. The inference to be drawn from a comparison between those sham elections and the free and democratic popular vote which had given rise to the Democratic People's Republic of Korea was an obvious one.

46. Mr. Tsarapkin regretted that the Rapporteur had not seen fit to mention the riots which had taken place in South Korea, and which bore witness to the people's opposition to the so-called Government which had been imposed upon it.

47. Mr. VOYNA (Ukrainian Soviet Socialist Republic) requested that the Committee should not proceed immediately to the vote on the two proposals before it. Rule 109 of the rules of procedure provided that "no proposal shall be discussed or put to the vote at any meeting of the committee unless copies of it have been circulated to all delegations not later than the day preceding the meeting".

48. He therefore proposed that the vote on the proposals should be postponed until the following meeting, so as to enable members of the Committee to study the two texts.

49. Mr. BEBLER (Yugoslavia) supported the Ukrainian delegation's proposal that the vote on the Philippine and USSR resolutions should be deferred until the following meeting.

50. The Ukrainian proposal was in conformity with the rules of procedure; moreover, if members were allowed more time, they might be able to form a clearer opinion on the substance of the two proposals. Convincing arguments had been put forward by the Byelorussian delegation; other delegations should be given an opportunity to state their views. The proposed postponement would also obviate a premature decision, if not a mechanical vote.

51. The CHAIRMAN stated that, if there was no objection, the vote on the Philippine and USSR proposals would take place at the following meeting of the Committee.

It was so decided.

52. Mr. LOPEZ (Philippines) wished to stress that his delegation had not informed any other delegation of its intention to submit a proposal to invite representatives of the Republic of Korea to take part in the discussion on the problem of the independence of Korea.

The meeting rose at 5.15 p.m.

THIRD MEETING

Held at Lake Success, New York, on Thursday, 29 September 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

The problem of the independence of Korea: report of the United Nations Commission on Korea (A/936, A/936/Add.1) (*continued*)

1. Mr. FAHY (United States of America) said he would like to answer the assertions that a Government freely and democratically elected by the whole population of Korea existed in North Korea.

2. When those so-called general elections had been held, the United Nations Commission on Korea had had no knowledge of them; the diplomatic and consular representatives of the United States of America, the United Kingdom, France and China, for their part, knew nothing of the elections. Only a report by the United Nations Temporary Commission on Korea[1], dating from 1948, showed that a Democratic People's Republic had been arbitrarily established in the North.

3. Moreover, the United Nations Commission on Korea stated in chapter IV, paragraph 26, of its report (A/936) that the Republic of Korea was the result of free elections and the expression of a people's will. In the second sub-paragraph of paragraph 27 of the same report, the Commission stated that the northern régime was the creature of a military occupant and ruled by right of a mere transfer of power from that Government, that the population had not been able to express itself freely on the subject of that régime and that the term "people's democracy" was therefore a mere fiction.

4. Mr. HOFFMEISTER (Czechoslovakia) recalled that on 15 November 1948[2] his delegation had proposed that the representatives of the Democratic People's Republic of Korea should be invited to participate in the debates on the independence of Korea; that proposal had been based on the text of a telegram addressed to the Secretary-General by the Foreign Minister of that Republic, conveying a request for permission to participate in the debate on the question.

5. The Czechoslovak delegation had not altered its attitude; hence, it would support the USSR draft resolution (A/AC.31/5).

6. For the same reasons, his delegation opposed the Philippine draft resolution (A/AC.31/4) to the effect that the Committee should invite the participation of persons who represented neither a democratic government nor the people of Korea, but who were simply a group of adventurers, including even former collaborators with the enemy.

7. It had been argued against the USSR proposal that the Democratic People's Republic of Korea had adopted a hostile attitude towards the United Nations Commission on Korea. But certain delegations had already demonstrated that all the political groups in South Korea, with the exception of reactionary elements, had refused to collaborate with that Commission and had even evinced a desire to collaborate with the Government of the Democratic People's Republic of Korea. The delegations of the Ukrainian SSR, Poland and the Byelorussian SSR had given particulars on that point, and so he would not cover the same ground again.

8. There was no evidence that the elections held in South Korea had been regular; the only virtue of that régime was that it had the support of the United States Government.

9. He hoped that the Committee would decide to break with the regrettable tradition of repeating mistakes *ad infinitum*; if, once again, an automatic majority rejected the proposal to invite the representatives of the Democratic People's Republic of Korea to participate in the debates on the subject, the Committee would reach an impasse.

10. Moreover, such opposition might convey the impression that the majority of the Committee was afraid to hear the truth on conditions in Korea from the representatives of the Democratic People's Republic of Korea, a truth that was bitterly different from the terms of the report submitted by the United Nations Commission on Korea.

11. Mr. ALEMÁN PENADO (El Salvador) was favourably inclined to the proposal of the Philippine delegation.

12. The people and the Government of El Salvador admired the efforts made by the people of Korea to set up a free and independent republic. On 2 September 1949, El Salvador had recognized the Republic of Korea, the Government of which was situated in Seoul; that recognition was based on information supplied to the Government of El Salvador by its own representatives on the United Nations Commission on Korea. Those representatives had never informed the Government of El Salvador that a freely constituted Government existed in North Korea.

13. The Rapporteur of the United Nations Commission on Korea had clearly described conditions in that country. The Commission had met with nothing but goodwill in South Korea, but it had encountered unbending opposition from the Authorities in North Korea, and had thus been prevented from ascertaining the real situation in the north. The claim that a freely and regularly constituted Government existed in North Korea could not therefore be accepted.

14. For those reasons, his delegation would vote in favour of the Philippine proposal.

15. Mr. MUGHIR (Syria) supported the Philippine proposal. Nevertheless, he would have liked representatives of North Korea to be invited to participate in the debates, but only as private persons and not as representatives of a Government. The United Nations recognized only one Government in Korea, that of the Republic of Korea.

16. If the USSR delegation would agree to amend its draft resolution and omit any mention of a Democratic People's Republic of Korea, his delegation might support that proposal.

[1] See *Official Records of the third session of the General Assembly*, Supplement No. 9.
[2] *Ibid., Part I, First Committee*, 200th meeting.

17. As Mr. TSARAPKIN (Union of Soviet Socialist Republics) said he would not consent to amend the text of the USSR proposal as it stood, Mr. MUGHIR (Syria) withdrew his amendment.

18. The CHAIRMAN put the Philippine draft resolution (A/AC.31/4) to the vote.

That proposal was adopted by 42 votes to 6, with 5 abstentions.

At the invitation of the Chairman, Mr. Pyung Ok Chough, representative of the Republic of Korea, took his place at the Committee table.

19. The CHAIRMAN put the USSR draft resolution (A/AC.31/5) to the vote.

That proposal was rejected by 35 votes to 7, with 12 abstentions.

20. Mr. Pyung Ok CHOUGH (Republic of Korea) thanked the Committee for the decision it had just taken.

21. He wished first of all to reply to the questions raised by certain Eastern European delegations, in particular the accusation brought against his Government of being a "puppet". That allegation had a bearing on the United Nations itself, since the Republic of Korea had been established as a result of the joint efforts of the Korean people and representatives of United Nations.

22. It had been claimed that the elections held in South Korea were invalidated by the acts of terrorism committed while they were in progress. Communist elements, desirous of obstructing the free elections, were alone responsible for the acts of terrorism in question; the agitators had, however, failed to prevent the free expression of the will of the people of South Korea.

23. It was also claimed that the régime set up in the north of Korea was representative of Korea as a whole, and that it was the result of a free and democratic consultation of the wishes of the people. The so-called Government of all Korea was headed by a notorious communist, a puppet of the military authorities of the Soviet Union. The régime in North Korea was neither democratic nor popular; it was merely a stern dictatorship acting on the orders of the Soviet Union and the Red Army.

24. Communist elements had attempted to overthrow the Government of the Republic of Korea by force; groups of guerrillas, saboteurs and terrorists were increasing their activities, directly helped by the occupying authorities and the armed forces of the Soviet Union. The Moscow radio itself, in its broadcast of 19 September 1949, had criticized the report of the United Nations Commission on Korea and announced that the Soviet Union gave its full support to the guerrillas and terrorists south of the 38th parallel.

25. The Government of the Republic of Korea had, for its part, been officially recognized by the United Nations and by a large number of Member States.

26. In general, when considering the problem of the independence of Korea, the General Assembly should bear in mind that the United Nations had played a very important part in the establishment of the Republic of Korea; the United Nations should continue to assume responsibility for the problem. Unification of the territory was a necessary condition if real independence was to be attained. The Government and people of Korea hoped that the United Nations would continue to help the young Republic of Korea to grow in power and prosperity, so as to achieve the real unification and independence of the whole territory.

27. After the Cairo and Potsdam Conferences, the Korean people had hoped that the United States and the Soviet Union would come to some agreement as to means of achieving the unification and independence of Korea. Unfortunately the country had been occupied by two different armies and, as a result, the north of Korea had been hermetically sealed off from the south, with disastrous consequences for the political and economic life of the country.

28. The Government of the Republic of Korea was convinced that the United States had no other intention than that of helping the Korean people to become a free, unified and independent nation. The Soviet Union, however, wished to have Korea as an advance post, both political and military.

29. By resolution 195 (III) adopted 12 December 1948, the General Assembly had approved the constitution of the Republic of Korea. The Government of the young Republic had already made substantial progress in all fields.

30. As regards security, the Government had been able, in spite of communist infiltration, to preserve order in the area under its control. Its armed forces had been organized so as to be ready for any emergency.

31. With regard to foreign affairs, the Republic of Korea maintained peaceful relations with all the free and democratic nations. *De jure* recognition had been accorded to the new Republic by the Vatican and by Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Costa Rica, Cuba, the Dominican Republic, El Salvador, France, Greece, Haiti, the Netherlands, New Zealand, Philippines, Turkey, the United Kingdom and the United States of America.

32. In the economic field, numerous factories had been put into operation, thus allowing a considerable increase in production and in the volume of exports.

33. As regards social legislation, a new land reform bill had been passed with a view to improving the living and working conditions of the peasants; in addition, trade unions had been recognized.

34. It could be claimed that the Government of the Republic of Korea was truly representative; all citizens over the age of twenty-one, both men and women, including the illiterate, were entitled to vote. Freedom of the Press, of speech, of association and of worship were guaranteed. Every citizen was free to express his opinion as to the activities and acts of the Government.

35. Speaking of the Press and education, Mr. Chough told the Committee that about thirty daily newspapers were currently published in the town of Seoul alone, and that primary education had been made obligatory.

36. The Government of the Republic of Korea had, to the best of its abilities, dealt with the problem of the feeding and lodging of refugees; the results obtained were entirely satisfactory.

37. He felt bound to acknowledge the aid given to his country by the United States, including

economic and military aid to safeguard the well-being of the population and protect the security of the State.

38. No restriction had been imposed on civil liberties. Those who attacked the Republic of Korea on the question of liberties did not bear the circumstances in mind. The Republic of Korea was, so to speak, the Greece of the Far East: bands of guerrillas, saboteurs and terrorists had infiltrated into its territory and were constantly pursuing their nefarious activities. In those circumstances, it was normal that the Government should, in the interests of national security alone, sometimes impose emergency measures such as martial law or curfew.

39. The people of Korea expressed its gratitude to the United Nations Temporary Commission on Korea and to the existing Commission for the help they had unfailingly given. The President himself, Mr. Syngman Rhee, had stated that the United Nations Commission on Korea had been a stabilizing element in Korea.

40. His Government had however, expressed reservations concerning certain opinions expressed by the United Nations Commission on Korea in its report (A/936).

41. In the first place, the Commission indicated in chapter IV, paragraph 35, sub-paragraph (3) that no substantial progress toward the achievement of unification of Korea could be made without a new effort by the Powers concerned to reach agreement on the question.

42. The Government of the Republic of Korea considered that such an argument could not be invoked after the adoption of General Assembly resolution 112 (II), after the decision of the Interim Committee on 26 February 1948[1] and, in particular, after the adoption of General Assembly resolution 195 (III). Indeed, the United Nations had implicitly announced to the whole world that there was no opposition to the unification of Korea except from the Soviet Union, for the United States had scrupulously fulfilled its promises and the duties laid down in the declarations of Cairo and Potsdam. The United Nations had taken concrete measures for the unification of Korea and, in so doing, had taken the question out of the hands of the United States and the Soviet Union. All Member States should conform to the United Nations decisions. The Republic of Korea was convinced that the true unification of Korea could only be achieved through the United Nations, which would impose on the Soviet Union the obligation of allowing free elections in North Korea. As things stood, the Republic of Korea and North Korea were two completely different worlds which could not be amalgamated.

43. Nor was there any justification for the opinion expressed in chapter IV, paragraph 35, sub-paragraph (4) of the Commission's report, that the difficulties which the Republic of Korea had encountered might be surmounted if the Government of that Republic was constituted on a broader political base.

44. The present Government of the Republic of Korea had been established in accordance with the Constitution of the Republic adopted by the National Assembly which had been formed after a free, popular election. No constitutional consideration would justify a broadening of the Government's political base. Moreover, if the Commission's conclusions meant that the Republic of Korea should have a coalition Government, including communists and their supporters, he felt bound to infer that the Commission had forgotten that communists and their partisans had sabotaged the election of 10 May 1948 and had since persisted in their attempts to overthrow the Government. Furthermore, notwithstanding the example furnished notably by the countries of Eastern Europe, the Commission seemed to be unaware of the possibly tragic consequences of including such leftist elements in a Government. The Republic of Korea considered that it was impossible for it to include in its Government subversive and anti-national elements of the population.

45. Paragraph 35, sub-paragraph (2) of the same chapter of the report showed that the Commission's interpretation of resolution 195 (III), paragraph 4, sub-paragraph (*c*) was completely different from that placed on it by the Government of the Republic of Korea. The Commission seemed to think that it should make observations and carry out consultations bearing on the status and extension of a representative system of government in the Republic of Korea. The latter, on the contrary, thought the provisions of the sub-paragraph in question meant that the Commission should attempt to extend the representative system of government of the Republic of Korea to North Korea, in other words, to obtain free elections in North Korea.

46. In chapter IV, paragraph 29 of its report, the Commission criticized "military posturing" on both sides of the 38th parallel, which, it said, risked provoking civil war. The Government of the Republic of Korea wished to make it clear that it had never had the slightest intention of crossing the 38th parallel; since the liberation of Korea, security forces in South Korea had always remained on the defensive; all the frontier incidents had been provoked by the régime administering North Korea. The only aim of the security forces of the Republic of Korea was the defence of its democratic institutions.

47. The Commission referred in its report to arrests among journalists and members of the National Assembly; it gave the impression that those persons had been arrested because they had entered into negotiations with the Commission or addressed petitions to it. The Government of the Republic of Korea wished to make it clear that the reasons for those arrests had been actual violations of the law on national security. It had been proved that the individuals arrested were members of the Communist Party and had conspired to overthrow the Government.

48. After giving the foregoing explanation, the Government of the Republic of Korea wished to make certain requests.

49. First of all, it considered that the United Nations Commission on Korea should continue its work until the objectives which had been assigned to it were achieved. The Commission should be strengthened by the addition of a number of representatives; it should also receive

[1] See *Official Records of the third session of the General Assembly*, Supplement No. 10, document A/583, section III.

the assistance of military observers, in view of the fact that guerrilla activity was growing steadily.

50. Secondly, the United Nations should declare formally and officially that all Member States were responsible for the security of the Republic of Korea.

51. Lastly, the Government of the Republic of Korea hoped that the General Assembly would take the necessary steps to facilitate the Republic's admission to membership of the United Nations, in view of the fact that its request for admission had been approved in the Security Council by a majority of more than two-thirds and had been rejected only through the USSR delegation's abuse of the right of veto.

52. In conclusion, he stated that the Korean people were firmly resolved not to submit to domination by totalitarian communism and would contribute as far as they were able to the defence of freedom and to the maintenance of international peace.

53. Mr. FAHY (United States of America) said the report of the United Nations Commission on Korea was of a high standard and constituted a remarkable, thorough, well-documented survey of the Korean question. The authors of the report, who had often worked under very difficult conditions, fully deserved the confidence placed in them by their Governments and the General Assembly.

54. Some of the facts reported by the United Nations Commission on Korea could not fail to rouse anxiety and they called for the Assembly's closest attention. Generally speaking, it was extremely regrettable that, in spite of the efforts of the General Assembly and the United Nations Commission on Korea, Korea remained divided by a demarcation line which the population was powerless to remove. The report showed so clearly who was responsible for such a state of affairs that there was no need to dwell on that point.

55. By contrast, he noted with satisfaction that, in spite of many and varied obstacles, the efforts made to bring the Korean people freedom and independence, in conformity with General Assembly resolution 112 (II) of 14 November 1947, had achieved considerable success. As proof, it was enough to consider that the Republic of Korea had survived the grave difficulties of its birth, had grown unceasingly in strength in spite of the disorder fomented within its territory by the Authorities of North Korea and had been recognized by more than twenty States. In the opinion of the United States, it was by conserving and extending those gains, acquired at the price of great effort, that Korean independence and unity would eventually be secured under a truly democratic régime.

56. Turning to the situation in North Korea, he spoke first of the constant hostility shown by the Authorities of North Korea to the United Nations Commission on Korea. All the attempts made by the Commission to get into contact with those Authorities, whether directly, or indirectly through the Secretary-General of the United Nations and the Government of the USSR, had met with repeated failure and the Commission had not been able to penetrate further north than the 38th parallel; furthermore, the Commission had been violently attacked by communist broadcasting stations in North Korea, while some members of the Commission had received threatening letters. Moreover, the true nature of the so-called Government of the Democratic People's Republic of Korea emerged clearly from the Commission's report: the creation of the occupying Authorities, that Government had never dared to give the mass of the people an opportunity of showing their will freely under impartial international supervision, and by its acts it gave the lie to its feigned desire for unity; at the same time, it was trying to foment disorder within the territory of the Republic of Korea and hamper the normal operation of its Government.

57. He analysed in detail the part of the report dealing more particularly with the machinations of the Authorities of North Korea against the Government of the Republic, in the form of acts of terrorism and sabotage as well as intense propaganda. The Commission quite rightly warned the General Assembly of the gravity of those disorders, which could eventually lead to civil war, and fixed the blame on the Government of the USSR, which encouraged the Authorities of North Korea in their uncompromising attitude and in their active hostility against the Republic. It was quite evident from the radio broadcasts in the Korean language, whether they came over the Moscow radio or over the stations in Korea itself, that the Authorities of North Korea considered the Republic their enemy, incited the Korean people to armed rebellion against its Government and assured the guerrillas of the sympathy and support of the USSR Government.

58. The conclusion to be drawn from such a state of affairs was that while such an atmosphere of hatred and violence existed in the country, it was to be feared that Korea would be unable to achieve unity and independence under the direction of a single national government, as desired by the General Assembly, and that the security of the Republic and of its people would be seriously endangered. For those reasons, the General Assembly must voice the uneasiness which, as a result of such a state of affairs, was bound to be felt by all peace-loving nations and consider means for obtaining more accurate and fuller information concerning the exact nature of the incidents which might occur and the responsibilities involved.

59. His delegation had decided to submit, jointly with the delegations of China, Australia and the Philippines, a draft resolution (A/AC.31/3) on the chief provisions of which he wished to make certain observations.

60. After referring to the statements of the United Nations Commission on Korea regarding the situation in Korea and to the conclusions reached by the General Assembly at its third session with regard to the status of the Republic of Korea, the draft resolution expressed the General Assembly's grave concern over the threats to the safety and well-being of the Republic of Korea, and made provision for the continuance of the United Nations Commission on Korea.

61. Under the draft resolution, new powers would be granted to the Commission, since it would be called upon to observe and report any development which might lead to a conflict.

Mr. Fahy wished to place particular stress on that last provision which would enable the Commission to exercise, more effectively than in the past, a stabilizing influence and which, should a conflict occur, would enable the United Nations to obtain all the necessary information concerning the conflict, its causes and those responsible for it, from a duly constituted body.

62. Moreover, his delegation was convinced that no definitive solution to the problem of Korea could be found so long as the latter did not have a single Government, administering a unified country. For that reason, the draft resolution stipulated that the Commission should lend its good offices and that it should, whenever a favourable opportunity arose, promote the unification of Korea in accordance with the principles laid down by the General Assembly in its resolution of 14 November 1947.

63. With a view to widening the Commission's field of observation, the draft resolution contemplated the appointment of qualified observers. The number of observers should be sufficient to enable them to carry out their functions in several localities simultaneously.

64. In order to facilitate the carrying out of the Commission's terms of reference with regard to the unification of Korea, the draft resolution authorized the Commission to utilize the services and good offices of persons whether or not representatives on the Commission.

65. Finally, the draft resolution provided that the Commission should be available for observation and consultation in the continuing development of representative government based on the freely-expressed will of the people. Though the United Nations Commission on Korea had been unable to carry out those functions in North Korea, it had, on the other hand, been able to make useful observations on the elections in the Republic of Korea. It had, in particular, on the invitation of that Government, been present at the supplementary elections of the National Assembly, as mentioned in its report.

66. In conclusion, he said that a Commission with the necessary authority for carrying out its varied tasks would be able effectively to put into practice the resolutions in which the General Assembly recommended the establishment of a Government based on the freely-expressed will of the people. The final aim was and remained the formation of a national Government truly representing the entire Korean population. In that respect, too, the Commission, with its new powers, might make a very large and very useful contribution.

67. The CHAIRMAN asked the Committee if the general discussion should be closed.

68. Mr. VOYNA (Ukrainian Soviet Socialist Republic) said there was no question of closing the discussion after the violent statement by the representative of the so-called Government of the Republic of Korea. His delegation would not, however, reply to that statement during the current meeting, as the Russian text of the report of the United Nations Commission on Korea had not yet been distributed. It reserved the right to do so when it had studied all the relevant documents.

69. Mr. CHAI (Secretary of the Committee) said that volume I of the Russian text of the report of the United Nations Commission on Korea would be distributed on 29 September, and that volume II would be distributed on 3 October.

The meeting rose at 4.40 p.m.

FOURTH MEETING

Held at Lake Success, New York, on Friday, 30 September 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

The problem of the independence of Korea: report of the United Nations Commission on Korea (A/936, A/936/Add.1) (*continued*)

1. The CHAIRMAN drew the Committee's attention to the joint draft resolution submitted by the United States, Australia, China and the Philippines (A/AC.31/3).

2. Mr. DE SOUZA GOMES (Brazil) said that his delegation had no interest in the question of the independence of Korea other than that shared by the other States Members each time the principles laid down in Article 1 of the Charter were involved. It was therefore with absolute impartiality that his delegation had studied the report of the United Nations Commission on Korea (A/936) together with the joint draft resolution.

3. He then analysed the accusations brought by the USSR and certain other delegations against the Government of the Republic of Korea. According to those delegations, the Government of the Republic was a puppet Government which did not derive its authority from the people of Korea but had been imposed on them through foreign intervention; the Authorities in North Korea, it was claimed, constituted the only legal Government in the country. According to those same delegations, the Authorities in North Korea had refused the United Nations Commission on Korea permission to go any further north than the 38th parallel, because they considered that Commission unconstitutional. In the circumstances, it was somewhat surprising that those same authorities should want to be represented at the meetings at which the *Ad Hoc* Political Committee was to consider the report of the United Nations Commission on Korea which they refused to recognize; it was no less surprising that the USSR and certain other delegations should be the interpreters of that wish when they too had always refused to recognize the United Nations Commission on Korea.

4. Turning next to consideration of the report, Mr. de Souza Gomes emphasized the usefulness of the task accomplished in Korea by the United Nations Commission, which he compared to the

work done in the Balkans by the United Nations Special Committee on the Balkans. The United Nations Commission on Korea had not merely carried out an observation mission, but had also assisted the Korean people in their efforts to achieve unity and independence. It was most regrettable that the hostility shown by the North Korean Authorities towards the United Nations Commission should have prevented it from extending its action to the whole of Korea and fully accomplishing the task assigned to it by the General Assembly. It was for that reason that the report of the United Nations Commission on Korea was incomplete; it was nevertheless a remarkable document which deserved the Committee's approval.

5. In regard to the future, Mr. de Souza Gomes said that the obstacles created in Korea by the communist authorities, which prevented the unification of the country, made it necessary to maintain there an observation body vested, in addition, with conciliatory powers. The Brazilian delegation therefore supported unreservedly the joint draft resolution, in the hope of thus promoting the fulfilment of the Korean people's most legitimate wishes.

6. Mr. DE LA TOURNELLE (France) thought that the previous statements, in particular those of the Rapporteur of the United Nations Commission on Korea and of the representative of the Republic of Korea, were sufficient justification for the joint draft resolution, which aimed essentially at prolonging the existence of the United Nations Commission.

7. The situation in Korea was most disturbing. While a representative Government had been set up in South Korea, mainly as a result of the efforts of the United Nations Commission, and was keeping law and order throughout the territory under its jurisdiction, it was nevertheless true that no progress had been made as far as the unification of the country was concerned and that the safety of the Republic was not definitively assured.

8. Referring more particularly to North Korea, Mr. de la Tournelle noted that the Committee had just heard certain delegations praise the work accomplished by the Authorities there which were, apparently, bringing law and prosperity to that part of the country; but the United Nations Commission had not, so far, been allowed to verify the facts for itself, whereas it had been able to observe very closely events in South Korea. The French delegation would have liked the *Ad Hoc* Political Committee to have heard the representatives of North Korea, especially in view of the uncompromising attitude of the Government of the Republic; but in its opinion there could be no question that the Committee should hear those representatives so long as the Authorities of North Korea refused to recognize the United Nations Commission on Korea and co-operate with it.

9. In conclusion, he pointed out that the systematic hostility on the part of the Authorities of North Korea towards the United Nations Commission on Korea justified the worst fears as to the real situation existing in North Korea and the real intentions of the Authorities placed in office by a Foreign Power. He warned the Committee against the danger of such foreign interventions.

10. ABDUR RAHIM Khan (Pakistan) noted with regret that the report of the United Nations Commission on Korea and the statement by the Commission's Rapporteur demonstrated only too clearly the danger and uncertainties of the situation in Korea. The question of Korean independence and unity was extremely complex, since it was partly a political problem originating outside the country and consequently the Korean people were powerless to resolve it.

11. Speaking of the attitude adopted by the United Nations towards that delicate problem, he noted with satisfaction that the Organization had not hesitated to shoulder its responsibilities in that field. The United Nations should continue its efforts without allowing itself to be discouraged by failure until such time as Korea had obtained its unity and independence.

12. He recalled that the United Nations had been seized of the question in 1947. The measures it had adopted by a large majority to deal with the problem, and particularly the establishment of a United Nations Temporary Commission on Korea, had aroused keen criticism on the part of some delegations. That had been only natural. It was unfortunate, however, that the delegations which had voted against the adoption of those measures had never appeared to recognize the validity of majority decisions and had adopted towards the United Nations Temporary Commission on Korea, and subsequently towards the United Nations Commission on Korea, an attitude of systematic hostility. Moreover, those same States had never made any practical and concrete proposals for dealing with the problem.

13. Surveying the work so far accomplished by the United Nations Commission on Korea, he stressed its value and said it was absolutely necessary to continue and extend it. In view of the tension existing in the country and the frequency of acts of violence and sabotage, the United Nations should have on the spot a body of observers to enable it to keep in touch with developments and, if necessary, to intervene in order to prevent the unleashing of an armed conflict. The United Nations Commission had therefore a double part to play: it must, on the one hand, intensify its efforts to bring the parties together in order to achieve the unification of the country and the establishment of a single national government; on the other hand, it must watch closely the development of events. That was precisely what the joint draft resolution provided for. The delegation of Pakistan therefore supported it, subject to any modifications that might be deemed necessary as a result of discussion.

14. Proceeding to define his Government's attitude towards the Republic of Korea, Abdur Rahim Khan stated that, pending the establishment of a single national government for the whole of Korea, Pakistan would support the legitimate requests advanced by the Republic, as it had been favourably impressed by the achievements of the latter.

15. Mr. GOROSTIZA (Mexico) stressed the high quality of the report of the United Nations Commission on Korea, which related the facts competently and impartially.

16. The United Nations Commission should be congratulated on the efforts it had made, even though certain obstacles beyond its control had prevented it from carrying out completely the task that had been assigned to it by the General Assembly. The main purpose of that task had been to promote the unification of the country, a purpose which the Commission had unfortunately not been able to achieve. As was pointed out in the report, the solution of the problem would be considerably facilitated by an improvement in the relations between the United States and the Soviet Union.

17. In conclusion, he said that his delegation supported the joint draft resolution, the purpose of which was to prolong the existence of the United Nations Commission on Korea. That was in his opinion the wisest step that could be taken in the circumstances.

18. Mr. PLIMSOLL (Australia) analysed the dual nature of the Korean question. On the one hand, the question was in the nature of a conflict between two great nations, the United States and the Soviet Union. It must not be forgotten that the question had come up before the General Assembly for the first time in 1947, in the form of a dispute between the two occupying Powers as to how the Potsdam Agreement should be applied with regard to the liberation of Korea. On the other hand, the question involved the fundamental interests of the Korean people. That was its main aspect, and it was with good reason that the United Nations, giving primary consideration to the interests of the Korean people, had aimed at providing that people with the means of expressing itself with complete freedom and independence as to the form of government it would adopt.

19. Stressing particularly the supreme part which the Korean people could and should play in the development of its governmental institutions, Mr. Plimsoll pointed out that it was not quite accurate to say, as the Rapporteur of the United Nations Commission on Korea had done, that the Republic of Korea was to some extent a creation of the United Nations. The fact was that the Republic was a creation of the Korean people itself. The United Nations Temporary Commission on Korea had confined itself to ensuring that the elections took place in an atmosphere of freedom and legality.

20. He then considered the work accomplished by the United Nations in Korea. In his opinion, the conclusions of the report of the United Nations Commission were much too pessimistic. The United Nations had intervened in the Korean question successfully and usefully.

21. In the first place, the United Nations Temporary Commission on Korea and the United Nations Commission on Korea had kept the General Assembly accurately informed as to the development of the situation by sending it regular, impartial and well-documented reports. The value of that mission of observation and information could not be over-estimated. To realize that, it was sufficient to consider the difficulties created by the total absence of information from North Korea.

22. In the second place, the United Nations Commission on Korea had observed the actual withdrawal of the forces of the United States, which had conformed to the recommendations of the General Assembly. Lastly, the United Nations Commission had placed itself at the disposal of the Government of the Republic of Korea to assist it in establishing a governmental and administrative structure based on democratic principles. Thus, in spite of difficulties and mistakes, it was encouraging to note that there was now in existence in South Korea a representative Government elected in an atmosphere of freedom and independence. That was a considerable achievement, on which the United Nations could only be congratulated.

23. For a proper understanding of the existing situation in Korea, a certain number of important factors must be taken into account: the division of the country, which gave rise to very serious economic consequences; the lack of information on the situation in North Korea; and the presence in the north of the country of a hostile régime which added considerably to the difficulties of the Government of the Republic of Korea and sometimes prevented it from undertaking necessary political reform.

24. Korea had only recently emerged from a period which had lasted forty years, when it had enjoyed no independence or political freedom whatsoever and when the population had been unable to obtain the education and political experience essential for the working of a democratic Government. Those were obstacles which the country would have to overcome by degrees if a governmental structure conforming to the demands of the modern and democratic state were to be gradually established in Korea. In that respect, the rapid evolution which had just taken place in South Korea, despite numerous obstacles, was most encouraging and it could be hoped that a truly democratic Government would soon be functioning in that part of the country at least.

25. Mr. Plimsoll rapidly reviewed the principal points of the joint draft resolution, of which Australia was one of the authors, and recalled that the General Assembly's declaration with regard to the Government of the Republic of Korea, referred to in the draft resolution, had been adopted only after a profound study of the question and had been justified by the events of the past year. In his opinion, the number of members on the United Nations Commission on Korea might be reduced to five, for example. He stressed the importance of the task of observing and obtaining information with which the United Nations Commission was entrusted under the draft resolution and which would contribute, it must be hoped, to removing the danger of an armed conflict that would have disastrous consequences. He hoped that the presence of the Commission and of its observers would have a restraining effect on hotheads on either side of the border.

26. Mr. Plimsoll concluded by expressing the hope that the United Nations would remain seized of the Korean question, would continue to give the interests of the Korean people a prominent place among the questions with which it had to deal, and would pursue its efforts to ensure Korean independence and unity under a truly democratic régime.

27. Mr. COOPER (Liberia) had studied the report of the United Nations Commission on

Korea and had reached the conclusion that the joint draft resolution afforded the General Assembly a very favourable opportunity of bringing the two parts of the country closer together and assisting the Korean people to make of their country a strong and free nation.

28. He, too, considered that the Government of the Republic had been established as the result of free elections and in conformity with the desires of the people.

29. The Liberian delegation would therefore support the joint draft resolution.

30. Mr. LIU CHIEH (China) paid tribute to the work done by the United Nations Commission on Korea during the past year and stressed the value of the report which the Commission had submitted to the General Assembly; that report had enabled the members of the *Ad Hoc* Political Committee to obtain a better understanding of the Korean question and had provided them with a useful basis for their discussions.

31. The United Nations Commission on Korea could not be held responsible for the failures which it had encountered, particularly with regard to the unification of the country, but those failures were none the less extremely grave. The Chinese delegation was disturbed by the situation not only because it well knew that the Korean question was closely linked to the greater problem of the maintenance of peace in the Far East, but also because it felt the deepest sympathy for the Korean people, who were independent and peace-loving.

32. Mr. Liu Chieh particularly stressed the extremely serious consequences which ensued for the Korean people from the division of the country into two zones isolated from one another; those consequences were particularly felt in the economic field and paralysed the reconstruction of the country. The demarcation line along the 38th parallel, which had originally been established for purely military reasons, correspond to nothing at all, ethnically or politically, and was in complete contradiction to the wishes of the population. Even under Japanese occupation, the Korean people had preserved their unity. It was doing that people a very great injustice to impose such a division upon them after having promised them freedom and independence during the war.

33. He then examined the origin and causes of a division which could not be justified by any valid motives and reached the conclusion that it was the Government of the USSR which was responsible for such a regrettable state of affairs; that government endeavoured to create disturbances throughout the country and had successfully imposed a fresh tyranny upon North Korea, which was subservient to its orders.

34. The various aspects of USSR policy in Korea had constantly conflicted with the provisions of General Assembly resolution 195 (III) of 12 December 1948. For example, instead of recognizing the Republic of Korea as the only legitimate Government, the Soviet Union had continued to maintain diplomatic relations with the Authorities in North Korea which it had itself placed in power. What was more, the Soviet Union had not allowed the United Nations Commission to observe and verify the withdrawal of its troops stationed in North Korea.

35. That was, however, only one particular example of the constant hostility that the USSR had, from the outset, shown to the United Nations Commission on Korea. Systematically refusing to co-operate in the Commission's work for peace and unity, the Soviet Union had defeated all the attempts made by the Commission on several occasions to obtain access to North Korea and establish contact with the population of that area. In support of his statements, Mr. Liu Chieh quoted extracts from the Commission's report.

36. The United Nations Commission on Korea had done all that lay in its power, under difficult circumstances, but all its efforts had failed as a result of the hostile attitude adopted by the USSR, which, far from acting in the interests of the Korean people, had been motivated simply by selfish considerations and a will to dominate.

37. Turning next to the current situation in Korea, he emphasized its dangers and uncertainties, laying particular stress on the economic difficulties and on the dangers of the communist agitation which was hindering the development of democratic institutions and might eventually provoke outright conflict. It was impossible to remain undisturbed before the growing number of raids and acts of sabotage committed in the South, as well as the intensification of communist propaganda; those facts should be connected with the military preparations taking place in North Korea. He warned the Commission against the disastrous consequences that would result from the outbreak of an armed conflict in Korea, both for the Korean people themselves and for the Far East as a whole.

38. The situation in Korea called for the General Assembly's most serious attention; that body must not hesitate to investigate the matter freely and courageously and to place the responsibility squarely where it belonged. It was essential to prolong the existence of and strengthen the United Nations Commission on Korea and the Chinese delegation had therefore joined with the three other delegations in submitting the joint draft resolution.

39. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that the unification of Korea and the establishment of a unified democratic government founded upon the freely expressed will of the people was a problem of vital importance to the people of Korea. The Government of the USSR, whose troops had in 1945 delivered the Korean people from the Japanese oppression under which they had suffered for forty years, had always regarded the Korean people's efforts to achieve independence and democratic progress with the warmest sympathy. Conscious that it was for the Korean people and for the Korean people alone to choose whatever form of government they deemed best, the USSR Government had made unceasing efforts to bring about the conditions which would enable the Korean nation to choose its fate in complete independence and protected from all foreign interference.

40. To that end, the USSR Government had, in 1947, proposed to the Government of the United States that both countries should simultaneously withdraw their occupation troops. The United States Government had refused, and the Government of the USSR had been the only one to withdraw its troops, the operation being com-

pleted in December 1948. The United States Government had also refused an appeal for the same purpose made by the Supreme Council of the Democratic People's Republic of Korea. In support of its request, the Supreme Council had rightly stressed that, in the three years which had elapsed since the liberation, the Government had been able to train technical leaders in political, economic and cultural matters who were capable of carrying on the administration of the country by their own efforts.

41. Finally, faced with growing discontent among the Korean people, the United States had withdrawn a portion of its troops, six months after the Soviet Union withdrawal. Some of the United States occupation troops, however, had been retained in Korea for the purpose, according to an official representative of the United States Government, of "maintaining order", i.e., of crushing any attempt at revolt by the Korean people in their struggle for liberty.

42. Mr. Tsarapkin then recalled the elections to the Supreme Council which had taken place in August 1948 and laid stress on their fundamental importance. An overwhelming majority of electors had taken part in the vote by secret ballot, the proportion voting being more than 99 per cent in the North and more than 77 per cent in the South, despite the conditions of police terror introduced by the Seoul Government with the support of the occupying Authorities. At its first session in December 1948, the Supreme Council had set up a Government, according to the best democratic traditions, in which ten representatives of the South and an equal number of representatives from the North had participated.

43. He then gave a picture of the situation in North and South Korea. In the North, complete order reigned; the Korean people, having freely chosen the Government directing them, were working with enthusiasm for the reconstruction and the political as well as the economic and cultural development of their country; important social reforms had already been carried out and the standard of living of the masses of the people was constantly improving. In the South, the Seoul Authorities, who were simply puppets in foreign hands, conducted a reign of terror in order to try to crush the revolt of the Korean people. Economic conditions were precarious. The American trusts controlled the essential means of production. The standard of living of the mass of the people was steadily declining. A genuine political, economic and cultural decline of the Korean people was taking place.

44. The USSR delegation believed that the Korean nation, like any country represented in the United Nations, was entitled to choose its own destiny. The Korean people were not obliged to receive directives from abroad nor to submit to what other countries wished to impose on them. The USSR delegation had always maintained that the establishment of the United Nations Commission on Korea was contrary to the fundamental principle of the right of peoples to self-determination. That was why it objected to the draft resolution submitted jointly by the United States, Australia, China and the Philippines, which provided that that Commission shall continue its work. The facts proved that the Commission had not been able to carry out the task assigned to it and had obtained only negative results. The United States, desirous of creating a new military, political and economic base in Korea, was opposed to the unification of Korea; thus the Korean people were to undergo a new form of oppression.

45. The Government of the USSR, which had always faithfully supported the Korean people, was convinced that the problem could be solved only if foreign intervention in Korea ceased. For that reason the USSR delegation submitted the following draft resolution (A/AC.31/6):

"The General Assembly,

"Recognizing that the unification of South and North Korea and the establishment of a unified democratic State are the task of the Korean people itself;

"Recognizing that foreign intervention in the internal affairs of Korea is inadmissible;

"Recognizing that the activities of the United Nations Commission on Korea are incompatible with these principles and an obstacle to the unification of South and North Korea;

"Resolves to terminate the United Nations Commission on Korea immediately."

46. Mr. ZEBROWSKI (Poland) was surprised that the draft resolution submitted jointly by the United States, Australia, China and the Philippines had been distributed even before the Committee had commenced the discussion of the question of Korea, thus prejudicing the opinion of the members of the Committee.

47. The draft resolution contained, in his opinion, very characteristic innovations. In the first place, the new Commission would no longer be temporary but would be permanent. For a Commission which had been in existence only a year, that was a rapid promotion indeed. Such a promotion might have been in recognition of work done in the cause of the United Nations, but such was not the case. The Commission had served principally the interests of the United States of America.

48. In the second place, the last sentence of the preamble alluded to the possibility of military conflict. Such a statement opened up disquieting prospects. No impartial observer could say that the well-being of the Korean people was menaced, except by the so-called Government of the Republic of Korea. Likewise, there was no menace to the security of Korea, except that resulting from the desire of the United States to make Korea into a new military base. The United States was attempting to carry out a definite plan in the realization of which it would stop at nothing, not even at the threat of a civil war. In those conditions it was most convenient for the United States to have a commission ready to draw up a report as lacking in objectivity as that which had been submitted by the United Nations Commission on Korea.

49. Finally, the task of the new commission would be to verify the effective withdrawal of USSR occupation troops. That provision, which aimed at discrediting the Soviet Union Government, was so naive that it could deceive no one. The USSR delegation had already mentioned certain facts, and Mr. Zebrowski did not intend to allude to them again. He wished, however,

to emphasize that it was the USSR Government which had first proposed, in September 1947, the simultaneous withdrawal of the troops of the two occupation Powers and that, on the refusal of the United States Government to carry out that withdrawal, the USSR Government had removed its troops at the end of 1948. No one had forgotten those facts, which had produced the deepest impression on world opinion and on the Korean people. The United States, which was aware of that situation and anxious to strengthen its prestige, had been forced to follow the lead of the Soviet Union and to withdraw its troops also. However, the United States had not decided to do so immediately, and the delay had injured its prestige, which it was seeking to regain by insinuating that the withdrawal of the USSR troops had not been effectively carried out.

50. Examining the report of the United Nations Commission on Korea, Mr. Zebrowski remarked that it contained a number of facts which contradicted the conclusions and which proved that the methods used by the United Nations Commission were not always beyond reproach. In the first place, he would deny the statement that access to North Korea had been refused to the members of the United Nations Commission. He thought it was most curious that the Commission, on the advice of the Government of Seoul, had sought the good offices of the USSR Government in order to obtain permission to enter the northern zone of Korea, when there were no longer USSR occupation forces in that zone. Such a procedure was hardly realistic, to say the least.

51. Mr. Zebrowski thought that, if the United Nations Commission on Korea had been denied access to the northern zone, the blame was to be laid on the Commission itself and the United Nations. In fact, as early as the beginning of the discussion of the Korean question in 1947, a resolution inviting the representatives of the Korean people to take part in the discussions of the First Committee, had been rejected[1]. In 1948, a new resolution, submitted with the same object by the Czechoslovak delegation, had also been rejected[2]. A resolution to the same effect had just met the same fate at the third meeting of the *Ad Hoc* Political Committee. In those conditions, how could the United Nations Commission on Korea expect the Democratic People's Republic of North Korea, which had always been barred from expressing its views before the Members of the United Nations, to give a favourable reply to the request addressed to it?

52. Mr. Zebrowski stressed the fact that the United Nations Commission on Korea had worked under the direction of the Government of Seoul. As an example of that subjection, he said that, when the Commission had wished to question representatives of all sections of the population and of all the political groups, the Government of Mr. Syngman Rhee had stated that the Commission could only do so with the permission of the liaison body set up by the Government. The Commission, though it did not protest formally, had expressed its disagreement with that procedure. When the question was discussed in the Commission, the latter decided to interview only Koreans of good reputation who had approached the Commission in good faith. Mr. Zebrowski drew attention to the fact that, since there were no criteria which could determine to what extent those conditions had been fulfilled, the Government was thus able to prevent any person being questioned whose evidence it might fear simply by describing him as belonging to the "subversive elements".

53. Again, Mr. Zebrowski insisted on the fact that popular resistance to the Government of Mr. Syngman Rhee was continually increasing in South Korea. The Labour Party had been outlawed and had gone underground. Moreover, the terms of the security law promulgated by the Government of Mr. Rhee made it possible to consider any citizen professing progressive ideas as being subversive or communist. At the same time an increasingly intense activity on the part of the military police and security forces was noted. The civil Authorities manifested a growing tendency to accept the orders of the military authorities. Such a situation showed that, in the eyes of the Government of Seoul, an important part of the population had to be considered as being of "doubtful reputation" or "subversive".

54. Did not the United Nations Commission on Korea itself, in the conclusions of its report, state that a broadening of the political base of the Government was indispensable? Consequently, the Government of Seoul could not be regarded as truly representative of the Korean people.

55. Mr. Zebrowski recalled that some time previously the Assembly which had been elected in South Korea in 1948 in an atmosphere of terror and under pressure of the United States, had itself demanded the resignation of Syngman Rhee's Government. That Assembly had at the same time decided to remove, and even to punish, those guilty of collaboration with the Japanese occupation Authorities. After a period of tension between the Government and the Assembly, Mr. Syngman Rhee's police had invaded the headquarters of the investigating committee set up by the Assembly to seek out and punish the collaborators. It had made numerous arrests among the members and the staff of the committee, in order to stamp out, once and for all, any attempts to institute a purge against the collaborators.

56. Among the armed forces, although they had been recruited by the Seoul Authorities and by the United States Military Government, which had taken all possible precautionary measures, many revolts and defections had occurred. That certainly was not a sign that the Government enjoyed the confidence of the population.

57. Replying next to the statements of the representative of the so-called Republic of Korea, Mr. Pyung Ok Chough, that the Seoul Government was opposed to all forms of totalitarianism, Mr. Zebrowski pointed out that the Prime Minister of the Seoul Government had been an admirer of Goebbels and of nazi methods and that there was no indication that he had changed his views. Mr. Zebrowski pointed out, further, that the Minister of Education had been educated

[1] See *Official Records of the second session of the General Assembly, First Committee*, 91st meeting.
[2] See *Official Records of the third session of the General Assembly, Part I, First Committee*, 230th meeting.

in Germany and that he wished to train the Korean young people on the model of the Hitler Youth.

58. As for the freedom of the Press, of which the representative of the Seoul Government had spoken, Mr. Zebrowski asked whether the daily newspapers which, according to that representative, were appearing in Seoul, included those that had been recently closed down and the staffs of which had been arrested; even some of the newspapermen who were to have covered the meetings of the United Nations Commission on Korea had been arrested on the pretext that they had transmitted confidential information about the work of the Commission to the communists.

59. Finally, Mr. Zebrowski thought it was high time to put an end to the harmful activities of the Syngman Rhee régime. Accordingly, the United Nations should refrain in future from sending any commission to Korea. In addition, it was important to get the United States to withdraw its military and economic missions and to allow the Korean people to be masters of their own fate.

60. Mr. SNOUCK HURGRONJE (Netherlands) regretted that, so far, the efforts of the United Nations to promote the unification and independence of Korea had met with so little success. Everyone who had closely followed the events in that part of the world during the preceding three years clearly understood the causes of that deadlock, and the statements made at the last few meetings only confirmed those views.

61. It was too much to hope that in the immediate future the difficulties would be overcome, that the barrier between the two parts of Korea would be removed, and thus that the aims of the vast majority of the Member States of the United Nations would be attained.

62. However, the Netherlands delegation felt that the United Nations Commission on Korea had fulfilled an important part as a stabilizing factor in those areas of Korea where it had been able to exercise its functions; and that the situation fully warranted the continuation of the Commission and the extension of its competence as envisaged by the joint draft resolution of the United States, Australia, China and the Philippines.

63. The Netherlands delegation would therefore vote for the draft resolution.

64. Mr. GARCÍA (Guatemala) congratulated the United Nations Commission on behalf of his delegation. He regretted that numerous difficulties had still to be overcome and believed that the United Nations should therefore intensify its efforts to master the difficulties mentioned by the Commission in its report.

65. The delegation of Guatemala fully approved the principle of the joint draft resolution of the United States, Australia, China and the Philippines; it believed, however, that the form of the draft resolution should be modified so as to place more emphasis on the basic problems that had to be solved. Therefore, it would be preferable to arrange the sub-paragraphs of paragraph 1 of the draft resolution's operative part in the following order: (*b*), (*d*), (*a*), (*c*), (*e*).

66. Certain amendments should also be made in the preamble to the draft resolution; the fourth sub-paragraph should be put at the beginning and be immediately followed by the present sixth sub-paragraph.

67. The CHAIRMAN stated that if the representative of Guatemala wished formally to propose the modifications he had just mentioned, he should transmit to the Secretariat the exact text of his amendment.

The meeting rose at 5.15 p.m.

FIFTH MEETING

Held at Lake Success, New York, on Saturday, 1 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

The problem of the independence of Korea: report of the United Nations Commission on Korea (A/936, A/936/Add.1) (*continued*)

1. The CHAIRMAN referred to rule 104 of the rules of procedure and, after reading the names of the delegations which had expressed a desire to speak, declared the list of speakers closed.

2. Mr. JORDAAN (Union of South Africa) stated that it was one of the tragedies of the war that North Korea, a territory which had suffered alien oppression for forty years, was now forced to submission and was in the grip of its liberator.

3. While conditions in South Korea had been fully reported by the United Nations Commission on Korea, the northern half of Korea had been ruthlessly cut off from all contact with the outer world by the dictatorial communist régime imposed on it.

4. The fond hope that communist ideology and western democracy could exist side by side in peace and harmony had been dissipated. Communist expansion had temporarily veered from the West, was militantly on the march in the East, in China, and would undoubtedly attempt to engulf the whole of Korea. There was no other possible explanation of the contemptuous refusal of the communist régime in the North to co-operate with the United Nations Commission which, composed of representatives of sovereign nations with no vested interests in Korea, was seeking to unify that country.

5. Mr. Jordaan rejected the USSR contention that the United Nations Commission on Korea was merely an instrument of United States foreign policy. He could agree that the future of Korea was a matter for the Korean people alone, provided that conditions were established whereby the Korean people could exercise their own will, free from external and internal pressures.

The supervision of the United Nations Commission could serve to establish such conditions.

6. If the Government of the Soviet Union joined the vast majority of Member States in seeking peace in that part of the world, it would direct the North Korean Government to co-operate with the United Nations Commission. Recalling the resolution concerning the appointment of a Conciliation Committee for the Balkans which had recently been adopted unanimously,[1] Mr. Jordaan expressed the view that, similarly, the USSR and its supporters should experience no difficulty in voting for the joint draft resolution (A/AC.31/3) extending the mandate of the Commission on Korea.

7. If, however, those Governments did not support the joint resolution, it would be for the United Nations to extend the mandate of the Commission without their co-operation. Opposition to the joint draft resolution would provide further proof of the fact that the Soviet Union did not seek harmony and co-operation in the Far East but that its ultimate objective was the sovietization of all Korea. A United Nations commission on Korea was essential in order to follow future developments in that area and to try, if possible, to prevent an engineered civil conflagration.

8. The South African delegation would therefore vote against the USSR draft resolution (A/AC.31/6) and would support the joint draft resolution, as also the suggestion made by the Australian delegation at the 4th meeting that the Commission should be composed of five members instead of seven as previously.

9. Mr. Jordaan remarked that his delegation was, in principle, reluctant to vote on any proposal without knowing its full financial implications. It was therefore to be hoped that the Secretariat would provide an estimate of the financial implications of the joint draft resolution before the Committee proceeded to the vote.

10. Mr. MUGHIR (Syria) reviewed the history of the Korean question since its original inclusion in the agenda of the General Assembly in 1947. He noted that the United Nations Temporary Commission on Korea, entrusted with the task of helping the Korean people to achieve unity and independence, had, through no fault of its own, been unable to discharge its duties north of the 38th parallel and had therefore reported to the third session of the General Assembly that a Government had been established in South Korea as a result of elections held under United Nations supervision. Nothing, however, had been done towards the unification of the country.

11. He recalled that his delegation, while endorsing the Government of the South as the only legitimate Government in Korea, had nevertheless declared that such recognition was conditional upon the efforts of the Government of the Republic to promote the unification of Korea by peaceful means. For the second time, the Syrian Government had consented to serve on a United Nations Commission on Korea with the objective of bringing about the unification of Korea or, at least, of promoting friendly relations between the two sections of that country.

12. Reference to the statements of the representatives of the United States and the Philippines, as well as to the text of General Assembly resolution 195 (III) of 12 December 1948, made it clear that the principal problem was the unification of Korea. The Syrian Government held the view that there was no strong justification for the continuation of the Commission's work if and when it became clear that that objective could not be achieved.

13. Eight months after the establishment of the Commission on Korea, the unification of Korea was still far from a reality. Faithful, however, to its moral obligations, the Syrian Government continued to serve on the Commission.

14. The Authorities of North Korea had flouted the decisions of the United Nations by denying the Commission access to the territory north of the 38th parallel. Neither had the legitimate Government of the Republic of Korea been conciliatory or helpful to the Commission: it had, in fact, expressed uncompromising opposition to any plan for contact with the Authorities in the North and had expressed the view that the Commission should merely support the Government of the Republic.

15. The reports of both the Temporary Commission and the Commission on Korea had frankly stated that there had been little, if any, change in the situation since 1947 and had described the difficulties resulting from the fact that the rival political régimes had become firmly established.

16. In spite of a number of favourable developments in the Republic of Korea, the Syrian delegation was of the opinion that the Korean people were as far from achieving their goal of independence and unification as they had been at the beginning of 1947. Artificial division of the country had resulted in an untenable economic situation as well as in cultural and social disruption. Tension, insecurity and instability were mounting daily in South Korea. The Korean nation must not be a victim of power politics and selfish foreign intervention.

17. Mr. Mughir expressed the firm belief that efforts of the United Nations to solve the Korean problem depended on goodwill and understanding between the two major Powers concerned. He appealed to those Member States which had not co-operated with the United Nations Commission on Korea to reconsider their attitude and to show goodwill in the interest of the Korean people and the world at large.

18. Convinced that the Korean problem, a result of the antagonism between the United States and the Soviet Union, could be solved only by those who had created it, the Syrian delegation would not serve on any future commission on Korea, although it pledged its full support to any fruitful action of the General Assembly towards the unification of Korea, which was essential for the welfare of that country.

19. Mr. SHANAHAN (New Zealand) congratulated the United Nations Commission on Korea for its frank and factual report on the explosive and serious situation in Korea. Neither the Commission nor the United Nations could be held responsible for the failure to achieve the main objective set by the Assembly, namely, the unification of Korea.

[1] See *Official Records of the fourth session of the General Assembly, First Committee*, 276th meeting.

20. Two successive United Nations Commissions on Korea had come to the conclusion that immediate unification of the two sections of the country was essential for the well-being of Korea. Both, however, had been compelled to report no real progress towards the achievement of independence. The Commission again noted that the situation in Korea was no better than it had been in 1947 and stated, in the conclusions to its report, that a basic factor in the situation was "the world-wide antagonism between the Union of Soviet Socialist Republics and the United States of America".

21. The delegation of New Zealand deeply regretted the fact that the relations between those two great Powers had thwarted the prospects of unification. It wished, however, to state emphatically that in its view the reports of the two Commissions, impartial bodies established by the General Assembly, showed that while the United States had co-operated fully with the United Nations and its Commissions, all efforts had been completely nullified by the Soviet Union's boycott of the Commissions and its refusal to implement the resolutions of the General Assembly. That attitude had unfortunately encouraged the Authorities of North Korea in their defiance of the United Nations and its organs.

22. In spite of the Commission's criticism of certain aspects of the policy of the Government of the Republic of Korea, it had concluded that the elections in South Korea had been carried out in as free and democratic a manner as possible and that the United States had co-operated fully in ensuring a free atmosphere in those elections. On the other hand, the Commission had stated in chapter IV, paragraph 27 of its report (A/936) that the northern régime was the creature of a military occupant which has never been willing to give its subjects an unfettered opportunity under the scrutiny of an impartial international agency to pass upon its claim to rule. If the oft-repeated contention that the North Korean Government was representative of all the Korean people was true, that Government would not hesitate to invite impartial international observation of the situation. The policy of consistently refusing to co-operate with the United Nations raised doubts concerning the democratic nature of the régime in North Korea. There was no objective evidence to show that it was democratic and all the available impartial evidence tended to show that that régime had no popular basis whatever.

23. In the opinion of the New Zealand delegation, two conclusions reached by the Commission were noteworthy: the fact that the presence of the United Nations Commission was considered to be a stabilizing factor and the fact that the situation on the border between North and South Korea was extremely explosive and might develop into an open military conflict.

24. In those circumstances, there was no doubt that the Commission should not only be continued but should be given broader powers. The United Nations must continue its efforts to facilitate the unification of Korea and request co-operation from all parties concerned. The Commission must also continue its efforts towards the removal of economic and other barriers in Korea. At the same time, the Commission should concentrate its attention upon the urgent question of the maintenance of peace in that area.

25. Under those conditions and in view of the position of the USSR with regard to warmongering, it was to be hoped that the Soviet Union would not continue to resist the will of the United Nations. All Powers, particularly the major Powers, could rightly be expected to co-operate in the preservation of peace.

26. Citing the example of the part played by observers in preventing a spread of the Greek conflict, Mr. Shanahan stated that the New Zealand delegation considered the establishment of observer groups along the 38th parallel essential and urgent.

27. The New Zealand delegation would therefore support the joint resolution submitted by the United States, Australia, China and the Philippines.

28. Mr. LOPEZ (Philippines) expressed reluctance to discuss the report in view of the fact that his delegation had been represented on the Commission on Korea. Nevertheless, he must state that the Commission's report was, from an objective point of view, a frank admission of almost total failure in achieving the objectives of the General Assembly. Proof of the impartiality of the Commission was provided by the report's analysis of the reasons for the Commission's failure. The northern régime was described as "the creature of a military occupant" but, on the other hand, the Authorities of the South were criticized for refusing to participate in official discussions with the North looking to unification. While acknowledging that the Government had been created by the freely expressed will of the people, the Commission noted the existence in South Korea of repressive laws and regulations on freedom of speech and of the Press and the necessity of broadening the political base of the Government.

29. While the Commission impartially apportioned blame and responsibility for the existing situation in Korea, it gave no substantiation for the claims that the Government of the Republic of Korea was illegal and that the so-called Democratic People's Republic of Korea was the legitimate government for the whole of Korea. The contention that there was such a government in Korea, based on universal nation-wide elections held during the summer of 1948, was without foundation. The actual circumstances of the so-called free election, which had involved coercion and repression of dissenters, made the popular support claimed for the resulting Government a hollow mockery.

30. In spite of past failures, Mr. Lopez felt that the United Nations Commission must be continued so long as there remained the slightest possibility of improving the situation in Korea and facilitating the unification of that country. The proposal of the USSR for the condemnation of war preparation and for the conclusion of a five-Power pact,[1] gave grounds for hope of an improvement by some means in the relations among the great Powers which might facilitate the work of the Commission. In any event the Korean problem was urgent in that the situation

[1] See *Official Records of the fourth session of the General Assembly*, 226th plenary meeting.

presented a threat to international peace and security. The joint draft resolution provided, therefore, that the observation of any development which might lead to conflict was to be the first task of the Commission on Korea.

31. The Philippine delegation had therefore sponsored the joint draft resolution on Korea in the conviction that the Korean question must remain before the United Nations and that a commission must continue to function in Korea in order to work for the objectives of General Assembly resolution 112 (II) of November 1947.

32. The Philippine delegation appealed to the Government of the Republic of Korea to modify its attitude towards the United Nations Commission and to co-operate in the effort to help Korea achieve political unification, integration of its economy and a more perfect system of representative government.

33. Mr. VOYNA (Ukrainian Soviet Socialist Republic) recalled that the United Nations Commission on Korea had been created illegally, in contravention of the principles of equal rights and self-determination of peoples laid down in the Charter. The Korean people, who had been liberated by the armies of the Soviet Union, had a full and legitimate right to an independent and national State. The Moscow agreement of 1945 had clearly established those rights. Under that agreement, a Joint Commission had been set up by the United States and the Soviet Union with the task of implementing those rights and of co-operating with the democratic forces in Korea towards that end.

34. In actual fact, such democratic groups had arisen in Korea after the Japanese withdrawal. New political and social forces had been set in motion with the objective of establishing a new State structure. Surely there was nothing in the Charter which forbade the normal development of such progressive forces within a liberated nation. The United Nations Commission on Korea, however, failed to recognize the emergence of the new currents; it insisted, in its report, that a vacuum had been created in Korea after the Japanese withdrawal and it appeared to imply that United States intervention had been required to fill that vacuum. It was a well-known fact that the United States, ignoring the pledges made in the Moscow agreement, had embarked upon a course designed to usurp the sovereign rights of the Korean people. It had established a puppet government in South Korea, with the help of which it intended to obtain military and strategic bases to be used in the preparation of a war against the Soviet Union. The United States policy had resulted in dividing the country in two and in preventing its normal development.

35. By methods reminiscent of those which the nazis had attempted to impose on the Soviet Union, the United States occupation Authorities in South Korea had crushed the progressive forces of the Korean people and had installed a reactionary régime in South Korea. In order to achieve its selfish purposes, the United States had, with the help of the mechanical majority in the Assembly succeeded in obtaining the establishment of the Commission on Korea. That body had become the tool of United States monopolies and had used the authority of the United Nations to conceal the true nature of its activities. Its report was not convincing to the Ukrainian delegation. It did, however, reveal the utter bankruptcy of the Commission.

36. The Commission had been compelled to acknowledge that there had been no improvement in conditions in South Korea. Its report indicated that its activities there had been subject to the prior approval of the puppet Government. It had, in fact, been isolated from all free contact with the Korean people and had accepted without criticism the statements of Government officials. Its report could not, however, deceive the Korean people or world public opinion.

37. The true nature of the puppet régime in South Korea had been appraised in an article published by the Korean National Association in Hawaii in July 1949. The article held that the régime was neither representative nor democratic; that it was thoroughly corrupt, repressive and aimed at the partition of Korea. The remarks of the representative of that régime in the Committee had merely served to illustrate further the manoeuvres through which it was helping United States monopolies to strengthen their control over the economy of South Korea, while continuing to lay the blame for its own blunders upon the USSR.

38. Despite the United States occupation, the economic situation in South Korea had become considerably worse than it had been before the war. Industrial production had fallen off, and the country had become more and more dependent upon imports from Japan and the United States. The greater part of the land had remained in the hands of the big landowners and famine and poverty had become a constant threat. Unemployment figures had reached a level higher than ever before and the housing shortage was critical. While the United Nations Commission had not dared to report those facts openly, it had been compelled to note the existence of serious inflation, depletion of capital plant, poor transport facilities and shortage of consumer goods. It had also noted an increasing number of arrests and the existence of concentration camps in which the Syngman Rhee régime had interned thousands of women and children.

39. It was not surprising that the perilous economic situation and the repressions carried out by the Government should create deep dissatisfaction among the people of South Korea, which found expression in the active guerrilla struggle against the occupying forces and against the Syngman Rhee régime. It could hardly be contended that the thousands of persons arrested, imprisoned or shot by the Government were all communists. The terror and reprisals were being carried out with the knowledge and assistance of the United States against true patriots who strove for the independence and sovereignty of their country.

40. Nevertheless, the fascist régime of Syngman Rhee was being represented by the United States and by the United Nations Commission on Korea as a legal and democratic government. The Korean people would not, however, be deceived: its protest was not that of a communist minority; it was the expression of the overwhelming mass of the people struggling for real independence.

Both the United States Government and the Commission were well aware of that fact.

41. The Ukrainian delegation would never agree to permit the Commission to continue its activities against the interests of the Korean people and thus endanger the maintenance of international peace. It would therefore vote against the joint draft resolution, but would support the USSR draft resolution (A/AC.31/6) to terminate the Commission on Korea. Such a decision might be the basis for an equitable solution of the Korean question.

42. Mr. DJERDJA (Yugoslavia) said that conditions in South Korea did not augur well for the success of a new United Nations commission. Moreover, it was clear both from the report and from the facts available that the régime in South Korea was attempting to maintain itself in power by force and repression. The activities of the United Nations Commission had made for further confusion and it could not be anticipated that the sending of another group would yield better results. The conclusion to be drawn was that the problem of Korea could only be solved by the Korean people exercising their right to self-determination and to resolve their internal difficulties without foreign interference. For those reasons, and despite the incomprehensible attitude taken towards Yugoslavia by democratic Korean leaders and by the Government of North Korea which had been recognized by Yugoslavia, the Yugoslav delegation would vote against the joint draft resolution and in favour of terminating the existence of the United Nations Commission. Mr. Djerdja reiterated the emphatic opposition of his Government to outside interference in the domestic affairs of any nation.

43. Mr. HOFFMEISTER (Czechoslovakia) recalled that the United States, in fostering the establishment of a United Nations Commission on Korea instead of acceding to the USSR's invitation that it should withdraw its troops from that country, had actually created a problem. That problem could have been best solved by the Korean people itself, for it was not the direct concern of the United Nations, even less of the United States Government.

44. In an effort to effect an arbitrary solution, the United Nations Commission on Korea had taken upon itself the task of organizing elections in South Korea in accordance with a decision of the Interim Committee[1], an illegally constituted body. Mr. Hoffmeister recalled the reaction of the delegations of Canada and India to that decision. Accordingly, the elections had been organized by the combined efforts of the United States forces of military occupation and the reactionary Korean elements which had collaborated with the Japanese during the war. The Government which had resulted had been imposed by force and could hardly be termed the legal, representative government of the Korean people. Moreover, the agreement signed by Syngman Rhee and United States General Hodges had been ratified by a minority in the Assembly. It was therefore understandable that the South Korean Government should fail to obtain the support of the overwhelming majority of the Korean people. On the other hand, the Government of North Korea was fully representative; it had been given power by a parliament composed of representatives elected on the basis of nation-wide elections held both in South and North Korea.

45. The report of the United Nations Commission on Korea further substantiated the unrepresentative nature of the Rhee régime: it pointed out the necessity for broadening the base of the Government in order to permit it to play a more effective role in the unification of the country. Nevertheless, the Committee had not found it necessary to hear the representatives of North Korea as well as those of South Korea.

46. The delegation of Czechoslovakia opposed the continuance of the costly United Nations Commission on Korea, because it considered that body an obstacle to the unification of Korea and a form of interference in the internal affairs of the Korean people. It was not unnatural that the Government of North Korea, which had been condemned by the Commission, should lack confidence in the latter and refuse it access to its territory. The Czechoslovak delegation was inclined to share that lack of confidence. Its attitude was strengthened by the manifestation of certain prejudices on the part of the Commission.

47. The Commission insisted, for example, that the régime of South Korea was the only legal government of the country and denied that the population of that area had participated in nation-wide elections held in the summer of 1948 to the all-Korean Assembly, despite confirmation in the Press of the many arrests made on those very grounds. Furthermore, while it complained that North Korea remained inaccessible and that it could gather no information concerning conditions there, it condemned the democratic North Korean Government. Such conclusions were obviously inconsistent and without foundation.

48. Mr. Hoffmeister then drew attention to the terms of reference of the Commission outlined in the joint draft resolution. He pointed out that its powers would exceed the authority granted to any United Nations body of a similar nature. No account appeared to have been taken of the financial limitations upon the Commission's activities. Furthermore, the joint draft resolution provided that the Commission should determine its own procedure and at the same time exhorted it to co-operate fully with the Government of South Korea. The truth was that the success of the Commission, if it were continued, would depend not on the Syngman Rhee Government, but on the Korean people. Consequently, if it continued to remain subservient to that Government, it would endanger rather than contribute to the unification of a divided Korea and could never achieve a practical solution of the Korean problem.

49. Finally, Mr. Hoffmeister referred to subparagraph (*e*) of paragraph 2 of the joint draft resolution, which appeared to anticipate the continuance of the Interim Committee. Such a reference was legally inadmissible and could only be termed ridiculous.

50. The Czechoslovak delegation would vote against the joint proposal and in favour of the USSR draft resolution to terminate the United Nations Commission on Korea.

[1] See *Official Records of the third session of the General Assembly*, Supplement No. 10, document A/583, section III.

51. Mr. KOZIAKOV (Byelorussian Soviet Socialist Republic) said that it had become clear from the moment of the arrival of United States troops in South Korea that the United States Government did not intend to facilitate the creation of a unified democratic Korea but rather to transform Korea into a United States colony.

52. Further events had confirmed that original impression. The United States Government had failed to implement the agreement reached at Moscow by the Foreign Ministers regarding the creation of a unified Korean Government, and had refused to withdraw United States troops from Korea. Subsequently, the Anglo-American majority in the General Assembly had, at the second session, set up the Temporary Commission on Korea.

53. The United States monopolists had rapidly gained control of the entire economy of South Korea. At the present time, thirty per cent of industry in South Korea was in American hands; some major industrial undertakings were entirely controlled by United States Army authorities and American private firms. American capital was attempting to replace Japanese concerns in Korea and to use the country not only as a market for surplus goods but also as a base against the movements of national liberation in the Far East.

54. The United States obviously did not intend to permit the Korean people to create its own national government freely and without foreign interference.

55. The puppet régime of South Korea had wrought havoc in the economic and political life of Korea; the Seoul Government did not enjoy popular support and owed its continued existence solely to United States civil and military aid. The South Korean representative had admitted as much before the Committee. The report of the Commission on Korea itself admitted the existence of a strong movement in South Korea against the Government of Syngman Rhee. The South Korean representative had drawn a comparison between Korea and Greece. The comparison was not unjustified. The Government of South Korea was in many ways similar to the monarcho-fascist Government in Greece; the methods employed in the struggle against the people of the country were the same, and the financial and military support on which that struggle was based came from the same source.

56. The partisan movement for the unification of Korea against the Government of Syngman Rhee had already seized a considerable part of the country. Fifty districts in South Korea had been liberated; people's committees were being established there, and a land reform was being carried out. The will of the Korean people to attain freedom and independence was an ever-growing obstacle to international reaction. The will for freedom of the Korean people was most clearly reflected in the terms of the Constitution of the Democratic People's Republic of Korea. That Constitution, which had been adopted with the participation of representatives from South Korea, proclaimed that all power in the People's Republic belonged to the people and was executed by the highest organ of the people, the Supreme People's Assembly. All organs of government were elected by secret vote on the basis of universal, equal and direct suffrage. Those provisions of the Constitution were not merely a declaration of principles: they had already been implemented in North Korea.

57. The achievements of the Korean people were most strikingly evident in the field of agriculture. Mr. Koziakov quoted article 5 of the Constitution, which provided that the land belonged to the peasants; that provision, too, had been implemented in North Korea, where over 500,000 peasant holdings had been freed by the land reform.

58. The Constitution deprived the former oppressors of Korea of every trace of power; it ensured equal rights to all citizens of Korea, regardless of sex, race, religion, profession and social status. It ensured freedom of speech, Press, meeting and public demonstration, as well as equal pay for equal work, the right to leisure and education, and so forth. In view of existing economic conditions in Korea, it provided for the free development of industry and commerce on a small and medium scale, and proclaimed work to be the duty of each and every citizen of Korea. All those provisions had been put into effect in North Korea.

59. Mr. Koziakov cited statistics of educational conditions in North Korea, where the number of elementary schools had risen by 250 per cent, and that of secondary schools by 1,400 per cent, since the liberation. A number of higher schools had been opened. Instruction was given entirely in the Korean language.

60. The creation of the unified Government of the Democratic People's Republic of Korea on 9 September 1948 had been a triumph of the Korean people. The national resurgence of the Korean people proved that the latter was fully prepared for independence and had no need of supervision, either in the form of the Trusteeship System as proposed by the United States in 1945 or in the form of United Nations commissions.

61. The joint proposal before the Committee was intended to provide the United States Government with a willing tool of its foreign policy. The wide powers contemplated in that proposal, such as those outlined in paragraph 1 (*c*), would enable the United Nations Commission on Korea to interfere openly in the domestic affairs of Korea. The proposal was fundamentally inconsistent with the principle of self-determination of the Korean people. Moreover, it was self-contradictory: while proclaiming that the Commission should "seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea", it was based on the full acceptance of the Syngman Rhee régime, which, as was widely known, was an anti-popular régime hated by the workers and peasants of Korea.

62. Mr. Koziakov remarked that his arguments could have been confirmed by representatives of the People's Republic of Korea whom, however, the Committee had refused to invite. Those representatives could also have told the Committee of the historic act of friendship and respect towards the sovereignty of the Korean people performed by the Government of the USSR in withdrawing its troops from Korea in December 1948. On the other hand, United States troops had remained in Korea until a very recent time;

some Air Force units, as well as a United States military mission five hundred men strong, still remained there.

63. The USSR draft resolution was based on the firm belief that the Korean people was able to establish a unified democratic government without foreign intervention. The Byelorussian delegation would therefore support that draft resolution.

64. Mr. ALEMÁN PENADO (El Salvador) remarked that the Committee should not be discouraged by the somewhat pessimistic tone of the report of the United Nations Commission on Korea. The situation in Korea, as reflected in the report, showed that a struggle was in progress, the struggle of the spirit of the Korean people against difficulties beyond its control, originating north of the 38th parallel. The Korean people had gone a long way towards liberation and would not be turned back by obstacles brought in from abroad. It was calling for complete liberation, and the United Nations had taken up that call.

65. The authors of the joint proposal wished the work of the United Nations Commission on Korea to be continued, since the problem of Korea had not yet been fully resolved. The delegation of El Salvador supported that proposal because, unlike the delegation of the USSR, it considered it to be legally justifiable.

66. In conclusion, Mr. Alemán Penado expressed confidence that the Commission would, in the not too distant future, be in a position to report to the United Nations that justice and law had been established in a unified Korea.

67. Colonel GHALEB Bey (Egypt) said that the report of the United Nations Commission on Korea established beyond doubt that the main purpose of General Assembly resolutions 112 (II) of 14 November 1947 and 195 (III) of December 1948, namely, the unification of an independent Korea, had not yet been achieved.

68. Three salient facts in the Commission's report deserved particular attention: first, the populations of both South and North Korea earnestly desired unification; secondly, some of the difficulties encountered by the Commission were of a nature which merited serious and objective consideration by the United Nations; thirdly, the situation in Korea was such that it might lead to an open military conflict.

69. The joint draft resolution before the Committee did not, in the Egyptian delegation's view, represent the best or the most practical solution of the Korean problem as a whole. It was, however, an honest effort; it approved the work of the United Nations Commission on Korea, and advocated its continuance in the hope that moderation and international co-operation in that part of the world might ultimately prevail. The Egyptian delegation believed that the continuation of the Commission's work was in the interests of the Korean people. It would therefore vote in favour of the joint draft resolution and against the USSR proposal.

70. Mr. AZKOUL (Lebanon) observed that the Commission's report indicated that hopes for the prompt achievement of the General Assembly's main objectives in Korea would be premature. The opposing forces in Korea, while agreeing that unification was desirable, were not prepared to make mutual concessions.

71. Nevertheless, the United Nations should not lose hope and abandon its efforts to achieve the implementation of the provisions of the Charter in Korea. The proper solution, in the Lebanese delegation's opinion, was to send to Korea a United Nations commission which should endeavour to remove the obstacles that prevented the people of Korea from freely expressing its will. Once that was achieved, the United Nations would be able to withdraw and leave it to the Koreans to build their own State.

72. In the statements made by those who opposed the continuance of the United Nations Commission on Korea, he had found only one sound argument in support of their view. That was the remark made by the Czechoslovak representative to the effect that the Authorities of North Korea were not prepared to receive the Commission because they had no confidence in the latter. Mr. Azkoul wondered why the delegations who shared that opinion had not proposed the creation of a commission with a different membership, in which the North Korean Authorities might have greater confidence. Many delegations might support such a move, not because they were dissatisfied with the work of the present Commission but because they were anxious to achieve a wide measure of agreement.

73. Mr. RAFAEL (Israel) stated that his delegation shared with many others a desire to see Korea unified, independent and free, and a feeling of profound perplexity concerning how that end could be achieved in the context of existing relations between the United States and the Soviet Union. According to the report of the United Nations Commission on Korea, no substantial progress towards the achievement of unification on the basis of the principles approved by the General Assembly could be made without a new effort by those Powers. Such a situation could not be considered promising; the Israel delegation would, however, have supported any conciliation machinery which showed promise of functioning effectively. From its own experience, it felt that a United Nations mediation mission, appointed directly from among United Nations personnel and responsible directly to the Security Council, might have a better chance of success.

74. The delegation of Israel was unable to share the view that the United Nations had no legitimate concern in Korea; on the other hand, it felt that the organ to be appointed by the United Nations ought to have a greater chance of success than its predecessors.

75. The Israel delegation would abstain from voting on both draft resolutions. That did not, however, imply that it considered that the United Nations should show no further interest in the cause of Korean unity and independence.

76. Mr. TSARAPKIN (Union of Soviet Socialist Republics), replying to the representative of Lebanon, reiterated the terms of the USSR draft resolution (A/AC.31/6). The reasons for the view that the United Nations Commission on Korea should be terminated were embodied in the text of the proposal.

77. Mr. DE HOLTE CASTELLO (Colombia), speaking on a point of order, asked whether statements

such as that just made by the representative of the USSR were permissible in view of the fact that the list of speakers had been closed.

78. The CHAIRMAN replied that, under rule 104 of the rules of procedure, the Chairman might accord the right of reply to any member if a speech delivered after he had declared the list closed made that desirable.

79. Mr. GARCÍA (Guatemala) stated that he would speak at the following meeting in explanation of certain suggestions he had made previously.

80. Mr. FAHY (United States of America) reserved the right to make a brief statement at the following meeting in connexion with the remarks to be made by the representative of Guatemala. His statement would have no bearing on substance but would deal only with the drafting of the joint proposal.

81. The CHAIRMAN assured all members, and particularly the authors of proposals or amendments, that they would be free to put forward suggestions or make replies, so long as their remarks did not affect the substance of the subject.

82. He added that he would put the joint proposal (A/AC.31/3) and the amendments thereto (A/AC.31/7) to the vote at the following meeting. Whether that proposal was adopted or not, he also proposed to put to the vote the draft resolution submitted by the Soviet Union (A/AC.31/6).

The meeting rose at 1.10 p.m.

SIXTH MEETING

Held at Lake Success, New York, on Monday, 3 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

The problem of the independence of Korea: report of the United Nations Commission on Korea (A/936, A/936/Add.1) (*continued*)

1. The CHAIRMAN referred the Committee to the joint United States, Australian, Chinese and Philippine draft resolution (A/AC.31/3) and the amendments thereto submitted by Guatemala (A/AC.31/7).

2. He then put the joint draft resolution to the vote in parts:

The first two paragraphs of the preamble were adopted by 35 votes to 6, with 2 abstentions.

3. Mr. GARCÍA (Guatemala) proposed that the order of the third and fourth paragraphs of the preamble should be reversed.

4. Mr. FAHY (United States of America) accepted that amendment.

The third paragraph (formerly the fourth paragraph) was adopted by 33 votes to 6, with 2 abstentions.

The fourth paragraph (formerly the third paragraph) was adopted by 36 votes to 6, with 5 abstentions.

The fifth paragraph was adopted by 37 votes to 6, with 4 abstentions.

The sixth paragraph was adopted by 37 votes to 5, with 4 abstentions.

Paragraph 1 of the operative part, up to the word "membership", was adopted by 39 votes to 6, with 4 abstentions.

The second part of paragraph 1 of the operative part, beginning with the words "and, having in mind", was adopted by 40 votes to 6, with 3 abstentions.

5. Mr. GARCÍA (Guatemala) submitted his delegation's amendments to paragraphs 1 (*a*), (*b*), (*c*) and (*d*) of the joint draft resolution. In his opinion it was essential that the resolution should stress the paramount importance of achieving the unification of Korea; hence his proposal that it should be mentioned in the very first paragraph of the operative part of the resolution as the main objective of the United Nations Commission on Korea.

6. Mr. SINGH (India) supported the Guatemalan proposal. The unification of Korea was one of the principal aims of the United Nations and should therefore be mentioned as the primary objective of the Commission on Korea.

7. He also wished to support the Guatemalan amendment to paragraph 1 (*d*) which merely stated that the Commission should be available for observation and consultation throughout Korea. Under the Guatemalan proposal the Commission would be called upon to carry out such observation and consultation.

8. A former resolution had also merely stated that the Commission should be available and the result had been that its services had never been used. He wished to avoid any danger of the Commission's becoming a mere spectator of events in Korea by eliminating any possible vagueness from its terms of reference. In his opinion the Commission should have the power of initiative regarding observations relating to the development of representative government in Korea.

9. Mr. FAHY (United States of America) agreed that the ultimate objective of the United Nations was to achieve the unification of Korea, but pointed out that a more urgent and immediate task before the Commission would be to observe and report upon any developments which might lead to a military conflict in that country. Furthermore, whereas the Guatemalan delegation felt that unification should be achieved in order to remove barriers to economic, social and other friendly intercourse caused by the division of Korea, he believed that the removal of such barriers first would promote the cause of unification.

10. In conclusion he expressed his belief that it would be inadvisable for the Committee to bring too many changes into a text which had already been most carefully considered and he felt that the wisest course would be for members to vote on the text of the draft resolution as it had been submitted by the sponsoring Powers.

Sub-paragraph (a) *of paragraph 1 of the amendment submitted by Guatemala was rejected by 28 votes to 10, with 11 abstentions.*

Sub-paragraph (a) *of paragraph 1 of the joint draft resolution was adopted by 42 votes to 6, with 5 abstentions.*

Sub-paragraph (b) *of paragraph 1 of the joint draft resolution was adopted by 40 votes to 6, with 6 abstentions.*

Sub-paragraph (c) *of paragraph 1 of the joint draft resolution was adopted by 41 votes to 6, with 5 abstentions.*

Sub-paragraph (d) *of paragraph 1 of the joint draft resolution was adopted by 42 votes to 6, with 5 abstentions.*

Sub-paragraph (e) *of paragraph 1 of the joint draft resolution was adopted by 41 votes to 6, with 5 abstentions.*

Sub-paragraphs (a) *and* (b) *of paragraph 2 of the joint draft resolution were adopted by 42 votes to 6, with 4 abstentions.*

11. Mr. GARCÍA (Guatemala) having withdrawn his amendment (A/AC.31/7) to sub-paragraph (*c*) of paragraph 2 of the joint draft resolution, the CHAIRMAN put to the vote sub-paragraphs *(c)* and *(d)* of paragraph 2 of that text.

Sub-paragraphs (c) *and* (d) *of paragraph 2 were adopted by 41 votes to 6, with 5 abstentions.*

Sub-paragraph (e) *of paragraph 2 was adopted by 42 votes to 6, with 4 abstentions.*

Sub-paragraphs (f) *and* (g) *of paragraph 2 were adopted by 41 votes to 6, with 5 abstentions.*

Paragraph 3 of the joint draft resolution was adopted by 40 votes to 6, with 5 abstentions.

Paragraph 4 of the joint draft resolution was adopted by 43 votes to 6 with 5 abstentions.

12. The CHAIRMAN turning back to paragraph 1 of the joint draft resolution, called for suggestions regarding the composition of the Commission.

13. Mr. FAHY (United States of America) proposed that the Commission should continue to be composed of seven members. The countries represented should be: Australia, China, France, India, Philippines, El Salvador and Turkey. Mr. Fahy explained that the replacement of Syria was not due to a desire on the part of the co-sponsors of the joint draft resolution, but to the fact that Syria had stated that it would be unable to continue to serve on the Commission.

The proposal was adopted by 41 votes to 5, with 7 abstentions.

14. Mr. SINGH (India) stated that, while his delegation would not make a formal proposal to that effect, it would prefer each delegation on the Commission to include a certain number of military experts.

15. Mr. JORDAAN (Union of South Africa) supported that suggestion, adding that, in his view, each delegation should consist of three representatives as well as a member of military advisers.

16. Mr. FAHY (United States of America) remarked that the matter raised by the representative of India might be dealt with by the Commission in consultation with the Secretary-General; alternatively, it might be discussed by the Fifth Committee.

17. Mr. LIU CHIEH (China) pointed out that under the terms of sub-paragraph (*c*) of paragraph 1 of the joint draft resolution the Commission was authorized to appoint observers at its discretion. There was therefore no need to include a special provision to that effect.

18. The CHAIRMAN agreed that the matter should be left to the discretion of the Commission.

19. He then put to the vote the joint draft resolution (A/AC.31/3) as a whole.

The joint draft resolution as a whole was adopted by 44 votes to 6, with 5 abstentions.

20. The CHAIRMAN put to the vote the USSR draft resolution (A/AC.31/6).

The USSR draft resolution was rejected by 44 votes to 6, with 5 abstentions.

The meeting rose at 4.15 p.m.

SEVENTH MEETING

Held at Lake Success, New York, on Tuesday, 4 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990)

1. Mr. MAKIN (Australia) recalled that his delegation, together with the delegation of Bolivia, had been responsible for placing the matter of the observance of human rights and fundamental freedoms in Bulgaria and Hungary on the agenda of the third session of the General Assembly. In the course of the discussion, the Australian delegation had produced evidence that the trials of Cardinal Mindszenty and Bishop Ordass in Hungary and of fifteen Protestant pastors in Bulgaria had been a manifestation of a movement in those countries towards the suppression of the rights and freedoms guaranteed by Articles 55 and 56 of the Charter and proclaimed in the Universal Declaration of Human Rights. It had therefore proposed that the Assembly, having satisfied itself that a *prima facie* case existed, should appoint a committee to ascertain the facts and report thereon to the fourth session[1]. The General Assembly, however, had decided that any such action should be deferred pending the outcome of the application of the procedures provided for in the peace treaties with Hungary and Bulgaria. It had, accordingly, adopted resolution 272 (III) on 30 April 1949.

2. Mr. Makin further recalled that, in presenting the facts in its possession relating to the observance of human rights and fundamental freedoms in Hungary and Bulgaria, his delegation had also stressed its concern regarding violations which, it believed, were occurring elsewhere. Since that time, information concerning events in Romania which had come to the notice of the Australian

[1] See *Official Records of the third session of the General Assembly, Part II,* Ad Hoc *Political Committee,* 36th meeting.

Government had been such that further discussion of the situation in Hungary and Bulgaria seemed impossible unless the Assembly's attention was also drawn to a similar situation in Romania.

3. Mr. Makin pointed out that the provisions of Article 55 of the Charter were by no means restricted to Members of the United Nations; there could therefore be no suggestion that the General Assembly had no jurisdiction in the matter because Bulgaria, Hungary and Romania were not Member States. Similarly, the argument that the matter raised was outside the Assembly's competence because it was essentially within the domestic jurisdiction of the States concerned had been refuted at the third session. Furthermore, it could not be denied that the violations which, as it appeared, had occurred in Bulgaria, Hungary and Romania fell within the scope of Article 55 of the Charter. That being so, the Australian delegation maintained that, having been presented with a *prima facie* case of violation of human rights, the Assembly was bound to proceed through its own agencies to investigate and determine the facts.

4. In that connexion, Mr. Makin reiterated two statements his delegation had made at the third session: first, that no denominational considerations had been entertained by his Government in raising the matter before the General Assembly; secondly, that its actions were not motivated by opposition to any particular economic system or a desire to restore régimes known as reactionary. Australia's contributions to the common struggle against such régimes were well known.

5. Turning to the facts which, in the opinion of his delegation, established a *prima facie* case of violations of human rights and fundamental freedoms in Romania, Mr. Makin remarked that courts of law in that country no longer protected the rights of the individual against the State; the administration of justice had been perverted to fit the purposes of the Government, and the vital separation between the executive and judicial powers had been abolished. In that connexion, he referred to the Romanian Government's decree of 1 April 1949 and to Law No. 341 of 1947.

6. The judicial process in Romania had been changed in such a manner that it no longer conformed to common standards of justice. Regulations had been enacted to permit almost indefinite detention without trial. Thus, six bishops of the Uniate Church who had been arrested in 1948 were still reported to be detained, although no trial had taken place. One of the basic doctrines of criminal law, *nullum crimen sine lege*, had been overthrown by the Decree No. 187 of 20 April 1949, which provided that deeds considered dangerous to society might be punished even if they were not named by law as offences. Equality before the law had disappeared, inasmuch as it was openly admitted that there was one law for the working man and another for persons of other classes. The legal profession had been completely reorganized and brought under Government control by Law No. 3 of 1948 and by the decree of the Ministry of Justice of 11 March 1948.

7. The right to seek, receive and impart information and ideas, set forth in article 19 of the Universal Declaration of Human Rights, was no longer recognized in Romania. Mr. Makin referred in that connexion to Decrees No. 17, 215, 216 and 218 adopted by the Romanian Government in 1949. One of the effects of those measures was that the publication of twenty-six major newspapers and journals had been discontinued from 1 January 1948.

8. It was, however, in the field of religious liberty that the denial of human rights and fundamental freedoms in Romania was most noticeable. All religious activities had been completely subordinated to State control by Decree 177 of 4 August 1948. The authority over all religious matters assumed by the Romanian Government was so extensive that the basic conditions of religious freedom in that country could be considered destroyed. Mr. Makin reviewed the effects of the Romanian Government's policy on the Uniate Church in Romania, *de facto* suppression of which had been accomplished by the end of 1948, while its *de jure* suppression had been established in December of that year by Government Decree No. 358. A violent campaign had also been conducted by the Government against the Roman Catholic Church, culminating in the abrogation of the concordat with the Vatican followed by the launching of a series of coercive measures. The sweeping decree of 4 August 1948 had resulted in the denial of the spiritual authority of the Vatican over its Romanian congregation; moreover, three Roman Catholic bishops had been deprived of their office, while the two remaining bishops had been placed under arrest, so that the Roman Catholic Church in Romania was now without a hierarchy.

9. The Australian delegation believed that the evidence it had presented to the Committee was sufficient to enable the latter to come to a *prima facie* conclusion that human rights and fundamental freedoms were being abused in Romania. The General Assembly should therefore decide to take positive and definitive action to carry out the duty imposed upon it by the Charter.

10. The letters to the Secretary-General from the United States and United Kingdom delegations (A/985, A/985/Corr.1 and A/990) clearly showed that, despite earnest endeavours on the part of those countries to obtain the solution of the problem under discussion by applying the procedures provided by the peace treaties, no progress whatsoever had been made. In considering any future action, the Committee should take that fact into consideration. The Australian delegation was convinced that the General Assembly should take immediate steps to ensure the implementation of the provisions of Article 55 of the Charter. Such steps would be most likely to give satisfactory results. Accordingly, the Committee should recommend the appointment of a committee to ascertain the facts and present a report for consideration by the General Assembly at some future date. The Australian delegation was prepared to submit a draft resolution to that effect at the appropriate moment.

11. There was little reason to believe that an opinion of the International Court of Justice on the legal issues arising from the attempt to apply peace treaty machinery would assist the United Nations to obtain a solution. The matter was of wide international concern; it was not the concern of the States signatories to the peace treaties alone. The United Nations should not hesitate,

therefore, to adopt the course clearly laid down in the Charter.

12. In conclusion, Mr. Makin recalled that, at the third session, the Governments of Bulgaria and Hungary had been invited to send representatives to participate without the right to vote[1] in the consideration of facts which the Australian and other delegations had brought to the Committee's attention. Since the delegation of Australia had now presented similar facts regarding Romania, Mr. Makin proposed that the Committee should request the Secretary-General to send an invitation along the same lines to the Government of Romania.

13. The CHAIRMAN recalled that the Governments of Bulgaria and Hungary had not availed themselves of the invitation extended to them at the third session, on the grounds that the matter was not within the competence of the United Nations.

14. He remarked that the Committee should take a decision on the proposal just made by the representative of Australia before the debate progressed any further.

15. Mr. DROHOJOWSKI (Poland) thought that the Australian suggestion was somewhat premature. He recalled that the request of the Australian delegation for the inclusion of the supplementary item on the observance of human rights and fundamental freedoms in Romania had been considered in a most perfunctory manner by the General Committee; moreover, when the General Committee's report (A/989) had been discussed in plenary meeting[2], no concrete arguments had been advanced in favour of the inclusion of that item. The statement just made by the representative of Australia represented the first attempt to substantiate the charges brought against the Government of Romania. It was difficult for any members who did not already hold preconceived ideas on the subject to take a definite stand. Mr. Drohojowski therefore felt that the question of extending an invitation to the Government of Romania should be deferred for a few days.

16. The CHAIRMAN put to the vote the Australian representative's proposal that the Committee should, through the Secretary-General, invite the Government of Romania to send a representative to participate, without the right to vote, in the consideration of the item under discussion.

The proposal was adopted by 41 votes to none, with 15 abstentions.

17. The CHAIRMAN stated that, while he did not propose to delay the discussion until an answer was received from the Government of Romania, he would not close the debate until such an answer was obtained. It was a matter of fairness to grant to the representative of Romania the opportunity to answer any points which might be raised in the course of the discussion.

18. Mr. GONZALES ALLENDES (Chile) recalled that, at the preceding session, the Committee's work had been considerably retarded owing to the failure of the Governments of Bulgaria and Hungary to reply promptly to the invitations extended to them. He felt that the Committee should not wait longer than was reasonably necessary.

19. The CHAIRMAN replied that a time limit might be indicated in the request which the Committee would address to the Secretary-General.

20. Mr. DROHOJOWSKI (Poland) believed that to take such a course would be to present an ultimatum to the Government of Romania. The Committee had no competence to set time limits of such a nature. Moreover, a discussion in which a *prima facie* condemnation of a Government was made would not be likely to encourage that Government to send its representative.

21. The CHAIRMAN remarked that the Polish representative's objection might be overcome if the Committee requested the Secretary-General to inform the Government of Romania of the Committee's decision to invite a representative of that Government, adding that consideration of the item was likely to continue for four days. The Government of Romania would thus have sufficient time to decide whether or not it wished to send a representative to take part in the discussion.

It was so decided.

22. Mr. COHEN (United States of America) recalled the action taken by the General Assembly at its third session in respect of the violation of human rights by the Governments of Hungary and Bulgaria. In the spirit of Article 33 of the Charter, it had adopted resolution 272 (III) recommending the use of the procedures laid down in the peace treaties for the settlement of the dispute arising from the charges brought against those countries. The United States had supported that resolution because it felt that recourse to those procedures would enable it to secure a definite decision which would be binding upon the States concerned. It was not, however, unmindful that the Charter committed all Members of the United Nations to promote observance of human rights and that the General Assembly was at all times available to make recommendations to Governments in implementation of that principle.

23. The human rights clauses had been inserted in the peace treaties upon the recommendation of the Economic and Social Council[3]. They had been based on the moral concept that peoples who were secure in the exercise of their fundamental freedoms could be trusted to see that their Governments, whatever their form or internal policies, respected their international responsibilities and the freedom of other peoples. Governments which did not respect the basic human rights of their own peoples were not likely to respect the rights of other Governments and other peoples.

24. Mr. Cohen then indicated briefly the grounds on which his Government had protested to the Government of Romania regarding the violation of the latter's pledges under the peace treaties to secure for its people basic human rights and freedoms. Romania had followed the same pattern as Bulgaria and Hungary; a minority group had seized power through force and intimidation and was maintaining itself by suppressing those rights and freedoms. The facts revealed a clear design to suppress the leaders of

[1] See *Official Records of the third session of the General Assembly, Part II,* Ad Hoc *Political Committee,* 34th meeting.

[2] See *Official Records of the fourth session of the General Assembly,* 224th plenary meeting.

[3] See *Official Records of the Economic and Social Council,* first year, second session, resolution 2/9.

political and religious groups who refused to bow to the dictates of the Cominform. It was avowed public policy to deny the free expression of views on political, cultural, scientific and religious matters which did not conform strictly to the doctrines of the régime in power. That régime was responsible, not to the people, but to the communist high command and it sought to justify its ruthless actions by proclaiming that they had been taken in the interests of the people. Mr. Cohen emphasized, in that connexion, that his Government was not concerned with the internal policies of governments so long as basic rights were respected. It was not striving to protect reaction or to encourage opposition to social reform or hostility to other nations. Its sole concern was for the observance of the guarantees made to the peoples of Bulgaria, Hungary and Romania in the peace treaties.

25. Mr. Cohen then summarized the events which had taken place in Hungary, Bulgaria and Romania since the adoption of the General Assembly's resolution of 30 April 1949. He was not asking the Assembly to pass judgment upon them; his intention was to emphasize the seriousness and the good faith of the charges made against those countries.

26. As a result of a single-list, plebiscite type of election held on 15 May, a completely communist-controlled parliament had been installed in Hungary, and the people of that country had been denied the right to representation of their choosing. The régime had continued to exert pressure upon the churches and the judiciary in order to make them subservient to political ends. Freedom of the Press and of expression had been abolished. Having destroyed the greater part of the effective opposition, the communist régime was now proceeding to purge the cadres of the Communist Party organization itself. The recent trial of so-called traitors in Budapest was merely a phase of the political strategy of the Cominform with intended effects far beyond the borders of Hungary. The entire procedure had been characterized by staged denunciations and recited "confessions" and falsifications such as the alleged conspiracies involving American officials. It had demonstrated clearly that it was impossible for any individual in Hungary at the present time, including important officials of the Communist Party, to obtain justice or the recognition of his basic rights as a human being.

27. In Bulgaria, the régime had continued to consolidate its power by sustaining its attacks upon the churches, particularly the Protestant sects, whose independence and normal ties with other parts of the world it sought to abolish. According to a number of reliable reports, a second group of Protestant ministers had been tried in secrecy in July of the current year, with the usual paraphernalia of recited "confessions." The elections held in Bulgaria in May 1949 had featured a single ballot of candidates of the Fatherland Front which was dominated by the Communist Party and had been supervised by committees appointed by that group. Opposition parties and freedom of the Press had been eliminated.

28. The Government of Romania had also persisted in the deliberate violation of article 3 of the peace treaty signed by the Allied and Associated Powers with that country. The largest of the opposition parties, the National Peasant Party, had been officially suppressed following the conviction of its leaders for treason in 1947. At that time, the Government of the United States had protested that the defendants had not received a fair trial before an impartial tribunal and had been deprived of the guarantees necessary for their defence. The judiciary had now been completely subordinated to Government control. The police power of the State had been exercised in disregard of the civil liberties guaranteed to the people of Romania under the peace treaty. Freedom of the Press, of opinion and of association no longer existed and only those public media responsive to Government direction were permitted to operate. Finally, by decree of 11 February 1949, the Government had assumed an unprecedented degree of control over all religious groups and activities. It had purged large numbers of priests of the Romanian Orthodox Church. It had subjected the Catholic Church to such persecution that it had been reduced to virtual inactivity. The most blatant example of the infringement of religious freedom in Romania had been the official dissolution and absorption by the Romanian Orthodox Church of the Greek Catholic Church. The Jewish religious community had not escaped similar oppressive treatment and its chief rabbi had been forcibly replaced by a communist sympathizer.

29. Mr. Cohen said he had outlined in very general terms the deliberate policies of the Governments of Bulgaria, Hungary and Romania which contravened the obligations undertaken by those countries in the peace treaties. His delegation continued to favour further efforts to settle the disputes arising out of the interpretation and execution of those treaties through the machinery provided therein.

30. In implementation of the General Assembly's resolution of 30 April 1949, the United States had taken steps to set in motion the machinery provided in the peace treaties. Copies of the diplomatic correspondence disclosing its efforts in that connexion had been circulated (A/985). Similar steps had been taken by several other signatories to the treaties. The Governments of Bulgaria, Hungary and Romania had rejected the various requests made in accordance with the prescribed procedure. They had, in particular, refused to join in naming the three-member Commissions which, under that procedure, were to consider and settle the disputes in the event of the failure to settle them by direct negotiation or by the Heads of Mission. They had repeatedly denied any violation of the treaties, alleging that the actions against which the United States had protested had been taken against subversive and fascist elements, that they were in any case matters falling within their own jurisdiction and that any effort to make them the subject of a dispute under the treaties constituted an unwarranted intervention in their internal affairs.

31. In its most recent notes of 19 September 1949, the United States Government had reiterated that the procedure provided in the peace treaties had been designed precisely as a legal means of settling disputes concerning the interpretation or execution of their provisions. The United States Government attached great impor-

tance to the clause in the peace treaty providing that in the event of failure of the parties to the dispute to agree on a third member of commissions, he should be appointed by the Secretary-General of the United Nations. That constituted an effective method, in the spirit of the Charter, for the peaceful adjustment of disputes.

32. The Governments of Bulgaria, Hungary and Romania could not be permitted to determine unilaterally what constituted violations of the treaties nor whether a dispute had arisen which could be properly settled under the procedure provided in the latter. Since all efforts through diplomatic negotiations or the Heads of Mission had failed, it remained for the commissions envisaged in the treaties to take a definitive and binding decision regarding their violation.

33. The refusal of the three Governments to participate in the settlement procedures was a further violation of the treaties as well as of the Assembly's resolution of 30 April. By stating that they considered their obligations under the treaties fulfilled and denying the existence of any dispute requiring the application of the treaty machinery, they sought to evade all charges of violations. Their refusal raised a legal issue of paramount importance. Although the Government of the United States was convinced that the legal grounds which they had invoked were untenable, it was prepared to submit the question to an impartial judicial authority which would in effect advise whether the three Governments were obligated to participate in the appointment and functioning of the commissions envisaged in the treaties.

34. Accordingly, it urged the Assembly to request an advisory opinion from the International Court of Justice on the legal questions concerning the applicability and functioning of the procedure provided for in the treaties. The Court should also be asked to give an authoritative opinion defining the scope of the Secretary-General's authority to appoint the third members of commissions. The United States was prepared to accept the Court's opinions as binding and hoped that the Governments of Bulgaria, Hungary and Romania would also do so. For those reasons, the United States had associated itself with Bolivia and Canada in sponsoring a draft resolution (A/AC.31/L.1) to that end. Determination of the issue by the International Court was essential in the interest of international law. Moreover, the General Assembly should continue to assist the signatories to the peace treaties in their efforts at a settlement through the means agreed upon in the treaties, and particularly, at the present stage, in obtaining guidance on the legal questions involved; in doing so the Assembly would act within the spirit of Article 33 of the Charter.

35. Finally, Mr. Cohen emphasized that the question of the violation of human rights transcended the purely legal issues involved. It raised the important problem of the observance by Governments of their international obligations. Those obligations were intended to implement the principles of the Charter. They were expressly designed to prevent the resurgence of tyranny and arbitrary force in Eastern Europe after the collapse of the pro-nazi régimes which had held power during the war. The success of all efforts to make the United Nations a living reality depended, in the last analysis, upon the ability of nations to eliminate tyranny and to restore the universal freedoms which alone could unite the peoples of the world.

36. In answer to a question from Mr. DROHOJOWSKI (Poland), Mr. COHEN (United States of America) said that he had no information concerning the receipt of a reply from the Governments of Bulgaria, Hungary or Romania to the notes addressed by the United States Government on 19 September.

37. Mr. ANZE MATIENZO (Bolivia) recalled the action of Bolivia at the second part of the third session of the General Assembly in connexion with the problem of violations of human rights and fundamental freedoms in Hungary and Bulgaria. While recognizing the problem as clearly within the competence of the General Assembly, the Bolivian delegation had submitted a draft resolution (A/AC.24/51/Corr.1), calling for action on the basis of the provisions of the peace treaties, as the most practical means of achieving a prompt solution.

38. Bulgaria, Hungary and Romania had, however, rejected the charges of violating the peace treaties and had therefore prevented action under the terms of General Assembly resolution 272 (III). That situation had led to the submission of the joint draft resolution now before the Committee (A/AC.31/L.1).

39. The representative of Bolivia explained that his Government was deeply concerned at a series of events which had taken place in certain countries of Eastern Europe and which negated the common purpose for which the war had been fought. That purpose had certainly not been the substitution of communist tyranny for fascist tyranny. There was reason to believe that that substitution had occurred in Bulgaria, Hungary and Romania because of the tendency to silence any political and religious leaders who refused to accept or support the communist totalitarianism which had gradually been established after military occupation by the Soviet Union. Moreover, those leaders were being forced out of office and prosecuted on the pretext that they had violated national laws, and that pretext served as a basis for invoking the principle of domestic jurisdiction in the all-important matter of the respect of human rights.

40. The trial and conviction of Cardinal Mindszenty in Hungary had been symbolical and had helped to convince the Bolivian Government that religious persecution and other systematic violations of the rights of the individual provided fertile ground for political disorders which might threaten peace and international security. Accordingly, the United Nations was not only competent but was in duty bound to deal with the anti-liberal actions of any State which deprived its citizens of their human rights.

41. Mr. Anze Matienzo further emphasized that events in Bulgaria, Hungary and Romania constituted flagrant violations by the communist régimes of those countries of the peace treaties, each of which contained clauses guaranteeing human rights and fundamental freedoms. It should also be noted that those treaties were directly linked to solemn international agreements, includ-

ing the Declaration by the United Nations of January 1942, the Yalta Agreement of 11 February 1945 of the USSR, the United Kingdom and the United States and, above all, the United Nations Charter by which all Member States undertook to promote universal respect for human rights and fundamental freedoms.

42. The tragic régime of Hitler had taught the world that Governments which violated the rights of their own people did not respect the law in their international relations.

43. Those were the principal reasons for the action of the Bolivian delegation in sponsoring jointly with the delegations of Canada and the United States the draft resolution seeking to expedite the procedure provided for in the peace treaties. In the view of the Bolivian Government, treaties could not be regarded as unimportant documents and it was of universal concern that their provisions should be observed, particularly with regard to such essential principles as human rights and fundamental freedoms. Treaties were instruments of honour and good faith and their provisions must be fulfilled without resort to subtle evasions. The actions of the communist Governments of Bulgaria, Hungary and Romania in invoking the principles of domestic jurisdiction and the violation of their national laws could not be accepted as acts of good faith.

44. Mr. Anze Matienzo expressed gratification at the position of the United States in seeking action on the problem in question through the United Nations. The request for an advisory opinion by the International Court of Justice represented an attempt by the Assembly to clarify and expedite further action. The advisory opinion in question involved a disagreement regarding a point of fact rather than a point of law since the issue was a disagreement arising from political interests which were quite far removed from provisions of the treaties. The advisory opinion would, in a sense, be mediation, but it would not affect the competence or the jurisdiction of the Assembly, which would still remain seized of the question and would be free to take any action which it deemed appropriate.

45. The Bolivian delegation considered that the adoption of the joint draft resolution would represent a constructive step and establish a worthy precedent.

46. Sir Carl BERENDSEN (New Zealand) recalled resolution 272 (III) on the question of human rights and fundamental freedoms in Hungary and Bulgaria and the action of the various signatories to the peace treaties with those nations in accordance with that resolution. The replies of the Governments of Bulgaria, Hungary and Romania rejecting the charges of violating human rights and fundamental freedoms and refusing to apply the relevant provisions of the said treaties aroused the gravest misgivings and concern.

47. While the notes sent by the Governments of the United Kingdom and the United States had contained a careful statement of the rights and freedoms which had allegedly been violated in Hungary, Bulgaria and Romania, the only answer of those three Governments, significantly couched in similar terms, was a contemptuous rejection of the charges and a characteristic accusation that the United States and the United Kingdom were supporting so-called reactionary and anti-democratic elements. The representative of New Zealand could not accept the argument of the three Governments that their repressive measures had been adopted to fulfil their treaty obligations not to permit the existence of fascist organizations denying democratic rights. Moreover, the attitude of the three Governments in setting themselves up as the sole judges of whether or not they were fulfilling their international obligations was absurd. It was certainly not for those former enemy countries to dictate when a dispute existed and therefore when the procedure prescribed in the treaties should be applied. Although the dispute clearly existed, those Governments impudently asserted that no dispute was involved.

48. If Bulgaria, Hungary and Romania refused to comply with the provisions of the peace treaties in cases of disputes, the New Zealand delegation considered that those Governments had defaulted in their obligations. The New Zealand delegation could not, however, agree that action on the matter should be dropped but felt that further efforts must be made to explore every possibility of utilizing the treaty machinery. To that end, it would gladly support any appropriate suggestion that any legal question should be referred to the International Court of Justice.

49. The question of human rights and fundamental freedoms in Hungary, Bulgaria and Romania was not the exclusive concern of the signatories to the treaties but a matter of interest to all Members of the United Nations. In addition to the Charter's repeated references to human rights and fundamental freedoms, it should be stressed that the concept of human rights was inextricably bound up with the concept of security embodied in the Charter. Tragic experience had proved that internal repression and external aggression were directly interrelated. It was manifestly the duty of the United Nations to ensure that the provisions of the Charter relating to human rights were not flouted or ignored.

50. Sir Carl Berendsen referred to his previous detailed discussion of the thesis that the question of the violation of human rights and fundamental freedoms in Bulgaria, Hungary and Romania was not within the competence of the General Assembly. While the drafting of Article 2, paragraph 7, of the Charter was admittedly defective in certain respects, there could be no doubt that the clear intention of the Charter was that certain fundamental rights and freedoms transcended national boundaries and could therefore not be considered as "essentially within the domestic jurisdiction of any State".

51. The representative of New Zealand expressed the view that the General Assembly must face the issue frankly, and he recalled his statement at the third session supporting the full and clear right and duty of the Assembly to discuss the question, to enquire into it, to make recommendations upon it, and if it were deemed necessary, to call upon the Governments responsible for redress or to condemn them on the basis of available evidence. While he supported any proposal that might be considered as desirable to ascertain fully and to record formally the facts of the case, he stated that the earlier position of New Zealand in the matter remained unchanged.

52. Mr. MARTIN (Canada) stated that the Canadian delegation, one of the sponsors of the joint resolution before the Committee, wholeheartedly supported the proposal to request the International Court of Justice for an advisory opinion on points connected with the interpretation of certain articles of the peace treaties with Bulgaria, Hungary and Romania.

53. In a brief review of the position of the Canadian Government with respect to the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, Mr. Martin referred to the Canadian Government's note of 2 February 1949 protesting against religious persecution in Hungary and to its action on 2 April 1949 associating itself with the United Kingdom and the United States in a protest to Hungary and Romania concerning violations of clauses of the peace treaty providing for the protection of human rights. Shortly thereafter Canada had voted in favour of resolution 272 (III) of the General Assembly.

54. Mr. Martin noted that the question had been retained on the agenda of the fourth session and that a further item regarding similar violations by Romania had also been included. In the judgment of the Canadian delegation, ample evidence was available to indicate beyond any doubt that those States had misused their power and had deprived individuals under their jurisdiction of their right to their own beliefs. It should be noted, however, that the resolution before the Committee did not refer to the question whether the Governments of those three countries were guilty of suppressing fundamental freedoms. The Committee was faced with the problem of deciding the procedure that should be followed in order to establish clearly that the activities of those Governments constituted a breach of their obligations under the peace treaties.

55. Recalling the specific provisions of the relevant articles of those treaties, Mr. Martin stated that the exchange of diplomatic correspondence between the signatory Powers revealed a fundamental disagreement as to the interpretation of the following points: the existence of a dispute under the peace treaties; the question whether Hungary, Romania and Bulgaria were obliged to appoint members of the commission provided for in the treaties; and finally, in the event that they failed to do so, whether a commission composed of two members would be competent to deal with the dispute.

56. The representative of Canada pointed out that he was confining himself, at the current stage of the discussion, to the procedural problem raised in the joint resolutions before the Committee. That problem, which involved basic human rights, should appropriately be decided by the International Court of Justice, as proposed in the joint draft resolution, with the full understanding that the advisory opinion of the Court would be definitive, authoritative and effective.

The meeting rose at 5.35 p.m.

EIGHTH MEETING

Held at Lake Success, New York, on Wednesday, 5 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. Mr. ICHASO (Cuba) recalled the active part played by the Cuban delegation during the consideration of the question of the violation of human rights and fundamental freedoms in Hungary and Bulgaria during the second part of the third session of the General Assembly. Cuba had advocated a firm stand condemning the systematic denial of the rights of the individual in violation of the terms of the peace treaties and of the noble principles of the United Nations. The Government of Romania must now be added to the list of States which disregarded the rights of the individual.

2. While the proposal adopted at the preceding meeting on the initiative of the representative of Australia to invite a representative of the Romanian Government to participate in the Committee's discussions without the right to vote was a commendable one, the representative of Cuba feared that Romania, like Hungary and Bulgaria in the past, would choose not to appear.

3. The Cuban delegation had at the third session urged the adoption of effective measures to end the official terror prevailing in those three countries, of which the case of Cardinal Mindszenty was a significant and shocking example. It was most regrettable that the peoples of Bulgaria, Hungary and Romania had had one totalitarian régime replaced by another. In an effort to rescue those peoples from a régime which completely suppressed the right of the individual and resorted systematically to religious persecution, the use of secret police and other repressive measures, the Cuban delegation had, at the third session of the Assembly, presented a draft resolution[1] condemning such acts and calling for the appointment of a special committee to investigate the alleged violations and report to the fourth session. That proposal had not received the necessary number of votes since, perhaps, it was felt that the proposed Committee would be unable to fulfil its mandate because of the refusal of the accused Governments to co-operate with organs of the United Nations.

4. The Cuban delegation would not press its earlier proposal since unfortunately the moral force of the United Nations was, for the time being, inadequate to cope with unscrupulous régimes which denied their subjects the fundamental rights recognized by all civilized nations.

[1] See *Official Records of the third session of the General Assembly, Part II,* Ad Hoc *Political Committee,* 35th meeting.

It was important, however, for the United Nations to continue to treat such questions with a view to building up a world ethical conscience to combat such persecutions wherever they might occur. The Universal Declaration of Human Rights represented an important step in that direction. That Declaration must not be allowed to become a dead letter in the eyes of certain Governments. The Cuban delegation was of the opinion that the United Nations must not falter in its efforts to achieve universal recognition of that Declaration and must not be deterred by the argument that action in that field constituted interference in the internal affairs of States. Actually, more than a right was involved; the Assembly was faced with a duty and an inescapable obligation since, under Article 55 of the Charter, Member States undertook to promote universal respect for human rights and fundamental freedoms for all. It was therefore imperative, rather than optional, for the Assembly to take energetic action and to reject the untenable thesis that such action was incompatible with the right of each nation to govern itself in accordance with the will of the majority of its citizens. Only Governments guilty of wrongful action would fear outside scrutiny and would hypocritically conceal their actions behind iron curtains.

5. Mr. Ichaso noted that the joint draft resolution (A/AC.31/L.1), presented by the delegations of Bolivia, Canada and the United States, sought a juridical decision on the question by requesting an advisory opinion of the International Court of Justice in accordance with article 4 of the Statute of the Court. The provisions of the peace treaties concerning human rights had obviously been violated by the Governments of Hungary, Bulgaria and Romania in a constant series of actions which had been condemned in the free Press of the world. The diplomatic correspondence exchanged by the Government of the United States, on the one hand, and the Governments of the three countries in question, on the other, showed that the repressive régimes arbitrarily refused to adopt the procedures for the settlement of disputes prescribed by the peace treaties. It therefore seemed logical to submit the question of substance as well as of procedure to the International Court and, once the Court had reached a decision, to bring the matter before the Assembly for further action.

6. Cuba, a country which was governed by noble democratic principles, sincerely believed that if the United Nations could not protect men from persecution for their ideas and beliefs, it would be unable to be of any service to its Member States.

7. The Cuban delegation therefore supported the joint draft resolution before the Committee.

8. Mr. DROHOJOWSKI (Poland) stated that the majority of the General Assembly had included the item under discussion in the agenda despite the fact there was no legal basis on which the United Nations could deal with it. He recalled that the sponsors of the joint draft resolution referring the question to the International Court of Justice for an advisory opinion had failed to justify inclusion of the item at the time that action had been taken. They had remained silent either because they were unprepared to present a case on purely legal or procedural grounds, or because they were confident of the support of a majority acting under pressure from the United States. Commenting upon their behaviour, the Chairman of the Polish delegation had stated during the general debate on 24 September[1] that the attempt to include an item dealing with the alleged defence of religious freedom in Hungary, Bulgaria and Romania actually constituted an interference in the internal affairs of those nations and an attack on their national sovereignty. Mr. Drohojowski added that, while the legal aspects of the case were important, they were not decisive inasmuch as the item had been introduced essentially for political reasons.

9. Mr. Drohojowski did not intend to discuss the religious aspect of the problem until a later meeting. He considered it irrelevant because no substantiation could be furnished to support the charges that religious practices had been interfered with or that individuals had been condemned on the grounds of their religious beliefs or functions. He also reserved the right to comment upon the criticism directed against the judiciary processes in Hungary, Bulgaria and Romania at a subsequent meeting.

10. Turning to the legal aspect of the question, Mr. Drohojowski emphasized that the interpretation of treaties was exclusively within the competence of the contracting parties. The treaties with Bulgaria, Hungary and Romania contained specific provisions concerning interpretation and execution and the United Nations had no competence in the matter. Moreover, it was normal that the right of interpretation of a legal provision should be vested solely in the persons or body which had the power to modify or eliminate that provision. Accordingly, negotiations had been undertaken through the usual diplomatic channels and simultaneous intervention by the United Nations could only be detrimental to their progress. It should be further borne in mind that under Article 2, paragraph 7 of the Charter, the Members of the United Nations committed themselves not to intervene in matters which were within the domestic jurisdiction of any State. They thereby undertook a pledge not to intervene in cases which could be dealt with through the existing legal machinery. The question before the Committee was clearly such a case.

11. Mr. Drohojowski then turned to the examination of the qualifications of those States which had made or subscribed to the charges brought against the Governments of Hungary, Bulgaria and Romania and had arrogated to themselves the role of defending the rights of the allegedly oppressed peoples of those countries. In the first place, many of them had in fact nothing to do with the treaties signed with the Governments of the three Balkan nations, and were surely in no position to interpret them. The Commonwealth of Australia, which had been the principal proponent of Assembly action against the accused States, was hardly qualified to occupy that position.

12. Quoting the Commonwealth Crimes Act 1914-1932, Part II, Offences against the Government, the Polish representative showed that Australian law was quite as stringent as that applied, for example, by the Hungarian Government in

[1] See *Official Records of the fourth session of the General Assembly*, 227th plenary meeting.

the case of the trial of Cardinal Mindszenty and ventured to suggest that if it had been applied in that instance, Mindszenty might have suffered the supreme penalty. Furthermore, on moral rather than legal grounds, it was the view of the Polish representative that Australia, by its failure to safeguard human rights and freedoms in its own country in accordance with Article 1, paragraph 3 of the Charter, could hardly set itself up as a judge of the behaviour of other Governments. To illustrate the discriminatory practices in Australia, Mr. Drohojowski reviewed the "White Australia" policy and its effects upon the coloured and aboriginal populations of that country. He quoted largely from *The New World* by Dr. Bowman and from A. O. Neville's book, *Australia's Coloured Minority*, to show that coloured peoples in Australia suffered from severe racial, social and economic discrimination and that the aboriginal tribes of that continent had been driven into the northern wildernesses and virtually deprived of their rights as citizens. In view of those facts, the Commonwealth of Australia could hardly be said to be a qualified protector of human rights and freedoms in countries of people's democracies or elsewhere.

13. In concluding his remarks concerning Australia's moral qualifications as a champion of human rights, Mr. Drohojowski quoted from an article by H. G. Wells which had appeared in the *News Chronicle* in January 1939. The article indicated that the Australian Government was taking repressive measures against labour and practising intolerance and the suppression of freedom of speech. The Polish representative added that the present Labour Government was continuing its brutal measures against the independent labour movement, and even the *Economist* of June 1949 had expressed doubt at the wisdom of the trial and conviction of the labour leader, Lawrence Sharkey.

14. Mr. Drohojowski then dealt briefly with the qualifications of Bolivia, a co-sponsor of the draft resolution before the Committee, to assume the role of a defender of human rights in Hungary, Bulgaria and Romania. He quoted several passages from a book by the Argentine writer Tschiffely describing his trip through Bolivia. The author had depicted the degradation and inhuman treatment inflicted upon the Indian population of that country by petty Government officials who were themselves *mestizos*. In view of the barbarous methods practised by the white and *mestizo* populations of Bolivia against the Indians, that country could scarcely be considered a proper judge of the observance by others of human rights and freedoms.

15. Turning to the question of the United Kingdom's moral qualifications for passing judgment on the Governments of Hungary, Bulgaria and Romania in the matter of the observance of human rights and fundamental freedoms, Mr. Drohojowski said that he would refrain from discussing the colonial policy of the United Kingdom, since that question would no doubt arise in another Committee. He did, however, wish to draw attention to the inconsistent attitude of a Government which only recently had prosecuted traitors in its own country and was now condemning other Governments which had done the same. In that connexion, he recalled the trials of William Joyce and John Amery in 1945. Joyce, who had conducted a defeatist propaganda campaign against his own country on behalf of an enemy Power, had been rightly condemned to death. Cardinal Mindszenty, who had enjoyed better opportunities in life than Joyce and who had reached a position of prominence which he could have used for the benefit of his country, his Church and world peace, had instead taken part in a plot which had war as its ultimate aim. Protected by his high ecclesiastical position, he had abused the good faith of his Government in an attempt to overthrow the latter. Moreover, he had been involved in black market activities and currency offences. Similar offences were severely punished by British law. As regards John Amery, the sentiment which he had expressed were remarkably similar to views frequently expressed at the present time by so-called responsible statesmen.

16. Mr. Drohojowski then turned to the position of the United States in the matter under discussion. On the one hand, the United States was increasing its interference in the internal affairs of certain States and launching open attacks against the principle of national sovereignty; on the other, it remained silent while political opponents of the Franco régime were being exterminated by the thousands in Spain and labour leaders and liberal thinkers were murdered in Greece.

17. The provisions of Hungarian law which had constituted the basis for the indictment and conviction of Cardinal Mindszenty were substantially similar to those found in the criminal codes of all civilized countries. Certain provisions of the United States Code on Crimes and Criminal Procedure, in particular those appearing in chapter 115, section 2384, went considerably further than those invoked by the prosecution against the defendants in the Mindszenty trial. Mr. Drohojowski also referred to sections 793 and 794 of chapter 37 of the United States Code. It was clear that, had Cardinal Mindszenty and his accomplices or the fifteen Bulgarian pastors been tried under United States law, the sentences imposed upon them might well have been the same.

18. As regards the moral qualifications of the United States, it was a well-known fact that violations of human rights and fundamental freedoms occurred daily in the United States and were sanctioned by State constitutions and laws. Mr. Drohojowski stated that he had compiled a list of 283 instances of inconsistency between State constitutions and laws, on the one hand, and the United States Constitution, on the other. That list did not include references to political discrimination against United States citizens of African descent.

19. Mr. Drohojowski went on to speak of racial discrimination in the United States against Negroes, Jews, Spanish-speaking people and American Indians, and quoted from works by Andre Siegfried, Professor Myrdal and Taylor Caldwell. He recalled that the United States representative had stated at the preceding meeting that Governments which did not respect the basic human rights of their people were not likely to respect the rights of other Governments and other peoples. He wondered whether the United States representative had been fully aware of the significance of his own words, which could be applied not to the Governments of the People's

Democracies but to the United States Government itself.

20. The treaties of peace with Bulgaria, Hungary and Romania should be the decisive factor in considering the matter before the Committee. The United Nations had no right to give an authoritative interpretation of those treaties; in particular, such an interpretation was outside the sphere of competence of those States Members of the United Nations which were not parties to those treaties. The matter was within the sole competence of the States signatories to the treaties. However, in dealing with the issue, the States signatories to the treaties would be well-advised to take into consideration article 4 of each of the three treaties, which in the case of the Treaty of Peace with Hungary read as follows:

"Hungary, which in accordance with the Armistice Agreement has taken measures for dissolving all organizations of a Fascist type on Hungarian territory, whether political, military or para-military, as well as other organizations conducting propaganda, including revisionist propaganda, hostile to the United Nations, shall not permit in future the existence and activities of organizations of that nature which have as their aim denial to the people of their democratic rights."

21. If the Government of Hungary had failed to prosecute Cardinal Mindszenty and his accomplices, it would have been guilty of violation of that article.

22. The Government of the United States was constantly violating and condoning the violation of Article 1, paragraph 3, of the United Nations Charter, and was guilty of supporting the very doctrine condemned in the preamble to the Constitution of UNESCO—the doctrine of the inequality of men and races.

23. If truth was to prevail in the deliberations of the General Assembly, the only conclusion which the Committee could reach was that there were no grounds for the United Nations to continue the examination of the question under discussion. By reaching such a conclusion, the Committee would render a signal service to the Organization and to the cause of peace.

The meeting rose at 4.20 p.m.

NINTH MEETING

Held at Lake Success, New York, on Thursday, 6 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. The CHAIRMAN re-opened the discussion on the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania.

2. Mr. MAKIN (Australia) said that of all the statements made by the Polish representative at the previous meeting regarding Australia, only one had been relevant to the subject under discussion. He had asked whether the Australian Government had taken any steps to inform the Government of Romania of its belief that there was *prima facie* evidence that human rights and fundamental freedoms had been and continued to be violated in Romania.

3. If the Polish representative referred to document A/990, which contained the text of the notes exchanged between the Government of the United Kingdom and the Governments of Bulgaria, Hungary and Romania on that subject, he would see that the Australian Government had associated itself with the various communications made by the Government of the United Kingdom. The Australian Government had chosen that method of communication as it did not maintain any diplomatic representatives in Romania.

4. Sir Hartley SHAWCROSS (United Kingdom) said that the history of the previous twenty years had made it clear that a state bent on aggression must first ruthlessly subordinate to itself the rights and liberties of its own citizens. As the New Zealand representative had so aptly remarked, internal repression was often the precursor of external aggression. Hence the paramount importance of the general observance of human rights in all countries of the world.

5. He did not suggest that the Bulgarian, Romanian, Hungarian or any other Government was nourishing any aggressive intentions, and he believed that the whole problem could be solved by democratic processes in the United Nations provided there was a will so to solve them. Although he realized that some temporary emergency measures might be necessary during the transitional stages from nazism or other undemocratic systems, the emergency which might have justified some curtailment of fundamental rights in the three countries in question had long since passed. The matter under discussion had been raised to make the Governments concerned realize the strength of world opinion in the hope that they would, under the existing peace treaties, discuss with others how best to solve the difficulties which had arisen. The United Nations was not entitled to intervene in every case where human rights were involved, as it could not interfere in matters which were essentially within the domestic jurisdiction of any particular country. In the case under discussion, however, the ex-enemy countries concerned had bound themselves internationally to secure and observe human rights, and it was clearly both the right and the duty of the United Nations to take cognizance of the matter.

6. He doubted very much whether the establishment of any formal commission of inquiry would, at that particular stage, really serve any useful purpose. The evidence and affidavits of numerous victims who had succeeded in escaping might be denied or alleged to refer to regrettable

but exceptional cases. On the other hand, the laws and the official statements of policy in those countries could not be disputed and would indeed justify immediate condemnation by the United Nations without further inquiry. Those laws and statements clearly manifested a deliberate and cynical disregard of the most elementary freedoms and showed a calculated policy of exalting the State and subordinating and suppressing the fundamental rights of the individual.

7. In his opinion, democracy and freedom rested upon three basic foundations, which were the necessary prerequisite to the freedom and human rights of the individual. Those foundations were: freedom of political representation; freedom from arbitrary arrest and the right to fair trial by an impartial and independent court; and freedom of the Press. Bulgaria, Hungary and Romania were now, with a glaring and shocking similarity, using exactly the same methods as the nazis had used in the past to destroy those three vital freedoms. In the three ex-enemy countries, the red flag had been hoisted in place of the swastika, but the suppression of human rights and dignity went on.

8. Referring to the right to political representation, Sir Hartley said that no one could vote for an effective opposition party in any of the three countries concerned as no real opposition to the Government was possible. Reviewing the political events which had taken place in Bulgaria, he pointed out that the dissolution of the Agrarian Party in August 1947 had led to the disfranchisement of over a million Bulgarian voters. The turn of the Social Democrats had come in 1948 because they had dared to criticize the Government's budget proposals. The leaders of the party had been sentenced to long terms of imprisonment and the party itself had been forcibly merged in the Fatherland Front on the basis of full acceptance of the Marxist-Leninist line. Thus another section of the population had been deprived of its right to choose its own political representatives. The Bulgarian Parliament had also abandoned any pretence of a democratic mandate by prolonging its own life on two successive occasions, in 1947 and in 1948. The constitution of the country had been adopted, without referendum, by an assembly from which all representatives of the opposition had been illegally ejected. Although article 21 of the Universal Declaration of Human Rights was not legally binding on Bulgaria, it did lay down the minimum standard which civilized countries should achieve in the political field. It was clear that not one provision of that article was secured by the law and practice of Bulgaria.

9. Events in Hungary and Romania had followed a strikingly similar pattern. In Hungary political parties had been either dissolved or absorbed in the Communist Party; deputies elected to the Assembly had either had their mandates cancelled or had been ejected from the Assembly; no by-elections had been held to replace them; and large numbers of people had been disfranchised. As a result, the Communist Party, which had been in the minority at the opening of the previous parliament, now wielded effective control, and only small and puppet opposition parties were permitted to exist.

10. The same was true of Romania. All the historical and real opposition parties had been forcibly suppressed and disbanded before the elections of March 1948. The two alleged opposition parties allowed to exist thereafter had been denied the facilities of the radio and Press for conducting any campaign. The elections had been a complete travesty, and in local government there was not even the formality of a mock election.

11. The health of a democracy depended upon the existence of a free and fearless opposition able, if the electorate so wished, to form an alternative Government. In the three countries he had named, it would be legally impossible, under the existing legislation, for any genuine opposition party to present itself to the electorate. In those countries people were allowed, and indeed were forced, to vote, but not for whom they chose.

12. With regard to the second freedom, namely, freedom from arbitrary arrest and the right to a fair trial by an impartial and independent court, he did not wish to enter into the merits of the so-called Mindszenty case. A cleric's cloth should afford no protection to criminal offenders. The world, however, had been shocked by the complete travesty of justice in that particular trial. The Polish representative had deemed fit to refer to the treason trial of William Joyce, the first treason trial to be held in time of peace in the United Kingdom for a very long time indeed. If anything remotely resembling the public and impartial procedure which had been followed during that trial had been adopted in the Mindszenty case, no one, except perhaps the Hungarian Government, would have complained.

13. Sir Hartley did not maintain that Anglo-Saxon legal procedure was necessarily the best. What he criticized in the judicial procedure of the three countries in question was that there was no freedom from arbitrary arrest. People could be arrested and kept in prison for months and even years before being brought to trial. Indeed, in most political cases they were never brought to trial at all unless they first confessed their guilt. Prisoners were held *incommunicado* without access to lawyers or friends until such time as various kinds of psychological pressure induced them to make spurious confessions. The truth and value of such confessions was best illustrated by the supposed confession of one of the Bulgarian pastors that he had periodically met and conspired with a named British official who actually had been nowhere near that country at the time. Such confessions were one of the most sinister features of the judicial proceedings in those countries.

14. The Universal Declaration of Human Rights stated that everyone was entitled to a fair hearing by an independent and impartial tribunal and that everyone was to be presumed innocent until proved guilty according to the law (articles 10 and 11). In Romania, Hungary and Bulgaria, however, various cases were hopelessly prejudged by the Government even before the beginning of the trial. In the Mindszenty case, for instance, the Hungarian Government had published a Yellow Book making it clear beyond doubt that the Government considered him guilty and expected the judge to find accordingly. Furthermore, the courts of such countries could most certainly not be regarded as either impartial or independent. Indeed, under existing legislation they could be

neither. Quoting various decrees issued in those countries and also various speeches made by members of their Governments, Sir Hartley showed that judges in Bulgaria, Hungary and Romania were expected to rid themselves of any so-called legal mentality and always to be vigilant against the enemies of the working class. Extensive purges of judges and prosecutors had been carried out to ensure that, as the Hungarian Under-Secretary for Justice had stated, if democrats could not be educated out of judges, judges should be educated out of democrats. That same official had made it amply clear that the bench must adopt the ideology of Marxism-Leninism. What hope of an impartial trial could a political prisoner have before such tribunals?

15. Turning to the penal laws administered by those tribunals, he said that under Bulgarian law treason was defined simply as "crimes dangerous to the general public", while a Romanian decree laid down that deeds considered dangerous to society must be punished even if they were not named by law as offences. What deeds were dangerous was decided by the handful of men who ruled the country.

16. In the whole history of man's struggle for justice there was no more miserable picture than that of a servile Bar and a time-serving judge seeking not to do justice according to the law, but to further the interest of the masters who appointed him. That was the picture which Sir Hartley most reluctantly had to present to the Committee.

17. Freedom of publication and of the Press was quite unknown in Hungary, Bulgaria and Romania. Hungarian and Romanian decrees showed that books and newspapers could be printed only with the permission of the Government and that even the possession of documents published without such permission constituted a serious criminal offence. No genuinely independent or opposition newspaper had been allowed to remain and the dissemination of all news and information was carried out by Government news agencies. Yet it was essential for all countries to have free men and independent newspapers able to say what they thought. Even if he did not agree with what they said, he would defend with his life their right to say it. That was the essence of free democracy.

18. What course should the Committee take in the circumstances? In view of the notorious infringements of human rights which had occurred, many felt that prompt and effective action should be taken and they were wary of the delays involved in a strictly legal procedure. Past experience, however, had shown that political action was in the end more efficacious and expeditious if based on a legal foundation which was beyond any doubt. It had been argued that the Assembly had no legal right to intervene in the matter because the observance of human rights was a matter of domestic jurisdiction. Under the peace treaties, however, the ex-enemy States concerned had undertaken international obligations. At that particular stage the Assembly was not asked to decide what infringements had occurred or what action should be taken thereon. A large number of infringements had been alleged by parties to the treaties and denied by the three countries concerned. That gave rise to a dispute, and under the treaties the dispute should be dealt with in a particular way.

19. The issue in the resolution before the Committee was not one of human rights but of treaty machinery. By cynically denying the existence of a dispute, Bulgaria, Hungary and Romania were flouting the treaties and impeding the machinery. The United Nations, under its Charter, should promote respect for treaties and facilitate their observance. The observance of a treaty between a number of States was not a matter that fell under the domestic jurisdiction of any single State. The United Nations was clearly competent, therefore, to ask the International Court of Justice for an authoritative opinion whether anything could be done under the treaty machinery. If so, he hoped that Bulgaria, Hungary and Romania would be guided by the opinion of the Court and that wiser counsel would prevail. If not, the matter would remain on the agenda and would have to be reviewed at the following session of the General Assembly. That might seem a dilatory procedure. Yet in the long run it might be the most efficacious in impressing upon those countries the propriety as well as the strength of the world's interest in their behaviour. He would, therefore, support the draft resolution before the Committee.

20. Mr. HARMEL (Belgium) reviewed the charges brought against the Governments of Hungary, Bulgaria and Romania and the action taken up to that date by the General Assembly and by the signatories to the peace treaties. The Belgian delegation had noted with satisfaction that every effort had been made by the United States and the United Kingdom to apply the machinery of the peace treaties in order to arrive at a decision which would be binding upon all the contracting parties. In its view, it was inadmissible for any of those parties to obstruct the procedures to which it had subscribed.

21. The Belgian delegation strongly supported the joint draft resolution (A/AC.31/L.1). Under Article 96 of the Charter, the General Assembly was fully competent to request an advisory opinion of the International Court of Justice regarding the mandatory nature of the treaty procedures. By such action, it could not be said to be interfering in the internal affairs of the three countries; nor could it be charged with prejudging the merits of the case. It was simply requesting guidance, particularly in respect of the authority of the Secretary-General to appoint a third member of the treaty commissions provided in the treaties for the settlement of disputes arising thereunder. That function of the Secretary-General, which had been agreed upon by all the treaty signatories, in no way affected the substance of the dispute.

22. Mr. Harmel went on to stress the moral strength which the United Nations would be demonstrating by taking that step in its sustained efforts to safeguard human rights and freedoms throughout the world. It would be encouraging especially to the peoples of those countries which had requested admission to membership of the Organization and looked to the United Nations to establish effective international safeguards of individual liberties and to prevent their violation. It was all the more inconceivable, therefore, that Hungary, Bulgaria and Romania, which had applied for admission to the United Nations, should refuse to implement the treaties in which they had made solemn pledges to respect and protect the fundamental freedoms of their peoples.

23. The question of the observance of human rights and protection of the dignity of the individual transcended the narrow bounds of the sovereign responsibilities and powers of any State. It was notable, in that connexion, that the constitutions of democratic States did not grant individual freedom to citizens; they recognized that freedom and committed the State to safeguard the rights it connoted. The primary function of the State was to protect the liberty and the essential dignity of the individual, subject only to the limitations required for the full and beneficial development of the entire community.

24. The Belgian people still remembered, only too keenly, the suffering inflicted upon them during the nazi occupation. They understood how a totalitarian régime could violate the sanctity of the individual and they were acutely aware of the need to prevent and redress such violations wherever they occurred. In order to do so, national safeguards did not suffice; they should be supplemented and strengthened by international guarantees. As Mr. Spaak had stated in 1946 and Mr. van Zeeland had confirmed during the general debate in the Assembly, the concept of exclusive national sovereignty was obsolete and the violation of human rights had become the urgent concern of the world community.

25. Mr. Harmel then suggested a number of measures which might constitute international safeguards of fundamental freedoms. For example, a covenant of human rights might include a common law providing specific guarantees of individual liberty to all persons under judgment by the courts of any nation. Those persons might be afforded recourse to counsel chosen from an international panel of lawyers and the option of requesting any member of that panel to take up their defence before a national court of justice. It would also be logical to envisage the establishment of an international human rights court along the lines of that proposed at a recent meeting of the Council of Europe in Strasbourg. Mr. Harmel added that he was not taking a position on the merits of such proposals. He had merely indicated the possible orientation of international law for the more effective protection of the individual.

26. He urged the Assembly to exhaust all possible means of putting an end to the violations of human rights in the three countries concerned and to seek the most effective international safeguards for preventing their recurrence anywhere in the world.

27. Mr. UNDEN (Sweden) recalled that at the third session of the Assembly the Polish representative himself had advocated the use of the methods provided in the peace treaties in dealing with the question of the observance of human rights in Hungary, Bulgaria and Romania. The Swedish delegation had also favoured recourse to the treaty machinery before any discussion of the substance of the case by the Assembly[1]. For that reason, it had supported the resolution 272 (III) of 30 April 1949. However, in view of the fact that the efforts of the United States and the United Kingdom to apply the treaty procedures had met with persistent obstruction by the Governments of Hungary, Bulgaria and Romania, it was entirely proper to refer the question to the International Court of Justice for an advisory opinion. Sweden therefore supported the joint draft resolution submitted by Bolivia, Canada and the United States.

28. Mr. Unden pointed out that by adopting that proposal the Assembly would not be taking a position on the substance of the case. Nor was the Court being asked for an opinion on the substance; it was merely requested to advise whether the Governments of the three countries concerned were bound by their international obligations under the treaties to co-operate in applying the provisions of those treaties. The Swedish delegation was inclined to prefer such a cautious approach to the appointment of a committee of investigation, as suggested at the seventh meeting by the representative of Australia. It noted with satisfaction that the sponsors of the draft resolution, by refraining from requesting an opinion on the substance of the case, had been careful to respect the provisions of the peace treaties to the letter.

29. It was the hope of the Swedish delegation that all the contracting parties would be represented at the Court's proceedings and would accept its opinion as final and binding. Mr. Unden added that the problem was of particular interest because it affected the functioning of special bodies created precisely to settle such international disputes. While it had no objection to the drafting of the joint proposal, the Swedish delegation reserved the right to take a final position at the close of the debate.

30. Mr. DE SOUZA GOMES (Brazil) said that the recent trials of religious leaders in Hungary, Bulgaria and Romania had focussed attention on a very important problem arising from basic differences in ideology which were perhaps irreconcilable. The purpose of the campaign of repression carried out by the Governments of the three countries was clearly to subject individual religious freedom to the demands of a powerful political machine. The methods used were not new; the Hitler régime had also invoked seemingly potent arguments to justify the perpetration of outrageous atrocities upon the people. Similar repressions had been carried out by tyrants throughout the centuries. However, they did not equal the systematic nullification of religious and individual freedom which had become a scientific principle of government in Hungary, Bulgaria and Romania.

31. In contrast with Western culture, which was based on the inviolability of the human person and of the individual liberties consecrated in successive declarations of human rights and given political expression in democracy, the totalitarian régimes were attempting to control the very essence of the individual and to transform him into a willing instrument of their ideology.

32. Brazil had supported resolution 272 (III), on the observance of human rights in Hungary, Bulgaria and Romania, adopted by the Assembly at its third session. That resolution had deliberately avoided a *prima facie* condemnation of the Governments and had offered them every opportunity to prove their good faith. Their refusal to co-operate in applying the peace treaty machinery and their persistent violation of fundamental freedoms could not be condoned from either a moral or a legal point of view.

[1] See *Official Records of the third session of the General Assembly, Part II,* Ad Hoc *Political Committee,* 39th meeting.

33. Those three States, which had not as yet been admitted to the United Nations owing to their failure to fulfil the conditions required by the Charter with regard to respect to essential principles, could not be allowed to take advantage of that fact to sabotage those very principles which were the reason for its existence. It could not be recognized or admitted that they had a privileged position.

34. Moreover, they had also refused to respect their legal obligations under the peace treaties. Thus they were guilty on two counts, violation of human rights and failure to co-operate in applying the peace treaty procedures. The Brazilian delegation considered those charges extremely serious. It was prepared to support any proposal protesting violations of principles of the United Nations. Accordingly, it did not hesitate to associate itself with those delegations which favoured the joint draft resolution. By recourse to the International Court, the Assembly was clearly not prejudging the case.

35. The United Nations should pursue its struggle for the protection of human rights by exposing the facts of alleged violations, by denunciation before public opinion of those who violated the principles sacred to all democratic peoples, and especially by their moral condemnation. Only thus could it honour its commitments and strengthen faith in democracy.

36. Mr. AMBY (Denmark) recalled that his delegation had supported the Assembly's resolution of 30 April. It had made clear at that time that it would not vote for that resolution if the original Bolivian proposal (A/AC.24/51/Corr.1), which formed the basis for it, were amended so that the Assembly actually pronounced judgment on the Governments of Hungary, Bulgaria and Romania. Mr. Amby regretted the failure of those three signatories to the peace treaties to implement the Assembly's decision. He found it difficult to justify their refusal to apply the treaty procedure to the settlement of the dispute which had arisen as to its interpretation. The Danish delegation supported the joint draft resolution and was gratified to note that the United States and the United Kingdom had declared that they would be bound by the opinion of the International Court. It hoped that the same pledge would be given by the Governments of the three States concerned, as a token of their willingness to respect the obligations laid down in the Charter, which was a prerequisite for their admission to membership of the United Nations.

37. Mr. ALEMÁN PENADO (El Salvador) traced the slow and painful progress of mankind towards the recognition of the dignity of the individual and the protection of his inherent rights. It seemed inconceivable that in modern times there should be régimes which violated the rights of the individual and reduced man to slavery. It was the duty of the free nations of the United Nations to defend the victims of oppressive régimes such as those which systematically violated human rights in Hungary, Bulgaria and Romania.

38. Article 55 of the Charter clearly indicated that the United Nations was competent to deal with the case in question; the arguments of those who denied the competence of the Organization on the grounds of national sovereignty and the political constitution of Hungary, Romania and Bulgaria could not be accepted. Sovereignty and political constitution had little or nothing to do with the problem under consideration because of the provisions of the Charter and of the peace treaties. What was involved was failure to fulfil international obligations under the terms of international treaties which would not have been signed if there had been any conflict with the national sovereignty of any of the three States concerned. The problem was therefore international, rather than national, and should be settled on the basis of international law.

39. The delegation of El Salvador would co-operate wholeheartedly with the United Nations in achieving an equitable solution of the case and in restoring the rights and liberties of the inhabitants of Hungary, Romania and Bulgaria. At the same time it would support the joint draft resolution before the Committee.

40. Mr. WOLD (Norway) stated that the Norwegian delegation had voted in favour of the provisions in the peace treaties requiring the former enemy States to observe human rights and fundamental freedoms at the Paris Peace Conference in 1946. Moreover, the Norwegian delegation felt that similar provisions should be an indispensable part of the peace treaties which still remained to be concluded. Such provisions were extremely important. The war had been fought not only to obtain peace and security, but also to guarantee fundamental freedoms and human rights in a democratic society to all peoples. Those aims constituted the basic principles of the Charter of the United Nations.

41. There could be no doubt that fundamental freedoms and human rights were the concern of all the Members of the United Nations. Bitter experience had taught that the freedoms of people in any one country were dependent upon the freedoms of people in the rest of the world. The Norwegians had suffered the loss of freedom during five years of war and nazi occupation. They were fully aware of the importance of human rights and were gravely concerned at the accusations of alleged violations of the peace treaty provisions guaranteeing those rights in Hungary, Bulgaria and Romania.

42. The Norwegian delegation concurred in the view that the matter should first be dealt with by the signatories to the peace treaties and that the procedures prescribed therein should be diligently applied. It must not, however, be forgotten that the promotion of fundamental freedoms and human rights was one of the most important obligations of the United Nations and that the General Assembly was not only entitled but in duty bound to take action. It was noteworthy that the very question of human rights and fundamental freedoms had been the decisive factor in preventing the admission of Hungary, Bulgaria and Romania to membership of the United Nations.

43. Mr. Wold recalled resolution 272 (III) of the General Assembly and noted with satisfaction that the Governments of the United States and the United Kingdom had conscientiously complied with its terms. It was regrettable that the Governments of Bulgaria, Hungary and Romania had disregarded that resolution and failed to co-operate in establishing the machinery provided for in the peace treaties.

44. In the Norwegian delegation's view, it was clear that a dispute existed within the meaning of the peace treaties and, therefore, the three Governments were obliged to appoint representatives to the commissions provided for in the treaties. As that opinion had been contested, however, the Norwegian delegation agreed that the wisest course would be to submit the preliminary question as to the existence of a dispute to the International Court of Justice for an advisory opinion, under Article 96 of the Charter. If that action was taken, it would be neither necessary nor appropriate to discuss the substance of the matter in the General Assembly at that stage. The United States and the United Kingdom had expressly declared their willingness to accept the opinion of the Court, and it was most desirable that the Governments of Hungary, Bulgaria and Romania should agree to do the same.

45. The Norwegian delegation would vote in favour of the joint resolution as it was drafted. Since the formulation adequately met the situation, there should be no attempt at re-drafting.

46. Mr. DROHOJOWSKI (Poland) referred to the United Kingdom representative's statement and said that elections by an overwhelming majority were not unnatural in countries which had undergone extreme hardship and privation. He noted that that phenomenon was not confined to the people's democracies; there seemed to have been a drastic change in the composition of the House of Commons as a result of the elections held in the United Kingdom in 1945.

47. Turning to the question of confessions of guilt and detention for extended periods before trial, he said that those practices also were not unknown in the United Kingdom.

48. Sir Hartley SHAWCROSS (United Kingdom) stated that he was always prepared to assist any of his colleagues privately, but was unwilling to pursue the discussion of irrelevant matters concerning other countries when the Committee had on its agenda the specific problem of the violation of human rights and fundamental freedoms in Bulgaria, Hungary and Romania.

49. The CHAIRMAN agreed that the points raised by the representative of Poland were not directly connected with the question before the Committee.

50. Mr. DROHOJOWSKI (Poland) disagreed with the Chairman's view and noted that the points mentioned had been touched upon in the United Kingdom representative's statement.

The CHAIRMAN proposed that delegations wishing to participate in the general debate should say so. In accordance with rule 104 of the rules of procedure, the list of speakers could then be closed at that meeting.

51. Mr. DROHOJOWSKI (Poland) objected to the proposal to close the list of speakers. He thought that such action would be premature, as there had been little time for members of the Committee to study the well-documented statements which had been made and to prepare a considered reply explaining the positions of their delegations.

52. He therefore requested that the list of speakers should not be closed until the following meeting.

53. The CHAIRMAN pointed out that his suggestion to close the list of speakers had not been intended to limit or close the debate. He had merely wished to ascertain how many delegations wished to express their views.

54. In compliance with the Polish representative's request, he would keep the list of speakers open until the following meeting.

The meeting rose at 5.25 p.m.

TENTH MEETING

Held at Lake Success, New York, on Friday, 7 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. The CHAIRMAN said that before re-opening the discussion on the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, he wished to inform the Committee that the Secretary-General of the United Nations had received the following cablegram, dated 7 October 1949, from the Minister of Foreign Affairs of the Romanian Government (A/AC. 31/L.4):

"The Romanian Government considers that the discussion in the *Ad Hoc* Political Committee of an item entitled 'Observance of human rights and fundamental freedoms in the Romanian People's Republic' is wholly unfounded and constitutes an interference in Romania's internal affairs.

"The Government of the Romanian People's Republic rejects this attempt of interference and protests against the fact that the United Nations General Assembly lets itself be drawn into actions contrary to the categorical provisions of the Charter.

"The Romanian Government consequently informs you that it is not sending a representative to the *Ad Hoc* Political Committee.

(Signed) Ana PAUKER
Minister of Foreign Affairs of the Romanian People's Republic"

2. Mr. DENDRAMIS (Greece) said that no Member of the United Nations, and indeed no conscious human beings, could remain indifferent to the violations of human rights in Bulgaria, Hungary and Romania. As Greece was situated on the boundary of the Iron Curtain but had none the less remained a place of refuge for all free-thinking people, it was in duty bound to take part in the discussion.

3. In order to seize power and to maintain themselves in power against any opposition, the Gov-

ernments of the three countries concerned had, with the help of their powerful protector, outrageously violated their treaty obligation to ensure human rights and fundamental liberties for all people under their jurisdiction. The Soviet Union, which placed the interests of the Cominform above its international commitments, had refused to adhere to the United Kingdom and United States notes of protest to the three Governments. The notes had thus remained a dead letter. The Governments in question had consistently alleged that the matters involved were within their own exclusive domestic jurisdiction. Mr. Dendramis agreed with those who did not wish to interfere in the internal affairs of other States. He also agreed that each nation had the right freely to choose its own political and social system. That did not mean, however, that the minorities of certain countries should be allowed to impose any system by force on the majority and to suppress all the rights guaranteed by the peace treaties. The three countries completely disregarded their international obligations. Their protecting Power acted likewise and had, but a few weeks previously, uprooted thousands of Greeks living in the south of the USSR and sent them to an unknown destination, probably Siberia.

4. The Hitlerite spirit of intolerance and tyranny still prevailed in certain countries, and Christian civilization itself was being mercilessly persecuted by the new form of absolutism. The struggle between the Church and the communist Governments had entered a decisive stage.

5. The countries concerned had also violated various other provisions of the peace treaties. For instance, they maintained armed forces which were much larger than those allowed under the treaties, and cynically refused to pay any reparations. Bulgaria had never paid compensation for war damages, repaired any of the destruction it had wrought or demilitarized its frontiers. The Greek Government had forwarded to the Allied Governments all the information at its disposal on the last subject. The United Kingdom and United States diplomatic representatives had asked the Bulgarian Government to allow their military experts to visit the areas in question in order to ascertain whether the relevant clauses of the peace treaties had been implemented. The Bulgarian Government had replied that under article 35 of the Treaty of Peace with Bulgaria, such a request should also be supported by the USSR representative. The USSR representative, however, had declared that he considered such a step to be both inappropriate and unjustifiable.

6. Such violations should be regarded as a threat to the peace, and should therefore be countered by the same methods, and with the same energy, as any other threat to the peace. The adoption of the joint draft resolution (A/AC.31/L.1/Rev.1) before the Committee, which had the support of the Greek delegation, would lead to an authoritative legal interpretation on the observance of the international obligations of States.

7. Sir Benegal RAU (India) referred to questions III and IV which, under the joint draft resolution, would be submitted to the International Court of Justice. A treaty signed between the United Kingdom and Ireland in 1921 had provided for the setting up of a commission of three persons, one to be appointed by the Government of the Irish Free State, one by the Government of Northern Ireland and one by the United Kingdom Government, to determine the boundary between Northern Ireland and the rest of Ireland.

8. In 1924, the Governor of Northern Ireland had informed the United Kingdom Government that his Government declined to appoint such a representative. The United Kingdom Government had then referred the matter to the Privy Council to ascertain whether in the circumstances it had the necessary power to ensure the legal constitution of the boundary commission in question. The Privy Council had held that the refusal of the Government of Northern Ireland to appoint a representative on the commission was a contingency which had not been foreseen at the time of the passing of the Act which had given statutory force to the treaty between the United Kingdom and Ireland, and that, if the Government of Northern Ireland maintained that refusal, there was no constitutional means under the existing statute for bringing the boundary commission into existence.

9. It was obvious that, if the International Court of Justice were to return similar answers, the provisions of any future treaties would have to be drafted in such a way as not to suffer from a similar defect. Apart from their relevance to the case under discussion, it was essential to have those questions settled because of the bearing they might have on the drafting of future treaties.

10. Mr. JORDAAN (Union of South Africa) said that during the previous session of the General Assembly, his delegation had doubted whether it would be advisable for the United Nations to intervene in the matter before the remedies for settling the dispute in accordance with the peace treaties had been exhausted. Those doubts had also extended to the question whether the United Nations was competent to intervene in the matter. During the present discussion, however, it had become clear that the question before the Committee was one of treaty violations and that the General Assembly was therefore entitled to take cognizance of that matter.

11. In his opinion, many of the arguments used during the debate were not really germane and had only served to confuse the issue. Some had argued that, quite apart from the provisions of the peace treaties concluded with the three countries in question, Articles 55 and 56 of the Charter entitled the United Nations to discuss the charges brought against those States and to pass resolutions concerning them. On the other hand, objection had been taken to any discussion of the charges on the ground that Article 2, paragraph 7, of the Charter precluded the United Nations from intervening in any matter which was essentially within the domestic jurisdiction of any State. The South African delegation's view on that particular legal point had already been fully explained during the previous session of the General Assembly[1]. He therefore merely wished to remind the Committee that, according to an interpretation adopted by the San Francisco Conference itself, Articles 55 and 56 constituted no exception to the operation of paragraph 7 of Article 2.

12. The representatives of the United States and of the United Kingdom had made out a *prima*

[1] See *Official Records of the third session of the General Assembly, Part II, First Committee*, 265th meeting.

facie case in substantiation of charges of violations of peace treaties. The States concerned denied the charges and at the same time refused to use the machinery which the peace treaties specifically provided for the settlement of disputes. The USSR had supported the States concerned on the ground that there had been no violation of human rights and liberties and that consequently there was no dispute.

13. The question then arose whether the three countries could not in fact be required to carry out in good faith the obligations they had undertaken by signing international treaties. In the opinion of the South African delegation, they should be required to do so.

14. Under the joint draft proposal before the Committee, the International Court of Justice would be asked for an advisory opinion as to the meaning and scope of the treaty provisions at issue. He hoped that if the three countries accepted the opinion of the Court and acted accordingly the matter would not require further discussion before the General Assembly. He would support the joint draft resolution.

15. Mr. LIU CHIEH (China) said that the charges that Hungary and Bulgaria were systematically violating human rights and fundamental freedoms had been fully presented and substantiated at the third session of the General Assembly. At the fourth session, Romania had been added to the list of countries which denied their inhabitants every vestige of individual freedom.

16. Apologists of the three Governments concerned had been unable to deny the existence of persecution, but had tried to evade the issue by invoking Article 2 of the Charter. The telegram from the Foreign Minister of Romania followed the same procedure. At the third session the Chinese delegation had expressed the view that the question of human rights and fundamental freedoms could be studied without any infringement of Article 2 of the Charter[1]. That view had been confirmed by the adoption of resolution 272 (III) by a substantial majority of the Assembly.

17. The argument that the Organization was not competent to deal with violations of human rights in the States in question because they were not Members of the United Nations was invalid. Article 55 of the Charter required the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms. Moreover, explicit provisions guaranteeing those rights had been written into the peace treaties, as it had been recognized that basic freedoms constituted the pillars of international peace and security.

18. The Governments of Bulgaria, Hungary and Romania had therefore not only violated human rights and fundamental freedoms under the Charter of the United Nations, but had also, and more specifically, failed to fulfil their obligations under the peace treaties. Peace and security were in jeopardy when nations were able to disregard their treaty obligations with impunity. The sanctity of treaties and international commitments must be preserved, and any violation of such undertakings was of serious concern to all members of the international community.

19. The Committee must not merely protest at the violation of human rights in Bulgaria, Hungary and Romania, but must immediately seek methods of preventing further infringement of those rights and of settling the dispute among the signatories to the peace treaties. The procedure established in the treaties themselves for the settlement of disputes should be followed.

20. The Chinese delegation would support the joint draft resolution submitted by Bolivia, the United States and Canada, which sought to obtain an advisory opinion of the International Court in order to remove any doubts as to what could or should be done through the procedural machinery provided in the treaties.

21. Mr. THORS (Iceland) said that the Iceland delegation had supported resolution 272 (III) at the third session of the General Assembly. It was deeply concerned at the fact that Bulgaria and Hungary, and now also Romania, were still charged with violations of human rights and that those three countries had refused to respect the provisions of the peace treaties. Such violations rightly affected every member of the international community.

22. Since the procedure recommended in resolution 272 (III) had proved of no avail, the Iceland delegation fully supported the joint draft resolution.

23. Mr. CISNEROS (Peru) stated that the Peruvian delegation would support the joint draft resolution which proposed the commendable procedure of requesting an advisory opinion from the International Court of Justice. To refer the problem to that Court would make objective consideration of the questions involved possible.

24. Mr. MAKIN (Australia) remarked that there appeared to be a wide measure of agreement among members of the Committee on the fact that, as far as could be ascertained without a full investigation by an impartial committee, human rights and fundamental freedoms had been and were still being violated in Bulgaria, Hungary and Romania. The delegations which disagreed on that point had failed to produce convincing evidence to the contrary.

25. With regard to the question of the procedure, two alternative approaches had been suggested. One had been suggested by Australia at the Committee's seventh meeting; the other had been advanced by the sponsors of the joint draft resolution (A/AC.31/L.1/Rev.1). It was obvious that most members favoured the course suggested in the draft resolution rather than that outlined by Australia. That was a matter of regret to the Australian delegation, which continued to believe that the General Assembly should not again defer taking definitive action in accordance with its duties under the Charter. Realizing the feelings of the majority of the Committee, however, the Australian delegation did not propose to prolong the Assembly's work by submitting a draft resolution which would have little chance of being adopted.

26. Mr. Makin stressed that the procedure suggested in the joint draft resolution should be applied only so long as there were grounds to hope that such action would be effective. Once it became obvious that the application of peace treaty procedures would not produce the desired

[1] See *Official Records of the third session of the General Assembly, Part II, General Committee,* 59th meeting.

result, it should be renounced without hesitation and the General Assembly should adopt the course of action originally suggested by the Australian delegation.

27. The joint draft resolution implied that it would become apparent that the application of the peace treaty procedures would not be successful only after the questions III and IV of the questions recommended for submission to the International Court had been answered. If either of those questions was answered in the negative, that would become apparent as soon as the Court delivered its opinion; if both questions were answered in the affirmative, that point would be reached after the Commissions composed of two members each, constituted under the peace treaties, had reached their conclusions.

28. The Australian delegation believed that the time to determine whether the peace treaty machinery was going to prove effective was immediately after the International Court had answered questions I and II mentioned in the draft resolution. If the Court answered either of those questions in the negative, the peace treaty procedure would obviously no longer be available. In that event, the Assembly should lose no time in reopening consideration of the matter with a view to taking definite action. If both questions were answered in the affirmative, and if within thirty days from the date when the Court delivered its opinion, the Governments of Bulgaria, Hungary and Romania had not appointed their representatives to the respective treaty commissions, it would be unrealistic to continue to hope that the application of peace treaty procedures could still prove effective, and the Assembly should take appropriate action at once.

29. It seemed very doubtful that the International Court would rule that bodies composed of two members only were commissions within the meaning of the treaties. Further, even if the Court did so rule, such commissions would hardly be able to escape the charges of bias which would undoubtedly be levelled against them. Thirdly, the provision of the peace treaties that such commissions should decide matters by a simple majority would probably make it difficult for two-member commissions to reach decisive conclusions on most matters. Lastly, Governments which had declined to co-operate in the settlement of disputes under a certain procedure which they were obliged to follow were not likely to regard themselves as bound by the conclusions reached by the application of that procedure.

30. For all those reasons, the Australian delegation was submitting an amendment (A/AC. 31/L.2) to the draft resolution proposed by Bolivia, the United States and Canada.

31. The CHAIRMAN announced the list of speakers wishing to participate in the general debate, and proposed that the list should be closed.

It was so decided.

32. Replying to Mr. MAKIN (Australia), the CHAIRMAN said that, under rule 104 of the rules of procedure, he would accord the right of reply to any member if a speech delivered after he had declared the list closed made that desirable.

33. In reply to Mr. DROHOJOWSKI (Poland), the CHAIRMAN stated that he would permit any member to comment upon new proposals or amendments submitted in the course of the forthcoming debate.

The meeting rose at 4.20 p.m.

ELEVENTH MEETING

Held at Lake Success, New York, on Monday, 10 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) recalled that, during the consideration in the First Committee[1] of the appeal for United Nations intervention on behalf of Greek trade union leaders innocently condemned to death by the Athens Government, the United States and United Kingdom delegations had rejected that appeal on the grounds that the United Nations was prohibited by Article 2, paragraph 7, of the Charter from intervening in matters essentially within the domestic jurisdiction of sovereign States. The same delegations were now demanding that the United Nations should take up the defence of persons in Bulgaria, Hungary and Romania who had been tried and sentenced in accordance with the laws of their respective countries on the basis of documentary evidence and of their own confessions.

2. The stand taken by the United States and United Kingdom delegations was obviously hypocritical and false. The United Kingdom representative had argued in terms of an abstract concept of justice, which was allegedly being violated in Hungary, Bulgaria and Romania. Yet, in those countries, lynchings and racial discrimination were unknown; their Press did not call for the mass extermination of peaceful populations by atomic weapons. Genuine freedom was ensured there, not for idlers, fascists and parasites but for the working masses of the people. The high degree of participation in popular elections in Bulgaria, Hungary and Romania bore witness to the people's regard for their system of government.

3. The United States and United Kingdom delegations wished the Governments of Bulgaria, Hungary and Romania to follow the same policy with regard to fascist elements as that carried out by the occupation Authorities in the Western zones of Germany. They refused to see that such a policy must inevitably lead to the resurgence of nazism and the creation of a new threat of war. In defending the aggressive fascist elements in Hungary, Bulgaria and Romania, the United

[1] See *Official Records of the third session of the General Assembly, Part I, First Committee*, 186th, 187th and 193rd meetings.

States and United Kingdom were inciting the Governments of those countries to violate those articles of the peace treaties which called for the suppression of the existence and activities of organizations which had as their aim denial to the people of their democratic rights.

4. Referring to the recent trial of Laszlo Rajk in Budapest, Mr. Manuilsky remarked that its purpose had not been to violate human rights or the principles of freedom and democracy, but to put an end to the criminal activities of conspirators whose avowed objective was to overthrow, with the aid of agents of Yugoslavia and of the United States and the United Kingdom, the social and political structure in Hungary and the other people's democracies. After quoting from the depositions of Rajk and his collaborators, he observed that the zealous attempts of the United States and United Kingdom delegations to incriminate the Hungarian Government were intended merely to distract attention from the work of United States and United Kingdom intelligence in Hungary, so strikingly exposed in the course of the trial.

5. As regards the case of Cardinal Mindszenty, it was by no means connected with the observance of religious freedoms. Mindszenty had been tried as an agent of foreign States which aimed at the destruction of the Hungarian Republic and the revival of the Austro-Hungarian Empire, with a descendant of the Hapsburgs as its head. That aim was clearly stated in a document written in Cardinal Mindszenty's own hand. The United Kingdom representative had expressed doubt concerning the authenticity of the Cardinal's confession. However, the latter's guilt had been established not only by his confession but also by the statements of other defendants in the trial and by documents, many of which had been written by the Cardinal himself before his arrest.

6. The collection of documents on the Mindszenty case, published in Budapest in January 1949, clearly established the Cardinal's guilt and the complicity of United States civil and religious authorities. Mr. Manuilsky produced a number of quotations to demonstrate his point. Crimes such as those committed by Cardinal Mindszenty were called treason in the criminal codes of all countries; and traitors, including those who were church dignitaries, were tried and punished everywhere. If the United States representative wished to defend religious leaders, he should have protested against the illegal arrest by the Seoul authorities of the Russian Orthodox bishop of South Korea.

7. Turning to the trial in Romania of Juliu Maniu, Mr. Manuilsky cited Alexander Popp, closest collaborator of Maniu, to show that Maniu's criminal activities had been carried out with the strong support of members of the United States and United Kingdom Missions in Romania. Similar facts had been disclosed in the trial of the Bulgarian Nikola Petkov, whom the United Kingdom representative now tried to represent as the innocent leader of the parliamentary opposition in Bulgaria. Mr. Manuilsky referred to evidence produced at the trial to the effect that Petkov had instructed his agents to organize uprisings against the Government, and had hoped to obtain armed assistance from Greece and Turkey. In defending the cause of Nikola Petkov, the United Kingdom representative had exposed his own Government's policy of supporting conspiracies against the Government of Bulgaria.

8. The forces of imperialist reaction were using espionage, subversive activity, assassination, sabotage, conspiracy and the preparation of armed intervention as their main weapons against the people's democracies; yet at the same time the representatives of the United Kingdom and United States, followed by the representative of Australia, blamed the Governments of those countries for defending themselves against their internal and external enemies and taking effective measures to protect their sovereignty and the rights of their citizens.

9. The United States and United Kingdom delegations' ostensible concern for the observance of peace treaties in Bulgaria, Hungary and Romania disguised their support of fascist organizations in those countries. Their defence of human rights was in reality an attempt to protect spies, terrorists and warmongers.

10. In gross violation of Article 2, paragraph 7, of the Charter, and disregarding the well-founded protests of the Governments of Bulgaria, Hungary and Romania, the United States and United Kingdom delegations were inducing the General Assembly to consider the question of alleged violations in those countries of human rights and fundamental freedoms. Conscious of the juridical weakness of their position, they were urging that the matter should be placed before the International Court of Justice. However, under Article 36 of the Statute of the International Court, its jurisdiction extended only to cases referred to it with the consent of the parties concerned. The Governments of Bulgaria, Hungary and Romania had not given their consent and would never do so, since the matter lay within their domestic jurisdiction. For the same reason, the United States and United Kingdom were not entitled to appear as parties in the case. In other words, since there were no parties and since the case was not within the jurisdiction of the International Court, the case did not exist.

11. In the interests of maintaining the prestige of the United Nations and of establishing lasting international co-operation, the Ukrainian delegation proposed the withdrawal of the item from the agenda, and called upon the General Assembly to put an end to its unjustified policy of discrimination against Bulgaria, Hungary and Romania, truly democratic countries which had proved their adherence to the principles and purposes of the United Nations and their right to become Members of the Organization.

12. In conclusion, Mr. Manuilsky reserved his delegation's right to reply to any subsequent statements should it deem fit to do so.

13. Mr. VAN HEUVEN GOEDHART (Netherlands) stated that under political systems which made man subservient to the State, to economic production or to a racial theory, human rights and fundamental freedoms were seriously violated. The nazi occupation had served to strengthen the appreciation of the importance of individual freedom as an essential part of human life. The proclamation by Franklin D. Roosevelt of the Four Freedoms as the real aims of the Second World War and as the basis of a lasting peace had been followed by the incorporation of those principles

in the Atlantic Charter, in the Declaration by the United Nations of 1942, and finally in the Charter of the United Nations.

14. The alleged grave violations of human rights in Bulgaria, Hungary and Romania deserved most careful consideration. There were two possible approaches to the problem: the juridical approach, which sought to exhaust completely the procedures prescribed by the peace treaties with the three countries concerned; and the moral approach, reflecting the responsibility of Members of the United Nations to rescue the victims of oppression. The juridical approach was embodied in the carefully drafted joint resolution which was before the Committee (A/AC.31/L.1/Rev.1) and which the Netherlands delegation was prepared to support, although it considered that approach alone as inadequate.

15. Mr. van Heuven Goedhart said that he could not accept the interpretation of the Governments of Bulgaria, Hungary and Romania that a dispute was non-existent when they considered themselves to be right. Clarification by the International Court of Justice was most desirable. The adoption of the joint draft resolution requesting an advisory opinion of the Court would not interfere in the internal jurisdiction of any State because the question of human rights and fundamental freedoms in Bulgaria, Hungary and Romania had already been brought into the field of international law through the relevant provisions of the peace treaties. The draft resolution neither condemned the attitude of the Governments concerned nor pronounced any judgment on the substance of the matter. In view of the USSR representative's statement in April 1949[1], to the effect that the procedures stipulated in the peace treaties should be followed, unanimous approval of the request for an advisory opinion might be reached.

16. Although the letter of the Constitutions of Hungary, Bulgaria and Romania might fully conform to the provisions of the Charter, the Netherlands delegation felt that those Governments invoked article 4 of the peace treaties to misuse their Constitutions by designating everything that was not communistic as a remnant of fascism or nazism. It was regrettable that the United Nations Charter provided no machinery to combat violations of human rights. The accusations against Bulgaria, Hungary and Romania were not accidental phenomena, but the inevitable consequences of their political and social structure. The request for a legal opinion was not sufficient. The United Nations must also express its increased concern and thereby combine the juridical and the moral approach.

17. Mr. van Heuven Goedhart presented an amendment proposed jointly by the delegations of Brazil, Lebanon and the Netherlands (A/AC. 31/L.3) to the draft resolution before the Committee.

18. He explained that the new paragraph proposed as an addition to the preamble invoked Article 55 of the Charter and stressed the moral considerations which were so important to the United Nations. Referring to the statement made at the previous meeting by the representative of the Union of South Africa that Articles 55 and 56 were subject to Article 2, paragraph 7, of the Charter, the representative of the Netherlands recalled that Article 4, dealing with applications for membership, gave the United Nations the right and even the duty to judge the willingness of any Government applying for membership to observe fundamental human rights and freedoms.

19. The second amendment proposed by the delegations of Brazil, Lebanon and the Netherlands, repeated the deep concern expressed in resolution 272 (III) of the General Assembly and indicated increased concern because of the refusal of Bulgaria, Hungary and Romania to co-operate with the Assembly in the solution of the problem.

20. He regretted that his delegation could not support the Australian proposal for an *ad hoc* committee (A/AC.31/L.2). In spite of the strong arguments advanced in favour of that proposal and in spite of deep indignation at the state of affairs in Bulgaria, Hungary and Romania, the Netherlands delegation felt that the proposed committee would not be practical.

21. The Netherlands delegation reserved its position with regard to the applications of Bulgaria, Hungary and Romania for membership of the United Nations and expressed the conviction that, unless a radical change in their attitude took place, those Governments were not in fact qualified for membership. Their unco-operative attitude with regard to the serious violations with which they were charged made it impossible to accept their statements that they fulfilled all the requirements of the Charter for membership of the Organization.

22. Mr. HOFFMEISTER (Czechoslovakia) observed that the item dealing with the alleged violation of human rights in the Balkan countries had apparently been carried over from session to session on the agenda of the General Assembly in order to afford certain States an opportunity of airing their anti-communist and anti-socialist views. The representatives of those States appeared astonished to discover the existence in increasing number of people's democracies founded on the principles of the socialist State. The growth of such independent States was a symptom of progress and could not be stopped by the unmitigated attacks upon their sovereignty. The representative of Australia had taken the lead in the campaign of defamation against the people's Governments of Hungary, Bulgaria and Romania. Mr. Hoffmeister intended to demonstrate that the Australian representative's efforts, supplemented by those of the United Kingdom representative, made a mockery of the very principles consecrated by the Charter of the United Nations.

23. Article 1 of the Charter expressly stated that the basis of friendly relations among States was the respect for the principles of equal rights and self-determination of peoples. Those principles had been interpreted in San Francisco to mean the free and genuine expression of the will of the people and to embody the Charter's definition of State sovereignty. Thus the obligations of Member States toward non-member States had been explicitly delimited in accordance with the general principles of international law. Moreover, at San Francisco that definition had been supplemented by a clause calling for respect for the

[1] See *Official Records of the third session of the General Assembly, Part II,* 190th plenary meeting.

laws and constitutions of nations even though they were not yet members of the Organization. The majority of the Member States, apparently in observance of the principles laid down in San Francisco, had demonstrated their recognition of Bulgaria, Hungary and Romania as sovereign, independent States by dispatching diplomatic missions and legations to the capitals of those countries.

24. However, it seemed to be the view of the United Kingdom representative that there were in fact two types of sovereign States: those which were open to attack on the basis of their internal political and social systems, and those which were immune from such criticism. At the ninth meeting Sir Hartley Shawcross had stated in effect that the United Nations could take no action in cases which were essentially, the emphasis being placed upon the word "essentially", within the domestic jurisdiction of a State. In complete disregard of the Charter principle of equal rights, he apparently considered that Bulgaria, Hungary and Romania were proper targets for attack. Yet the supreme expression of sovereignty was the right of a State to organize its own internal affairs, regardless of whether or not it happened to be a Member of the United Nations. That right had been clearly stated in Article 2 of the Charter. Surely the judicial systems of Bulgaria, Hungary and Romania were integral parts of their internal affairs. Intervention on the part of the United Nations would actually constitute a violation of the first two Articles of the Charter.

25. At the seventh meeting the representative of Australia had invoked Article 55 of the Charter in support of his argument that the Assembly was competent to deal with the observance of human rights by non-member States. That Article became extremely convenient. It had been misused when certain States desired to interfere openly in the internal affairs of the people's democracies. It had, however, been loudly invoked in order to prevent the Assembly from making an humanitarian appeal to the Greek Government to put a stop to mass executions as a first step towards conciliation.

26. The representatives of both Australia and the United Kingdom had referred to the Universal Declaration of Human Rights in the course of their attacks on the sovereignty of the three Balkan countries. While it was not quite adequate to meet the needs of contemporary society, Mr. Hoffmeister recognized the value of that document. It was, however, merely a declaration; it had no constitutional significance and was not legally binding upon any State. Mr. Hoffmeister was inclined to consider the United Kingdom's interpretation of the "minimum standard" it laid down as rather too low.

27. The representative of Australia had further misled the Committee by asserting that he was not opposed to any particular economic system, while attacking the manifestations of the socialist political and economic systems in force in Bulgaria, Hungary and Romania. It was ludicrous to argue, as he had done, in defiance of all logic, that the administration of justice in Romania had been perverted by denying to the courts their function of protecting the individual against the State, when the people itself actually constituted the State and was master of its laws. Moreover, there had been many historical precedents for such bodies as the people's assessors, and provisions analogous to those contained in the Romanian criminal code which had aroused the indignation of the Australian representative were to be found in the penal codes of many past empires and of most present-day States. Mr. Hoffmeister found it especially difficult to understand Mr. Makin's objection to the insistence of the Romanian Ministry of Justice that the law should be interpreted and applied in the interests of the working people. Surely, their interests were paramount in any State which strove towards a classless community.

28. It was curious to find the Australian representative expressing surprise at the expulsion of anti-democratic elements from the Romanian Association of Lawyers in accordance with article 5 of the Treaty of Peace with Romania when there had been so many comparable instances of the expulsion of fascist collaborators from professional bodies in other countries. Moreover, the huge numbers of barristers practising in Bucharest at the end of the war surely could not be considered normal.

29. Finally, the fears of the Australian representative concerning the elimination of freedom of expression and religion in Romania were quite unfounded. Government control of radio broadcasting was not novel; it had long been exercised, for example, in the United Kingdom. As for religious freedom, it could not be asserted that religious leaders in Bulgaria, Hungary and Romania had been persecuted because of their faith. They had been tried for breaking the laws in force in those countries and their judges had executed their functions in accordance with the laws. Furthermore, under the Romanian Constitution, religious freedom was guaranteed by the State and religious groups were free to express themselves so long as their practices were not inconsistent with the Constitution or public security. The National Assembly alone was empowered to determine whether or not they satisfied those criteria.

30. In actual fact, freedom of religion had been restored to the people of Romania by the abrogation of preferential laws and a humiliating concordat. Numerous sects of various denominations were free to practise their religion in Romania. The fusion of the Uniate Church with the Orthodox Church had come about as a result of the steady decline and decomposition of the former. Lastly, history was full of examples of clashes between State and Church, negotiations and arrangements made between Governments and the Vatican. The denunciation of the Concordat in Romania was clearly a matter to be settled between that State and the Vatican.

31. Turning to the joint draft resolution before the Committee, Mr. Hoffmeister noted the doubts expressed by the representative of Australia regarding the efficacy of an advisory opinion from the International Court of Justice in the solution of the problem under discussion. Those doubts seemed to indicate that Australia had taken the initiative in bringing charges against the three Balkan countries primarily for political reasons and had therefore tended to minimize the legal competence of the Court. On the other hand, it seemed apparent that the sponsors of the joint draft resolution intended to misuse the United

Nations in order to serve the purposes of two of the signatories to the peace treaties. They were attempting to convert a private difference of opinion into a matter of collective concern by invoking the universality of the subject of human rights. Only through the United Nations could they hope to obtain a decision from the International Court. In the process, they were deliberately disregarding the facts and sacrificing the principles of the Charter.

32. Mr. Hoffmeister recalled the observation of the Danish representative that not all the signatories to the peace treaties had taken steps to protest the alleged violations of the treaties by Bulgaria, Hungary and Romania. Obviously, there was no unanimity among them as to the advisability of such action. Clearly, therefore, one of the contracting parties to the peace treaties—in fact, the accusing one—was not fully qualified to act. In view of that fact, there was no justification for a request for an advisory opinion from the International Court.

33. In conclusion, Mr. Hoffmeister reaffirmed his view that the measures proposed in the joint draft resolution continued to constitute intervention by the United Nations in the internal affairs of sovereign States. Such intervention could only lead to confusion and amorality in relations among nations. No one had the right to interpret the legal norms applicable to the citizens of a sovereign country nor to prescribe the concept of government or the nature of the constitution of any people against the expressed will of that people. Mr. Hoffmeister was confident that nations enjoying different concepts of government could find a common road to peace. He deplored the policies of those States which directed campaigns of defamation against other sovereign, independent nations in order to satisfy the needs of their own internal struggle for power. Under the guise of protection of human rights, certain States were attempting to discredit the people's democracies and thus gain support of their own programmes. The United Nations could not be permitted to become an instrument of those States.

34. The Czechoslovak delegation would vote against the joint draft resolution and oppose any proposals for the establishment of fact-finding commissions.

35. Mr. C. MALIK (Lebanon) reviewed the action taken at the third session of the General Assembly on the question of human rights and fundamental freedoms in Hungary and Bulgaria, and noted with regret that the recommendation contained in General Assembly resolution 272 (III) had not been followed, and that the countries concerned had rejected the accusations without satisfactory refutation and had refused to co-operate with the United Nations in the solution of the problem. A third State, Romania, had now joined Bulgaria and Hungary in rejecting similar charges brought during the fourth session. The United Nations must not, however, neglect its fundamental duty to deal seriously with the basic questions of human rights and fundamental freedoms.

36. The delegation of Lebanon supported the joint draft resolution of Bolivia, Canada and the United States as the last resort open to the United Nations in the purely legal field for inducing co-operation from the three Governments concerned. The Lebanese delegation also supported the Australian proposal for an *ad hoc* committee. Moreover, it joined with the delegations of Brazil and the Netherlands in sponsoring the amendment contained in document A/AC. 31/L.3, which had just been presented.

37. Mr. Malik stressed the fact that the attitude of his delegation involved no substantive judgment as to whether human rights had been violated in Bulgaria, Hungary and Romania. Three statements in the matter seemed essential: first, the voluminous documentation on the subject of human rights in those three countries constituted, in the opinion of the Lebanese delegation, *prima facie* evidence that inhabitants of those countries were far from happy in the rights and freedoms they enjoyed; secondly, that the unco-operative attitude of Bulgaria, Hungary and Romania, and their contempt for the recommendations of the Assembly must not remain unnoticed or unanswered; and thirdly, that the General Assembly must retain active interest in the question.

38. Mr. Malik agreed with the thesis of the United Kingdom representative that it was expedient for the United Nations to move on absolutely legal grounds since the matter of human rights was so fundamental that it transcended even the United Nations.

39. The representative of Lebanon recalled his statement of position at the second part of the third session of the General Assembly[1] and wished to emphasize four points which had been brought into prominence during the current debate. First, treaties could not be lightly disregarded, and any refusal to resort to procedures prescribed by treaties for the settlement of disputes constituted a violation of international commitments. An advisory opinion was therefore being sought from the International Court of Justice. Although Lebanon was not a signatory to the peace treaties with Hungary, Bulgaria and Romania, it held the view that any act by any country signifying disrespect for international engagements was of interest to every Member of the United Nations.

40. The second striking conclusion to be drawn from the discussion was the incomprehensible strangeness of the attitude of Bulgaria, Hungary and Romania in contemptuously refusing to co-operate with the United Nations and in discussing disrespectfully the serious charges levelled against them. It was surprising that three countries which sought membership of the United Nations should treat world public opinion so lightly.

41. The general debate had also emphasized the principle that the United Nations was concerned not only with the theory and principle of human rights but also with the actual observance or non-observance of those rights throughout the world. In view of the profound and active interest of the United Nations in human rights as evidenced in the Charter, in the Commission on Human Rights, in the Universal Declaration of Human Rights and in the proposed international covenant on the subject, there could be no question of limiting the field of action to theory alone.

42. Under Article 56 of the Charter, every Member State was obliged to promote human

[1] See *Official Records of the third session of the General Assembly, Part II*, 203rd plenary meeting.

rights in its own territory. Moreover, the Charter was a legal international instrument, and every nation was therefore directly interested in the observance or non-observance of those rights in any other nation. Accordingly, human rights and fundamental freedoms could not be classified as belonging essentially and exclusively within the domestic jurisdiction of any one state in the sense of Article 2, paragraph 7. Mr. Malik further stated that, according to Article 55 of the Charter, universal respect for human rights should be promoted.

43. Another important consideration was that the problem of war and peace was inextricably linked with the problem of human rights, as indicated by the Preamble to the Charter, as well as in Article 55. The violation of human rights constituted an act of aggression and appropriate action in connexion with violations of human rights could not be considered as interference in the external affairs of sovereign States but rather as defensive action to restore the dignity of men. The Charter therefore extended the concept of war from a mere act of external aggression to one of internal violation of the basic humanity of the individual. Moreover, as stated in the preamble to the Universal Declaration of Human Rights, continued violation of those rights in any country might lead to rebellion and consequent grave international repercussions.

44. In the specific cases of Hungary, Romania and Bulgaria, the peace treaties contained provisions guaranteeing human rights in order to prevent the recurrence of the violations committed by previous régimes.

The meeting rose at 1.10 p.m.

TWELFTH MEETING

Held at Lake Success, New York, on Tuesday, 11 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. Mr. TOBAR ZALDUMBIDE (Ecuador) stated that the United Nations was faced with two problems in connexion with the violation of human rights and fundamental freedoms. In the first place, there was the general question as to whether the General Assembly was competent to deal with violations of human rights and to adopt the necessary resolutions; and, in the second place, there was a specific question relating to the violation of the peace treaties by Bulgaria, Hungary and Romania.

2. It was not only the right but the duty of the General Assembly to consider violations of human rights throughout the world and to make recommendations for safeguarding those rights. Articles 14, 1, 13, 55, 56, 62 and 76 of the Charter clearly indicated that respect for and observance of human rights and fundamental freedoms was one of the supreme and basic aims of the United Nations. Moreover, the solemn proclamation of those universal rights made the Charter a source of hope and inspiration for all men.

3. Mr. Tobar Zaldumbide rejected the thesis that Article 2, paragraph 7, should be interpreted as placing human rights within the domestic jurisdiction of any State. An excessively broad interpretation of that paragraph would nullify some of the most important provisions of the Charter. It must be remembered that all States Members of the United Nations had voluntarily recognized certain essential limitations of the traditional concept of sovereignty and had agreed to give up a part of their sovereignty in order to further the progress of mankind and preserve international peace. On 10 February 1946[1] the representative of the Soviet Union had concurred in the view that nations must give up a part of their sovereignty if the United Nations was to become an effective world organization.

4. The Ecuadorian delegation wholeheartedly supported the judicious draft resolution submitted by Bolivia, the United States and Canada (A/AC.31/L.1/Rev.1), requesting an advisory opinion of the International Court of Justice. That procedure was particularly gratifying to Ecuador, which had consistently advocated more frequent recourse to the International Court in the solution of juridical problems. It was highly significant that the United States, one of the great Powers, had in a spirit of conciliation proposed submission of the dispute with three small nations to the International Court.

5. Ecuador also favoured the draft amendment submitted by Brazil, Lebanon and the Netherlands (A/AC.31/L.3).

6. Referring to arguments against the joint draft resolution, the representative of Ecuador stated that any situation which endangered peaceful relations among nations was of legitimate concern to all Members of the United Nations, whether or not they were signatories to the peace treaties with Bulgaria, Hungary and Romania. The contention that it was not appropriate to discuss violations of human rights and fundamental freedoms in those three countries because their Constitutions guaranteed those rights was unacceptable; unfortunately the tragic events which had taken place seemed to prove the contrary.

7. Mr. VYSHINSKY (Union of Soviet Socialist Republics) remarked that when the question of the observance of human rights and fundamental freedoms in Bulgaria and Hungary had been raised at the third session of the General Assembly, it had immediately become apparent that the alleged violation of human rights in those countries was by no means the point at issue. The real purpose of the unbridled campaign of slander and lies against the people's democracies had become still more obvious at the current session. By putting up a smoke screen of high-flown but unfounded accusations, the reactionary circles of the

[1] See *Official Records of the Security Council*, First Year, First Series, No. 1, 14th meeting.

United States and the United Kingdom were trying to divert attention from their real intentions, which were entirely unrelated to the defence of human rights and fundamental freedoms. Charges of violations of international obligations and peace treaties were being used as a convenient pretext for interference in the domestic affairs of Bulgaria, Hungary and Romania.

8. The USSR delegation would prove that those three countries were not guilty of violating the peace treaties concluded with them; on the contrary, they were exceptionally scrupulous in observing all the provisions of the peace treaties, despite the attempts of various reactionary groups to sabotage their constructive efforts to establish a new popular democratic state structure.

9. The real objectives of the original sponsors of the item under discussion had been inadvertently disclosed by the United Kingdom representative, who had referred to the power of world public opinion, with the help of which it would be possible to convince the Governments concerned of the need to remove the present alleged violations and difficulties. The difficulties referred to were due solely to the fact that the Governments of the people's democracies were not inclined to subordinate the interests of their people to those of United States capitalist monopolies, which persistently attempted to infiltrate into the countries of Eastern Europe and to achieve there a position similar to that which United States capital enjoyed in such countries as the United Kingdom, France and Turkey. That was the explanation of the Anglo-American policy in respect of Bulgaria, Hungary and Romania.

10. The question of the alleged violation of human rights in Bulgaria, Hungary and Romania was closely connected with the complete collapse and political bankruptcy of reactionary groups in those countries. It would be recalled that the reactionary monopolistic forces in the United States and the United Kingdom had zealously defended those groups and had endeavoured to ensure their participation in the government of their countries, hoping to utilize them as tools of foreign pressure on the political life of Bulgaria, Hungary and Romania. However, despite all efforts—including willingness to resort to the aid of bribed traitors and conspirators—that plan had come to grief, thanks to the watchful devotion to the cause of their country on the part of the Bulgarian, Hungarian and Romanian peoples. The trials of various traitors in Bulgaria, Hungary and Romania had been a severe blow to international adventurers. Their trials had not only revealed the treasonable activities of men who, though calling themselves socialists, were the enemies of socialism and democracy and betrayers of their own people: they had also exposed the perfidious plans of the patrons of those criminals. They had conclusively proved that the Anglo-American monopolistic circles, refusing to be reconciled to their loss of influence in Eastern Europe, were continuing to wage an embittered struggle against the popular democratic movements in that part of the world.

11. The Anglo-American policy of maintaining influence on the Governments of Bulgaria and Romania by ensuring the participation of so-called "loyal" opposition groups in those Governments had miscarried in 1945. As a result, those groups had increased their underground activity. Counting on powerful protection from abroad, they had resorted to diversion, sabotage, terrorism, conspiracy and plans for overthrowing the lawful Governments of their countries. Their calculations, as well as those of their highly-placed friends, had proved incorrect. Lavish financial aid to the traitors had proved of no avail, as had also the attempts to intimidate the authorities of Bulgaria, Hungary and Romania by threats of directing world public opinion against them. The trials in Bulgaria, Hungary and Romania had taken place before the eyes of the whole world. Documentary and material evidence, confessions by the defendants themselves and the statements of witnesses had confirmed the guilt of the accused and the justice of the verdicts beyond doubt. Not even the specially appointed United States and United Kingdom observers at the trials had been able to find one black spot in the trials.

12. At that point, the Governments of the United States and the United Kingdom had launched their diplomatic campaign against the Governments of the people's democracies. At the same time, the first accusations of violations of the peace treaties and failure to observe international obligations had been made against those countries. In that way, the matter had reached the United Nations, and was now heading for the International Court of Justice.

13. The draft resolution submitted by the Bolivian, United States and Canadian delegations was an attempt to transform the International Court into a mere branch of the State Department or the Foreign Office. The Governments of Bulgaria, Hungary and Romania were accused of violating those provisions of the peace treaties which placed them under obligation to ensure respect of human rights and fundamental freedoms on their territories. The trials referred to were cited to substantiate the charges. In other words, articles 3 of the Treaty of Peace with Romania and 2 of the Treaties of Peace with Bulgaria and Hungary were being interpreted as affording protection to criminals and traitors. The absurdity of such reasoning was clear. The groundlessness of the charges made was all the more obvious particularly as each treaty contained an article specifically placing the Governments of the countries concerned under obligation to combat organizations of a fascist and reactionary type. The groups headed by Petkov, Maniu and others undoubtedly fell into that category. The accusations against Bulgaria, Hungary and Romania were therefore nothing but a crude falsification of facts; they were entirely artificial, invented solely for the purpose of confusion and diversion.

14. The Governments of the United States and the United Kingdom insisted that the matter should be viewed as a dispute within the meaning of article 36 of the Treaty of Peace with Bulgaria, article 38 of the Treaty with Romania and article 40 of the Treaty with Hungary. The USSR delegation categorically refused to admit the existence of a dispute within the meaning of the peace treaties. The above-mentioned articles could not be applied merely because any State announced its intention to dispute a certain matter. The text of the treaties clearly stipulated that in all questions relating to the interpretation and application of the peace treaties, agreement had to be reached

between the representatives of the United States, the Soviet Union and the United Kingdom. If there was no agreement among those three States, no action could be taken under articles 37 and 38 respectively.

15. In the present case, there was no such agreement, inasmuch as the Soviet Union did not recognize the existence of a dispute or of violations of the peace treaties. Consequently, attempts to apply peace treaty machinery were obviously a violation of the Charter, so that there was no reason at all to apply to the International Court of Justice for an advisory opinion. Mr. Vyshinsky expressed the certainty that the International Court would, as a self-respecting body, reject all efforts to obtain an advisory opinion from it.

16. It was proposed in the Bolivian-United States-Canadian draft resolution that the International Court should be asked, among other questions, whether a treaty commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations would constitute a commission within the meaning of the relevant treaty articles. The implication of that question was that the International Court should sanction the creation of a body not comprising the representative of one of the two parties concerned. Such a suggestion was a distortion of the very principle of arbitration, which required the presence of both parties and an arbitrator. Could a more cynical and crude violation of the peace treaties be visualized than the suggestion that that question should be put to the International Court of Justice? One would lose all respect for the International Court if one hoped that the Court would sanction such a crude violation.

17. The accusers of Bulgaria, Hungary and Romania made constant reference to Article 55 of the Charter, and in particular to paragraph c of that Article. At the same time, they proved again and again that their aims were far removed from those proclaimed in the preamble of Article 55, which called for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. On the contrary, they pursued the aims of discord, hatred and denial of the lofty principles of the Charter.

18. The representative of Ecuador had cited a statement by Mr. Vyshinsky to the effect that a part of national sovereignty had to be ceded in the interests of international co-operation. That statement still held true; but national sovereignty had to be limited only so far as was necessary for international co-operation, and not curtailed to a point where practically no trace of it remained. Certain representatives had, on occasion, expressed the view that the concept of national sovereignty was archaic and should be abolished. They were free to hold whatever opinions they desired, but Mr. Vyshinsky did not wish to be numbered among them.

19. Article 2, paragraph 7, of the Charter, which stated in unequivocal terms that the United Nations was not entitled to intervene in the domestic affairs of States, was by no means inconsistent with Article 55. On the contrary, the two Articles fitted perfectly well together. In connexion with Article 55, Mr. Vyshinsky cited extracts from the records of Committee 3 of Commission II of the San Francisco Conference to the effect that the Committee agreed that nothing contained in Chapter IX of the Charter could be interpreted as authorizing the Organization to intervene in the domestic affairs of Member States. On the proposal of the Australian delegation, it had been unanimously decided to include that text, originally formulated by the United States and supported by the Australian, French and United Kingdom delegations, in the Committee's report. The records of Committee 3 of Commission II also revealed that the Committee as a whole had rejected as incorrect the view of certain Members that the provisions of Article 55 could be interpreted as authorizing interference in domestic affairs of States.

20. Those conclusions, it was true, had been reached in the early days of the United Nations. It might be claimed that matters were very different at the present time. Indeed, conditions had changed; other purposes were sought now, different from those which were being sought when the United Nations Organization was being set up. But facts remained facts, and the legal aspect of the issue remained unchanged. In proposing to intervene in the domestic affairs of Bulgaria, Hungary and Romania, the delegations of the United States, Australia, the United Kingdom and others were violating the Charter. The USSR delegation could not accept such a situation because a violation of the Charter requirement not to intervene in the domestic affairs of any country was clearly existent.

21. Referring to the Australian representative's statement at the seventh meeting, Mr. Vyshinsky recalled that the so-called *prima facie* evidence produced by the Australian representative had included a reference to a decree of the Romanian Government issued in April 1949, stating that the purpose of the courts in the People's Republic of Romania was to defend the social, economic and political structure established under the Constitution. The Australian representative had, however, failed to mention that it was also the purpose of Romanian courts, as of those of all other countries, to protect the citizens of the State from all crimes which threatened their property, person, dignity and life. Mr. Makin had expressed the view that it was a perversion of justice if the courts of a country were called upon to protect its political and social structure. But all countries of the world recognized it as a primary duty of courts of law to ensure the observance of laws under the constitution, and consequently of the constitution itself. The Australian representative's argument was therefore extremely unconvincing.

22. The Australian representative had also blamed the Government of Romania for acting on the principle that, if judges could not be made into good democrats, good democrats would have to be turned into judges. Mr. Vyshinsky wondered whether Mr. Makin had meant to imply that it was not important whether judges were good democrats or fascists.

23. Referring to Law No. 341, the Australian representative had alleged that only communists could be people's assessors in Romania, and that no one who was not a member of the Communist Party could even take part in the election of people's assessors. He had said that judges in Romania were nothing but competent advisors to the people's assessors, while the latter were

responsible for the actual execution of justice. Law No. 341 did not contain any provision to the effect that only communists could be judges or people's assessors, or that judges acted only as advisors to the assessors. On the contrary, article 85 of the Law provided that people's assessors should take part in discussing the issues before the court in the presence of a court. That system was closely similar to the system of trial by jury; indeed, it could be argued that the judge in a British court was merely an advisor to the jury, since it was the latter which ultimately pronounced the verdict.

24. The enactment of Law No. 341 in Romania, which replaced feudal laws enacted by reactionary landowners, had been one of the praiseworthy actions of the new democratic régime, which put people's representatives in the courts. That Law could not be considered as in any way violating the principles of justice based on the observance of human rights and fundamental freedoms.

25. The Australian representative must have been seriously misinformed as to Romanian laws and the Romanian Constitution. It was impossible otherwise to explain his allegation that equality before the law did not exist in Romania and that there was one law for the working class and another for persons of other classes. Articles 16 and 93 of the Constitution disproved those contentions.

26. In an attempt to produce *prima facie* evidence of the violation of religious freedoms in Romania, the Australian representative had referred to Decree No. 177 of the Romanian National Assembly. That decree, however, demonstrated the wide autonomy allowed to various religions in Romania, stipulating merely that the exercise of religious beliefs must not violate the structure of the State and the principles of morals. That condition in no sense represented an infringement of human rights or fundamental freedoms. The Church had been separated from the State in Romania. A similar measure had been taken in France more than forty years previously. No one could object to the above-mentioned provision except those who wished to use religion as a weapon of anti-popular conspiratorial activity, as had been the case with the fifteen Bulgarian churchmen and Cardinal Mindszenty.

27. While showing considerable concern for the internal affairs of Romania, the Australian Government was far less interested in conditions in Australia itself, conditions which had a real bearing on the observance of human rights and fundamental freedoms. Mr. Vyshinsky referred to articles by an Australian anthropologist, Dr. Thomson, in the Sydney *Sun* and the Melbourne *Herald*, describing the appalling living and working conditions of Australian aborigines. Instead of heaping slander upon the Governments of the people's democracies, Australia should ponder its responsibilities to its own citizens under Article 55 of the Charter.

28. The United States representative had also conveniently overlooked the facts when he had alleged that the elections in Hungary in 1947 had been reminiscent of other elections which had been held under Hitler. Similar slanderous statements had repeatedly been directed against the people's democracies whenever the question of elections in those countries had arisen in the United Nations. However, British and American observers and correspondents had testified that the Hungarian elections had been carried out in strict compliance with free electoral procedures and that no falsification had been possible. The number of voters participating had increased by a quarter of a million over previous election figures, the four coalition parties had obtained sixty per cent of the votes cast and the Communist Party had received the highest number of votes. As a manifestation of the increase in patriotism, ninety-six per cent of the eligible voters had participated in May 1949 elections.

29. Foreign observers had reported no evidence that the elections had been managed. The Dean of Canterbury, who had been present in Budapest at that time, had stated that the opposition groups had openly attacked the Government and freely criticized its programme. He had found no abuses which would preclude the free expression of the will of the people. Similarly, more than ninety per cent of the eligible voters had cast ballots in the Romanian elections of 1948 in favour of the coalition bloc which exercised power there, and three-quarters of the votes in the most recent Bulgarian elections had been cast in favour of the Fatherland Front. Those were the facts, and all attempts by the representatives of the United States and the United Kingdom to refute them were doomed to failure.

30. In Bulgaria, opposition parties such as that of Petkov had been disbanded because their undermining activities were directed against their own people. It had been proved at the trials that Petkov's group actually was a tool of foreign intelligence agents, and that Petkov had organized terrorist bands and clandestine military associations against the interests of the people. Accordingly, the People's Assembly had enacted a law dissolving the Petkov group in August 1948. The concern expressed by the United Kingdom representative over Petkov's fate arose from the fact that the Petkov group represented the sole support of United Kingdom and United States influence in Bulgaria and that its dissolution dealt a heavy blow to those reactionary interests. Yet the United Kingdom representative himself had recognized the need for exceptional measures in a country which was in the throes of transition from a nazi-fascist system of government to a democratic state structure. The law of August 1948 had been such an exceptional measure.

31. The United Kingdom and United States representatives construed the lack of effective opposition in the three Balkan countries as an indication of a lack of democracy. That construction was erroneous; obviously, there could be no tame opposition, comparable with that in bourgeois democratic countries, in the people's democracies where all power belonged to the people themselves. Actually, the United Kingdom and United States representatives were invoking violations of human rights as a pretext for attacking those countries precisely because their Governments were entirely in the hands of the people and free from interference by monopolistic groups and other special interests, as was the case in bourgeois democracies. In capitalist countries, as Lloyd George had revealed in his speech on the "shadow" cabinet, there existed secret cabinets for which no provision had been made in the constitution or laws which exercised power over government activities without the knowledge of the people.

32. With regard to the United Kingdom representative's reference in his earlier statement to the Universal Declaration of Human Rights, Mr. Vyshinsky noted that while that document did contain useful concepts, it offered no guarantees to the ordinary citizen in such matters as the right to work, to decent housing, and to equal pay for equal work. Such guarantees could not be given so long as the capitalistic structure prevailed. On the other hand, the Constitutions of Bulgaria, Hungary and Romania offered the citizens of those States concrete guarantees of their right to work and to earn a livelihood free from exploitation. Those rights were safeguarded by the State under a planned economy, which had eliminated the crises and unemployment which continued to plague capitalist economies.

33. The United Kingdom representative had disregarded those facts. He had called attention to the laws of Bulgaria, Hungary and Romania and to Government statements of policy. However, an examination of the laws failed to reveal any evidence to support the charges brought against those countries. Accordingly, the accusers of the people's democracies had argued that improper legal practices had resulted in the violation of human rights. Sir Hartley Shawcross had held, for example, that persons arrested were not brought to trial unless they first confessed their guilt. Yet it was a fact, that Baranyai, the close associate of Cardinal Mindszenty, had pleaded not guilty, that Petkov had also refused to acknowledge his guilt and that Lulchev in Bulgaria had pleaded not guilty to the very end of his trial, when he had been convicted by the testimony of witnesses from his own group. Those examples proved the falsity of the United Kingdom's contention.

34. Furthermore, there were no grounds for the argument that defendants in the courts of the people's democracies were compelled to acknowledge their guilt by the application of various psychological pressures. The United Kingdom representative had failed to take into account the all-important factor of material evidence which had played so large a part in the Mindszenty trial. The Hungarian Cardinal had been convicted not only by the testimony of witnesses; his guilt had been exposed in the pastoral letters written in his own hand and by the discovery of a steel box in his cellar containing extremely damaging evidence. The letters had revealed incidentally that Mindszenty was also guilty of anti-semitism and the steel box had contained a list of persons who were to be called upon to take power in Hungary after the overthrow of the legal régime by force. Surely, in the light of those material facts, there was no psychological pressure required.

35. Moreover, Sir Hartley Shawcross had not dared to revert to an implication that drugs had been used to exact a confession from Mindszenty after the *Daily Express* had revealed that the common drug which had allegedly been administered to the Cardinal could be bought at any Budapest chemist's shop. However, the United Kingdom representative had not been above implying that other more subtle pressures had been exerted; that Mindszenty had been detained in strange remote places which served as psychological laboratories. All those sensational implications were intended to produce definite effects and to recall certain other circumstances.

36. Sir Hartley Shawcross had also referred to a rumour to the effect that the Hungarian Minister of Justice had admitted that the political positions of accused persons had been used to obtain evidence. He was implying that it did not matter whether or not those persons had committed a crime. While he knew very well that hearsay evidence was not admissible in common law, it was not surprising that he should attach credence to such rumours in view of the fact that British common law actually did contain a provision which would sanction condemnation of a defendant even when his crime had not been proved. A law enacted in 1911 and amended in 1920 provided, in an article bearing on State secrets, that a defendant might be condemned even though his guilt had not been proved in connexion with an act threatening the security of the country, if the circumstances of the case, his own behaviour or the peculiar features of his character could be shown to constitute a danger or a threat to the interests of the State.

37. In connexion with allegations of violations of freedom of the Press in the people's democracies, Mr. Vyshinsky recalled that in 1946 Sir Hartley Shawcross himself had most strongly criticized the distortions of truth in British newspapers and had urged a free, objective and impartial Press which would not mislead public opinion. He had condemned the partial selection and biased presentation of facts in certain quarters of the conservative Press and had proposed the insertion of an announcement on the front page of every British newspaper. That announcement would give the name of the owner, state that the paper was being published for a profit, that it reflected the personal opinions of the owner and that there was no guarantee that the events it reported corresponded to reality or represented the truth. Such an announcement would not be necessary in Hungary, Bulgaria and Romania, where laws had put an end to the exploitation of the Press in the interests of private monopolistic capital. The Press in those countries was free to serve the interests of the people in their struggle toward democracy. Only by preventing the Press from being used as an instrument for warmongering, campaigns of racial discrimination and slander, could real freedom of the Press be achieved.

38. In enacting laws to prevent abuse of the Press, the Governments of Bulgaria, Hungary and Romania were fulfilling their obligations under the peace treaties and respecting the principles of the United Nations. They were also fulfilling those obligations by safeguarding freedom of religion and expression. All the charges brought against them on those accounts, as well as on the grounds of violation of the treaties, had been disproved. The debate had in fact revealed the intention of reactionary groups in the United States and the United Kingdom to drag the United Nations into their campaign of slander against the people's democracies, and to use the Organization as a weapon to interfere in the domestic affairs of those nations.

39. The USSR delegation was confident that the United Nations would not permit itself to be so abused and that it would not countenance persistent violation of the Charter on the pretext of protection of human rights and democratic freedoms. The USSR delegation therefore called upon the Committee to reject the joint draft resolution submitted by Canada, Bolivia and the United States as one which violated the principles of the

Charter and contained slanderous attacks against the peoples of the three people's democracies.

40. Speaking on a point of order, Mr. MAKIN (Australia) noted that the representative of the USSR had claimed to have documents which would conclusively refute the Australian contention regarding Romanian Law No. 341 and the judicial system prevailing in that country. Mr. Makin asked that the documents referred to should be made available to the Committee for careful study and requested an opportunity to put questions to the representative of the USSR after the submission of the documents.

41. The CHAIRMAN stated that the Secretariat might be asked to supply the text of Romanian Law No. 341.

42. Sir Hartley SHAWCROSS (United Kingdom) said that, without replying to the substance of the USSR representative's statement, he wished to raise several points of order while Mr. Vyshinsky was present in the Committee.

43. From the English interpretation, he had understood the USSR representative to say that a representative of the Archbishop of Canterbury had made favourable comments on the election procedure in Hungary. The representative of the United Kingdom explained that the clergyman in question, the Reverend Hewlett Johnson, Dean of Canterbury, was not a representative of the Archbishop of Canterbury. Moreover, as a strong supporter of the Communist Party, the Dean of Canterbury might be expected to comment favourably on the Governments of communist countries.

44. Referring to the question of confessions, Sir Hartley recalled that he had said that cases in which an accused person was brought to trial without prior confession were exceptional rather than that such cases never occurred.

45. The observations made by the USSR representative with reference to an English law of 1911 had no foundation in fact.

46. Turning to the question of the Press referred to by the Soviet Union representative, Sir Hartley recalled his recent statement before the Committee and again stressed the importance of a free and independent Press that reflected all shades of opinion and voiced criticism of even the highest officials.

47. Mr. VYSHINSKY (Union of Soviet Socialist Republics) stated, in reply to the representative of Australia, that he would present excerpts from the text of Romanian Law No. 341 to prove his contention and urged the Australian delegation to submit the sections of that law from which it had drawn the conclusions presented to the Committee.

48. Referring to the points raised by the United Kingdom representative, Mr. Vyshinsky characterized the statement that the law of 1911 had been misconstrued as an attempt by the representative of the United Kingdom to evade further discussion of the matter.

49. He requested an opportunity to reply to the substance of the United Kingdom representative's statement at a later date.

The meeting rose at 1.15 p.m.

THIRTEENTH MEETING

Held at Lake Success, New York, on Wednesday, 12 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. Mr. KISELEV (Byelorussian Soviet Socialist Republic) stated that the introduction of the item under discussion into the General Assembly's agenda represented an attempt by countries hostile to the people's democracies to induce the Assembly to interfere in the domestic affairs of sovereign States.

2. He denied the charge that Bulgaria, Hungary and Romania had violated the peace treaties. The peace treaties did not prohibit those countries from taking measures under their domestic jurisdiction against persons convicted of criminal activity against the State. On the contrary, article 5 of the Treaty of Peace with Romania and article 4 of the Treaties with Bulgaria and Hungary placed those countries under the obligation to suppress organizations of a fascist type which had as their aim denial to the people of their democratic rights.

3. It had been established beyond doubt that Cardinal Mindszenty and the fifteen Bulgarian churchmen had been put on trial not because they were Church dignitaries but because of their criminal activities. In alleging the contrary, the delegations of the United States, the United Kingdom and others were merely distorting facts.

4. The statements of the defendants themselves showed that they had committed grievous crimes against their countries. Such crimes were called treason in the criminal codes of all countries and were punished as such.

5. The current discussion was being accompanied by a violent campaign of slander and lies against the people's democracies in the reactionary Press of the United States and the United Kingdom. Those who had instigated the inclusion of the item in the agenda were trying to play on the religious feelings of the public in order to arouse public opinion against the People's Republics of Bulgaria, Hungary and Romania. At the same time, they were hoping to weaken the impression made on world public opinion by the trials in those countries. Only those who pursued aims identical with those of the bankrupt agents of international reaction, with criminals and warmongers, could wish to defend their cause.

6. The hypocritical and tendentious nature of the accusations against the people's democracies was all the more evident because the Governments responsible for those accusations tolerated, in their own countries, such violations of human

rights and fundamental freedoms as racial discrimination and political persecution.

7. Referring to a speech made by the representative of Greece at the tenth meeting, Mr. Kiselev wondered what right the representative of a Government which was daily responsible for the death of democratically-minded citizens had to speak of the observance of human rights. He cited the case of four Greek patriots unjustly sentenced to death and executed by the Greek Government. More than seventy thousand political prisoners were currently confined in Greek prisons and concentration camps. The representative of Greece should consider the situation in his own country, before presuming to attack the People's Republics of Bulgaria, Hungary and Romania.

8. None of the initiators of the current discussion was among those who had protested against the violation of elementary human rights in Greece. Their purpose was not to ensure the observance of human rights but, by pouring out a deluge of lies and slander against Bulgaria, Hungary and Romania, to conceal the fiasco of the policy of espionage pursued by the United States and the United Kingdom in those countries.

9. Turning to the statement of the Lebanese representative (11th meeting), Mr. Kiselev remarked that to classify the trials of such criminals as Cardinal Mindszenty, the fifteen Bulgarian pastors and Juliu Maniu as acts of aggression was manifestly absurd. The Lebanese representative had further stated that, in such circumstances, Bulgaria, Hungary and Romania could not be admitted to the United Nations. A similar remark had been made by the representative of Brazil. Such attempts to discredit those three countries in order to prevent their admission to the Organization revealed yet another secret wish of the initiators of the debate. In that connexion, Mr. Kiselev referred to a statement by one of the defendants in the trial of Laszlo Rajk in Hungary to the effect that, after the forcible overthrow of its existing Government, Hungary would have received economic and financial aid from the United States and would have been admitted to the United Nations.

10. Referring to the statements of the representative of the Netherlands (11th meeting), Mr. Kiselev said that the actions of the Netherlands Government in Indonesia were well known, and that it was therefore not for its representative to express concern about the observance of human rights and fundamental freedoms.

11. The delegation of the Byelorussian SSR believed that hostility towards the popular democratic régimes in Bulgaria, Hungary and Romania was the real motive for such hypocritical concern. The Governments of the United States, the United Kingdom and others could not reconcile themselves to the fact that those countries had freed themselves of the influence of Wall Street and the City and were pursuing an independent course of democratic development.

12. The purpose of the authors of the draft resolution, namely Bolivia, Canada and the United States, was to pursue still further their propaganda campaign against the people's democracies within the framework of the United Nations. The delegation of the Byelorussian SSR objected to the proposal that the question should be retained on the agenda of the fifth session of the General Assembly, as well as to the suggestion that the matter should be placed before the International Court of Justice for an advisory opinion. The delegation of the Byelorussian SSR would therefore vote against the draft resolution.

13. Mr. DROHOJOWSKI (Poland) noted the tendency of some representatives who had spoken earlier in the debate to depart from the question under discussion and to introduce considerations of a general nature which led them to far-fetched conclusions. For example, the representative of Lebanon had linked the matter of the violation of human rights in Bulgaria, Hungary and Romania with the questions of war and peace and the place of God in contemporary society. The injection of such extraneous subjects was irrelevant and futile.

14. Referring to the remarks of the United States representative (7th meeting), Mr. Drohojowski reiterated his view that they were intended to sustain a hostile campaign of slander against the people's democracies. The United States had deliberately misconstrued the meaning of the peace treaties to support its unfounded accusations of violations of human rights by Bulgaria, Hungary and Romania. Under those treaties, the former enemy countries had assumed the specific obligation to safeguard fundamental freedoms, dissolve anti-democratic organizations and eliminate revisionist propaganda. They had faithfully discharged that obligation. Apparently the United States complaint was based solely on a desire that those countries should adapt their pattern of life to that of certain western nations. The United Kingdom representative seemed to share that desire. He would like the people's democracies to adopt the electoral system and practices prevalent in his own country, for example. He had conveniently forgotten that elections were sometimes gerrymandered even in the United Kingdom. He sought to distort the purpose of the peace treaties; they had not been designed to impose a specific way of life upon the peoples of Bulgaria, Hungary and Romania in violation of their sovereignty.

15. Mr. Drohojowski then proceeded to demonstrate that neither the United States nor the United Kingdom was qualified to charge the three Balkan States with failure to observe freedom of the Press and expression in view of the shocking infringements of those freedoms in their own countries. He cited several examples of distortion of news, control and censorship of information, and open slander in the Press of the United States and the United Kingdom. He questioned the independence of several British newspapers, particularly those published by Odhams Press, Ltd., and recalled the unabashed avowal by Lord Beaverbrook that the owners and publishers of newspapers in the United Kingdom were in effect the masters of the Government. Moreover, the report of the Royal Commission on the Press had clearly shown that Lord Kemsley himself laid down the general principles of Press policy for certain newspapers and criticized departures from them by allegedly independent editors.

16. With regard to freedom of worship, the Polish representative doubted whether the Government of the United States contributed as effectively as did the Governments of Bulgaria, Hungary and Romania to safeguarding and fostering that freedom. In the three Balkan countries,

the State had undertaken the reconstruction of churches and was making every effort to protect religious liberties. The Church leaders had not been tried for their religious activities and their conviction had placed no restraint on freedom of worship. On the other hand, as in the case of many other countries, the State had the right to regulate the functions of the Church and to ensure that its activities should be of a strictly religious nature. In many instances, concordats concluded with the Vatican actually limited the scope of Church activity in certain countries to a greater extent than did the Government's regulatory decrees in the people's democracies, and subjected the power of the Church completely to the declared interests of the State. Mr. Drohojowski mentioned several examples of abuse of power by the Catholic majorities of certain countries of Latin America in the persecution of religious minorities. Protestant groups, for example, had been attacked in Mexico, Colombia, Bolivia and Brazil. Such persecutions had arisen either as a result of combined campaigns by the Catholic Church and the State or in consequence of the dominant influence of the Church and the State's rebellion against it.

17. The United States had failed to respect freedom of political opinion and freedom of assembly. In connexion with the latter, Mr. Drohojowski cited the Peekskill riots, which had been provoked by bands of fascist hoodlums, and noted that only organizations which could afford the high prices of meeting places actually enjoyed freedom of assembly. In the people's democracies, on the contrary, meeting places were available to the broad masses of the people. Moreover, the expression of political opinion had been severely restricted and the limitations had dealt a heavy blow to academic freedom in the United States. In support of that contention, Mr. Drohojowski quoted from an article by Mr. Harold J. Laski indicating the difficulties confronting teachers known to be members of the Communist Party or to hold opinions of a progressive nature, sympathetic to the USSR. Mr. Laski had noted the part played by certain government agencies in deterring freedom of utterance in universities as well as the influence exercised upon the mentality of scholarship holders by the wealthy organizations which had undertaken to subsidize their studies. The great majority of United States citizens never had the opportunity of expressing their attitude towards the Government either because they were politically disenfranchised, or because they had become the tools of party bosses, or because they could not make themselves heard in the monopoly-controlled Press. The representative of the United States was therefore hardly in a position to criticize Bulgaria, Hungary and Romania for infringements of freedom of expression.

18. Mr. Drohojowski then addressed his remarks to the criticisms of the judicial proceedings in Romania. In view of the fact that there were frequent miscarriages of justice in the United States and that that country's judiciary was controlled, the United States could not be said to be morally qualified to bring charges against the people's democracies. The Polish representative noted in passing the political appointment of judges in the United States and the discrimination practised in the selection of jurors. He read excerpts from the text of a petition which had been submitted to the delegations to the current session of the General Assembly by a group of American Negro women on behalf of a Negro family, three members of which had been sentenced to life imprisonment by an all-white jury in the State of Georgia. He mentioned another case of racial discrimination and miscarriage of justice in the State of Florida. Both instances constituted a shocking infringement of basic human rights. The United Kingdom had been guilty of similar abuses of justice in the past in India and Ireland. Neither the United States, the United Kingdom nor Australia was morally competent to criticize judicial proceedings in Romania.

19. In conclusion, Mr. Drohojowski re-stated his opposition to the action proposed in regard to the observance of human rights in Bulgaria, Hungary and Romania. The entire question was outside the competence of the United Nations under the Charter and the peace treaties. The three Balkan countries, far from violating human rights or religious freedom, had fulfilled their obligations under the peace treaties. Their accusers were not morally qualified to judge them; they had not produced evidence to substantiate the charges of miscarriages of justice in the recent trials and, throughout the discussion, they had been motivated by bad faith and the desire to spread propaganda hostile to the people's democracies.

20. The Polish delegation strongly opposed the joint draft resolution calling upon the International Court of Justice for an advisory opinion. The Court had no competence in the matter. The peace treaties were binding only upon the signatories, and no rights could be deduced from them in favour of any third party. States which had had nothing to do with the treaties could not be permitted to decide who was to interpret them and in what manner that interpretation should be made. Moreover, the agreement of all the signatories was required before the question could be referred to the Court; no unilateral action was possible. Finally, the Court was not entitled to interpret the peace treaties because the right to interpret a legal rule belonged exclusively to the body which enjoyed the right to modify or abolish it.

21. In the circumstances, adoption of the joint draft resolution would constitute a blow to the prestige of the United Nations and the nations which voted in favour of it would actually be violating the peace treaties.

22. Sir Hartley SHAWCROSS (United Kingdom) stated that the intolerance, partisanship and irrelevance shown by the defenders of Bulgaria, Hungary and Romania in the Committee hardly made it seem likely that a political opponent of the régime of any of those three States would be given a fair and objective trial in the courts of his own country.

23. In the opinion of Sir Hartley, it was unseemly for the representative of the Ukrainian SSR, a country with virtually no foreign service, no ambassadors and no foreign policy, save that which was dictated to him by the Kremlin, to cast aspersions on Australia, one of the completely independent nations in the free association of the British Commonwealth of Nations.

24. Although the USSR respresentative had spoken with great conviction, much of what he had said was pure fantasy which he had come to believe through constant repetition. Recalling the

statement of the representative of Czechoslovakia (11th meeting) to the effect that there was no reason for countries with different ideologies and forms of government not to walk together and find a common road to peace, Sir Hartley noted that that had been his own consistent position throughout his years of public service.

25. If, instead of widening existing divergencies, the USSR representative shed some of his preconceived ideas, fears and suspicions and realized that the United Kingdom remained as staunchly opposed to fascism and nazism as it had been in the days of Hitler, and if he joined in frank, amicable, objective discussions of common problems in a spirit of co-operation, a common road could soon be found.

26. Abuse and threats would not prevent the United Kingdom from pursuing the course which it considered would best promote the ideals of the Charter. That policy was necessary because all other courses were blocked. The United Kingdom had sought reasonable and friendly discussion of the questions arising from the peace treaties so that explanations might be given and an agreeable solution worked out. The discussion of human rights in Bulgaria, Hungary and Romania was not motivated by a spirit of antagonism but by a serious concern for human rights and by the denial of an opportunity to settle points of difference, as provided in the peace treaties.

27. The citation of exceptional cases could not be considered as a refutation of the statement that, in most political trials in Bulgaria, Hungary and Romania, prisoners were not brought to trial at all unless they had confessed before the trial. There was doubt as to the reliability of such confessions as methods of proof of the existence of counter-revolutionary movements in the country in question. It was hardly surprising that the régime in power sought to conceal the seriousness and the popular origin of any underground opposition by presenting allegations, supported by unreliable evidence, that opposition movements were inspired by foreign Powers.

28. While it was admittedly possible that some of the defendants were guilty, as charged, Sir Hartley Shawcross thought that what caused misgivings was the almost constant pattern of a confession of guilt by the accused, as well as testimony implicating others, following a long period of confinement.

29. Under many systems of law, the courts regarded confessions by prisoners with great circumspection. While Sir Hartley agreed with the representative of Poland that no country should seek to impose its own system on another country, the practices in Bulgaria, Hungary and Romania with regard to confessions aroused great misgivings. Those misgivings were understandably increased when all opportunity to discuss the matters and correct any possible misinformation was also denied, in contravention of the specific provisions of the peace treaties.

30. It was significant to note that there had been no attempt to deny the widespread practice of arbitrary arrests and detention without trial. Nor had there been any attempt to maintain that the courts in Bulgaria, Hungary and Romania were independent and impartial.

31. Sir Hartley indicated that he did not oppose the participation of a lay element in judicial trials, provided that non-professional members were not expected to interpret the law and provided that they were impartially chosen and not selected from one political party only. Noting that Hungarian Law 4172 expressly stipulated that lay assessors must have the majority political qualification, the representative of the United Kingdom wondered how a political prisoner not belonging to the majority party could ever have a free, impartial trial.

32. Regardless of whether the accused had committed criminal offences or not, they must be presumed innocent until proved guilty before impartial, independent and unbiased courts. There was no pretence of that procedure in Bulgaria, Hungary and Romania.

33. Referring to freedom of the Press, Sir Hartley Shawcross noted that the USSR representative had not denied the absence of such freedom in the three countries in question, while the representative of Poland had completely misconstrued the concept of freedom of the Press, which was a *sine qua non* of democracy. Only totalitarian countries which were uncertain of the permanence of their régimes feared free speech and a free Press. That, no doubt, explained the absence of any reports in the Romanian Press of the discussion in the Committee.

34. In the matter of political representation, all parties in the United Kingdom enjoyed full rights. The statement of the USSR representative that statistics showing mass voting necessarily signified political representation was untrue. While it was true that the majority in Bulgaria, Hungary and Romania could to some extent protect itself, the safeguarding of human rights essentially concerned minorities. The greater the majority in those countries, the greater was its abuse of power and its violation of human rights when minority opinion was suppressed.

35. Sir Hartley Shawcross pointed out that the extended discussion which had taken place showed beyond a doubt that a dispute existed within the meaning of the peace treaties. Some signatories to the treaties charged that the human rights clauses had been violated. Others denied that allegation. The fact was that the relevant articles in the treaties specifically provided for reference of a dispute to a commission at the request of either party to the dispute, not with concurrence of both parties. The merits of the case were not at issue for the time being. The immediate issue was the question of the existence of a dispute. The only possible explanation of the refusal to recognize a dispute seemed to be that in a communist society the rights of the individual were not recognized and therefore a dispute on that question was impossible. Sir Hartley Shawcross noted the view of the USSR representative that, in the Soviet Union naturally there was and would be no freedom of speech, Press and other activities for the foes of socialism. While democratic systems regarded the function of the law as the protection of the rights of the individual, the three countries in question subordinated the individual to the State, which was controlled by a small group of men.

36. It was appropriate for the United Nations to refer the legal questions involved in the issue to the International Court of Justice. It had been argued that discussion of the matter of human rights in Bulgaria, Hungary and Romania consti-

tuted an infringement of Article 2, paragraph 7, of the Charter, since human rights were a matter of domestic jurisdiction. In the view of the United Kingdom delegation, a clear international treaty on any matter removed that matter from the sphere of exclusive domestic jurisdiction.

37. Sir Hartley Shawcross quoted past statements by the USSR representative which proved that his position on the interpretation of Article 2, paragraph 7, had not always been consistent. The truth was that when representatives of communist countries considered that insistence on human rights would cause difficulty or embarassment to non-communist countries, their enthusiasm for the rights of the individual was unbounded. Any reference to Article 2, paragraph 7, in such cases was branded as fascist. When, however, it was proposed to inquire into human rights in a communist country, the representatives of those countries became ardent champions of Article 2, paragraph 7, and invoked the principle of domestic jurisdiction.

38. The importance of that Article of the Charter was fully recognized, but it was inapplicable to the case under consideration. The Committee was not concerned with a final conclusion on the matter of the alleged violations of human rights. The immediate problem was to obtain a conclusive opinion from the International Court of Justice as to whether those countries were flouting their obligation to resolve a dispute under the peace treaties. It must be remembered that the Court was entirely free: it could decide it had no jurisdiction; it could give a negative or an affirmative opinion on the questions submitted to it. If the Court held that Bulgaria, Hungary and Romania were not fulfilling their obligations under the peace treaties, it was to be hoped that those countries would agree to invoke the treaty machinery. If not, their flagrant and cynical disregard of their obligations would be manifest to all the world.

39. Western democracies presented no challenge to communist countries except the challenge of friendship. Countries which rejected friendship and built up barriers of ignorance and hate not only betrayed lack of confidence in their own régimes, but betrayed the best interests of their own citizens.

40. The CHAIRMAN, following an exchange of views regarding the procedure to be followed after the list of speakers in the general debate had been exhausted, recalled his earlier statement that the right of reply would be granted in accordance with rule 104 of the rules of procedure, but urged the members of the Committee to confine their remarks to the substance of the question and to avoid introducing attacks on other countries, so that the debate would not be unduly prolonged.

The meeting rose at 1.20 p.m.

FOURTEENTH MEETING

Held at Lake Success, New York, on Wednesday, 12 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*continued*)

1. Mr. GONZÁLEZ ALLENDES (Chile) said that before the intervention of the representative of the USSR the debate had proceeded normally, the discussion having remained centered upon the substance of the problem. The representative of the Soviet Union, however, had caused the discussion to take on something of a political trend, diverting the attention of members of the Committee from the serious legal and moral questions before them, and thus creating a certain degree of confusion.

2. The Committee was faced with two problems. The first, which must be settled first, was the violation of human rights and fundamental freedoms in certain countries describing themselves as democratic. The second arose from the refusal of the Governments of Bulgaria, Hungary and Romania to put into effect the procedure provided in the peace treaties for the pacific settlement of disputes to which the application of the treaties themselves might give rise.

3. In connexion with the first of those problems, the Chilean delegation, desiring that emphasis should be given to the anxiety caused to the General Assembly by the violation of human rights and fundamental freedoms, had contemplated submitting a draft resolution. However, the amendment proposed jointly by the delegations of Brazil, Lebanon and the Netherlands (A/AC.31/L.3) to the draft resolution submitted by Bolivia, Canada and the United States, fulfilled to a large extent the objectives which the delegation of Chile had had in mind, and for that reason Chile would vote for it.

4. Basing themselves upon paragraph 7 of Article 2 of the Charter, a number of delegations had endeavoured to prove that the United Nations had a right to intervene in the problem. Mr. González Allendes emphasized the danger of exceeding the express provisions of the Charter. Furthermore, that was not the root of the problem. Under the Charter, it was the duty of the Organization to promote international co-operation. That co-operation was based on respect for the human person. Every violation of human rights and fundamental freedoms represented a threat to international peace and security. That was why, without intervening in the internal affairs of a country, the United Nations was perfectly justified in taking note of any situation which jeopardized international co-operation and world security, and in expressing its anxiety in connexion therewith. No provision of the Charter forbade the United Nations to do so. Furthermore, that was the interpretation which had been adopted by the General Assembly during the discussion of the position of the Soviet wives of foreign nationals.

5. In the opinion of the Chilean delegation, it was important that the United Nations, by a vote

of one of its organs, should express the concern which it felt with regard to the violations of human rights in Bulgaria, Hungary and Romania. Mr. González Allendes regretted that the atmosphere in which the discussion had taken place had made it impossible to present a draft resolution on that aspect of the problem which he considered to be fundamental. He also regretted that representatives of the accused countries were not present.

6. Mr. González Allendes then took up the second problem, namely, the non-observance of the procedure for settlement laid down in the peace treaties. A draft resolution (A/AC.31/L.1/Rev.1) dealing with that problem had been submitted jointly by the delegations of Bolivia, Canada and the United States. He felt it necessary to recall the facts of which the Committee had been able to take cognizance. The peace treaties envisaged a procedure for the settlement of disputes arising out of their application. Such disputes had arisen out of the violation of human rights and fundamental freedoms. The procedure for settlement provided for in the treaties should, therefore, have been applied; in other words, each of the parties to the dispute should have appointed its representatives to the committee which was to be constituted in such a case. But certain countries had refused to designate representatives to that committee. Consequently the attempt to settle the dispute in conformity with the treaty provisions had failed. That was why an appeal had been addressed to the United Nations which, in accordance with the opinion of the International Court of Justice, could shed some light on the proper procedure to adopt at that juncture. The substance of the question, therefore, was neither the value of the Universal Declaration of Human Rights nor whether or not the accused countries were Members of the United Nations. Rather, the question was whether the United Nations was in a position to ensure the application of the explicit provisions of the Charter and the peace treaties.

7. The United States was endeavouring, by peaceful means, to find a solution to the conflict between it and other countries. The Chilean delegation would support that attitude with its vote. If it were not to do so, the delegation of Chile would feel that it was preventing the countries concerned from having recourse to peaceful means for settling disputes, and that would make the task of men of good will much more difficult.

8. Mr. ORDONNEAU (France) recalled the fact that when the trial of Cardinal Mindszenty had been drawn to the attention of the General Assembly, the French delegation had supported with its statements and its votes the draft which had become resolution 272 (III). That text expressed the General Assembly's deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the violation of human rights and fundamental freedoms in those countries. The French delegation had pointed out at that time that the problem went beyond the mere fact of the conviction of several individuals, even if the conviction was unjust and the individuals were eminent men. The French delegation had felt, too, that it was not religious freedom alone that was at stake. Mr. Ordonneau recalled the remarks made by Mr. Chauvel who, in his statement of 22 April[1], had declared that the basis of the matter could be examined only in relation to the circumstances accompanying it and its historical background. Mr. Chauvel had emphasized that the totalitarian régimes were endeavouring to control not only the political, social and economic life of nations, but also the thoughts and feelings of every citizen.

9. The Committee was again faced with one of the underlying themes of the discussion, namely, the opposition between the political thought and practice of democracies of the conventional type and those of the people's democracies. The people's democracies held out to their followers the promise of a better world, but of a world which had to be prepared for during a transition period, by means of the dictatorship of one class over the whole nation. Contemporary history provided numerous examples of the fate of human beings subjected to such dictatorships. The unlimited authority of the State weighed ever more heavily on individuals; citizens who were formerly free became slaves and then were machines, which were broken if they refused to function and were abandoned when they became useless. Such had become the plight of the citizens of Bulgaria, Hungary and Romania, who had been liberated from the Hitlerian occupation only to submit to that dire fate. Purges had been followed by trials of the clergy and of other individuals as well. The great mass of citizens, deprived of their leaders, had surrendered; a legislative and police machine had been set up and public freedoms had disappeared.

10. Mr. Ordonneau did not wish to consider those facts in detail. He did wish, however, to point out a particularly significant instance: in one of those countries, Romania, the fusion of two cults had recently been carried out by force. There had existed in Romania two Byzantine cults, one attached to Rome, the other dependent to a large extent on the Patriarchate of Moscow. A large number of Uniate priests had been imprisoned, interned or forced to flee and hide in the mountains in order to escape execution; the others had been obliged, under threat, to adopt the Orthodox rite. That was a typical example of religious persecution.

11. Two kinds of replies had been offered in answer to those grave accusations. Unfortunately those replies had not been made by the countries concerned, which had refused to come forward. Among their unofficial defenders, some had preferred to attack the United States, the United Kingdom or other Powers; others had asserted that the accused countries had punished only traitors and that they did, in fact, respect human rights.

12. Mr. Ordonneau thought that the existence of human rights could not be conceived of in a State with dictatorial powers. Some people might have thought that the United Nations could hold aloof from such a state of affairs. As Mr. Malik, the representative of Lebanon, had stressed (11th meeting), respect for human rights was the very basis of the United Nations Charter, and nothing affecting those rights could be a matter of indifference to the United Nations. The French dele-

[1] See *Official Records of the third session of the General Assembly, Part II,* Ad Hoc *Political Committee,* 40th meeting.

gation felt, as did the representative of Lebanon, that the General Assembly had the right to express its concern at any violations, wherever they might occur, of such vital principles. Mr. Ordonneau would not again discuss the text of Article 55 or of the Preamble to the Charter which, he thought, gave the General Assembly at least the right to feel concern.

13. Passing to the legal aspect of the problem, Mr. Ordonneau pointed out that the question was whether the United Nations could go further. If the provisions of the Charter were taken as the sole basis, such a possibility was, to say the least, doubtful. The national competence of every State should be respected, and that principle, which applied to the Members of the United Nations, applied even more to the non-member States. The fact that the powers of the United Nations were limited by the Charter was certainly very regrettable. But it would be still more regrettable if the Organization were induced to transgress the Charter and conferred upon itself rights which it did not possess. Injustice could not be countered with arbitrary action. Mr. Ordonneau regretted that such an omission had been made in the institutions of the United Nations. Human rights should be internationally guaranteed and the Universal Declaration of Human Rights should be completed by conventions, the application of which should be supervised by jurisdictional organs. The French delegation hoped that that would come about, and would do everything in its power to turn that wish into a reality. In that connexion, Mr. Ordonneau recalled the step recently taken by the Council of Europe at Strasbourg in setting up, in principle, a court of human rights for Western Europe.

14. To take a decision on the problem before it, however, the General Assembly need not wait for Bulgaria, Hungary and Romania to become a party to such conventions. Those countries were, in fact, in a special position, since they had been enemies of the Allies during the war which had given birth to the United Nations. The peace treaties imposed certain obligations upon them, in particular that of ensuring that all persons under their jurisdiction, without any distinction of race, sex, language or religion, should enjoy human rights and fundamental freedoms, including freedom of worship. To say therefore that the respect of human rights in Bulgaria, Hungary and Romania came solely within the internal competence of those countries was tantamount to ignoring the existence of the relevant articles of the peace treaties with those countries. The difficulty of denying those specific obligations was moreover so great that the very countries which were pretending to ignore them had been those which had recommended to the General Assembly at its third session that the only possible solution was to revert to the procedure laid down in the peace treaties. The Assembly had heeded their advice; the signatory Powers, namely, the United States and the United Kingdom, had followed the prescribed procedure and had contended that the articles concerning the enjoyment of human rights and fundamental freedoms had been violated.

15. Bulgaria, Hungary and Romania had replied that no dispute existed and had refused to appoint their arbitrators. For that reason, Canada, Bolivia and the United States were requesting the General Assembly to submit to the International Court of Justice the question whether a dispute existed, whether such a dispute fell within the scope of the arbitration procedure laid down in the treaties and what further action should be taken under that procedure in the event of a renewed refusal on the part of the States concerned to appoint representatives to the commission. In effect, the Court would be asked to give an interpretation of certain clauses of a treaty. Such a request would not in any way prejudge either the substance of the problem or the reply which the Court might give to that question.

16. The French delegation did not think it could be maintained that the Assembly was competent to request from the International Court of Justice the interpretation of any provision of any treaty. It considered that the interpretation of a bilateral agreement was essentially the concern of the contracting parties. The problem before the Assembly, however, constituted a particular case. Under the provisions of the Charter, the United Nations was called upon to attach particular importance to human rights; respect for those rights could not be the sole concern of one particular State or of a group of States; Article 55 of the Charter imposed upon the United Nations the obligation to supervise the implementation of international agreements concerning human rights. The French delegation therefore considered that the United Nations was justified in requesting from the International Court of Justice the interpretation of the relevant articles of the peace treaties concluded with Bulgaria, Hungary and Romania. That was all the more evident in view of the fact that the peace treaties were very closely related to the Charter; thus they called upon the Secretary-General to implement the prescribed procedures. Moreover, the clauses concerning human rights were directly based upon the corresponding clauses of the Charter. Thus, with the reservations specified by Mr. Ordonneau, the French delegation would agree to vote in favour of the first part of the draft resolution submitted by Bolivia, Canada and the United States.

17. The French delegation was not, however, in a position to vote in favour of the second part of the draft resolution, and particularly of questions III and IV, contained in paragraph 2 and concerning the powers to be given to the Secretary-General to appoint a third arbitrator even if Bulgaria, Hungary and Romania refused to appoint their representatives on the commission. The French delegation thought that the reply to questions III and IV was an obvious one. The treaties laid down an arbitration procedure. Such a procedure was possible only if both parties agreed at least to appoint their arbitrators. It was therefore impossible, without distorting the very idea of arbitration, to contemplate setting up a commission for arbitration on which one of the parties, rightly or wrongly, refused to be represented.

18. The French delegation was guided by another, still more serious consideration. The peace treaties did not provide for the eventuality that one of the parties would refuse to nominate its arbitrator. The French delegation therefore feared lest, by adopting a circuitous procedure which would add something new to the machinery provided for in the peace treaties, the Assembly

might not indirectly revise those treaties. Consequently, the French delegation could not vote in favour of questions III and IV contained in paragraph 2 of the joint draft resolution of Bolivia, Canada and the United States.

19. Mr. Ordonneau therefore wondered whether any important results or substantial progress could be expected from the resolution before the Committee. That was somewhat doubtful, as one of the parties to the dispute systematically declared everything which was not in conformity with its interests to be illegal, maintained that no dispute existed and deliberately refused to apply the arbitration clauses prescribed in the peace treaties. Even in the absence of any specific action, events would prove the judge. It was imperative that, in that instance which had aroused the conscience of the world, the United Nations, powerless though it might be to take action, should have made its disapproval heard.

20. Mr. MUÑOZ (Argentina) recalled that, at the previous session of the General Assembly, the Argentine delegation had expressed doubts as to the competence of the United Nations to consider the problem of the violation of human rights in Bulgaria and Hungary. The opposite point of view had nevertheless prevailed and the question was currently before the General Assembly.

21. The Argentine delegation considered that any action by the General Assembly to promote respect for human rights should be governed strictly by social and legal considerations, to the exclusion of any political interference or any feelings of intolerance towards Governments whose ideology was different from that of the majority of the Members of the United Nations. The United Nations should see that the provisions of the Charter concerning respect for human rights were observed, at the same time preventing a minority State from being subjected to foreign interference in its domestic affairs. If such interference were allowed, the minority States would lose their sovereignty. The General Assembly was composed of countries that were equally sovereign, and the influence which the major Powers might wield directly or indirectly should therefore always be taken into account. The Charter of the United Nations had laid down general rules of conduct concerning respect for human rights, but it had not enacted any hard and fast rules to be incorporated in the various national legislations. Likewise, the method of developing and encouraging respect for human rights was open to various interpretations. It was this fear of foreign interference in the domestic affairs of the States concerned which explained, to a certain extent, the opposition expressed at the third session of the General Assembly by certain delegations, when the problem first came before the Assembly.

22. The Argentine people and Government shared the anxiety aroused by the Hungarian Government's attitude towards Cardinal Mindszenty and by the persecution of the Church in Bulgaria, Hungary and Romania. The amendment submitted jointly by the delegations of Brazil, Lebanon and the Netherlands to the draft resolution proposed by Bolivia, Canada and the United States expressed that profound anxiety and the Argentine delegation would therefore vote in favour of it.

23. The Argentine delegation also thought that the draft resolution proposed by the United States, Canada and Bolivia would enable the International Court of Justice to consider certain important aspects of the problem. The Court might indeed give a decision as to the Assembly's competence in the matter, and as to the application of certain clauses of the peace treaties which might involve the domestic jurisdiction of States. Moreover, the Court would want to know the exact position of the various parties to the dispute, and would therefore be in a position to collect valuable information on the subject.

24. For those reasons, any decision taken by the International Court of Justice on questions submitted to it would provide members of the Committee with a basis on which to found their opinions. The Argentine delegation would therefore vote in favour of the draft resolution. It would, however, do so only with the reservations and in the spirit which Mr. Muñoz had mentioned, endorsing in that respect the view expressed by the Bolivian representative (7th meeting), that the opinion of the International Court of Justice would legally be final, but would not be binding on the General Assembly.

25. The Argentine delegation would also vote in favour of the Australian amendment (A/AC.31/L.2) to set up a commission to report to the next General Assembly on the development of the situation in Bulgaria, Hungary and Romania.

26. Mr. VYSHINSKY (Union of Soviet Socialist Republics) wished to reply to certain allegations made by Sir Hartley Shawcross, the United Kingdom representative, at a previous meeting (9th meeting).

27. The United Kingdom representative had stated that, in the people's democracies, the only political trials that were made public were those in which the accused pleaded guilty. It was true that Sir Hartley Shawcross had later attempted to minimize that accusation by asserting that he had said that was generally the case. Nevertheless, Mr. Vyshinsky preferred to quote the statement in its original form and he cited extracts from Sir Hartley Shawcross's speech in which the latter said, in particular, that political trials were never made public unless the accused admitted their guilt. The United Kingdom representative had also referred to certain political trials conducted by Mr. Vyshinsky, especially that of Bukharin, and of Krestinsky, in the course of which serious violations of legal rules had occurred.

28. Mr. Vyshinsky, directly implicated, owed it to himself to answer those accusations. He quoted extracts (pages 272 and 67) of the book published by Mr. Joseph E. Davies, former United States Ambassador to Moscow, entitled *Mission to Moscow*. The Ambassador, who had been present at every stage of the trial, had written that the testimony of the witnesses and the facts brought to light by the accusation had proved that offences had been committed against the laws of the USSR, fully justifying the convictions and the application of the penalties laid down by the law of that country. Mr. Davies also recorded that the diplomats who had regularly been present at the trial were of the opinion that it had revealed the existence of very serious political plots. The author also paid a personal tribute to Mr. Vyshinsky for the way in which he had conducted the debates.

29. The United Kingdom representative had also said that, in political trials, accused persons of less importance were allowed not to plead guilty. Mr. Vyshinsky wished to recall that, for his part, he had referred to Baranyai, Cardinal Mindszenty's right-hand man, and to Petkov and Lulchev, leaders of the Menchevik sabotage terrorist group in Bulgaria, all three being personalities whose importance could not be denied.

30. Referring to the value to be attached, under English and USSR law, to a defendant's plea of guilty, he recalled that Sir Hartley Shawcross had said that in England the defendant's plea was not accepted as a proof unless it was supported by other facts. Mr. Vyshinsky quoted extracts from the book by Seymour F. Harris, entitled *Principles and Practice of the Criminal Law*, and referred especially to the paragraph headed *Plea of "Guilty"*, where it was stated that if the defendant pleaded guilty it was unncessary to seek further proofs and the court immediately adjudicated the case basing itself on the defendant's plea. In the light of such clear statements, made by professors of English law, supported further by similar statements by other authorized persons, it clearly appeared that under English law if there was a plea of guilty the preliminary investigation was closed, the debate terminated and the court passed sentence. Such was the value attached to a plea of guilty under English law. It was not so in the USSR, where the court based its judgment not only on the defendant's plea but also on all the facts brought to light by the preliminary investigation.

31. Mr. Vyshinsky wished to state his position concerning a certain form of freedom of the Press to which Sir Hartley Shawcross had referred. The United Kingdom representative had alluded to a book by Mr. Vyshinsky in which the latter had expressly stated that there could be no question of freedom of the Press for the enemies of socialism. He would not think of denying that statement since it expressed his deepest conviction. In all democratic countries there could be no question of freedom for fascism. While the USSR Constitution, contrary to that of the United Kingdom and of the United States of America, guaranteed workers not only freedom of expression but also all the material means which made that right a definite reality, it did not allow the supporters of fascism to corrupt the people by their propaganda, as was the case in England where, so far, no one had put a stop to the activities of Mosley, or in the United States where the Ku Klux Klan carried on their racial demonstrations with impunity.

32. The representative of France had drawn a distinction between the standard type of democracies and the people's democracies, between which there appeared to be profound differences. Mr. Vyshinsky would be one of the first to agree that those differences existed, since the constitutions of the people's democracies guaranteed workers the right to a decent standard of living, the right to live as a man and not as a poor relation, an object of public charity, as was the case in the standard type democracies. Mr. Vyshinsky much preferred the people's democracies.

33. Passing to the legal aspect of the problem, he recalled that the representative of the United Kingdom had emphasized that a dispute existed. Mr. Vyshinsky said he would like to have some details on that subject, and wished, particularly, to know who were the parties to the dispute. That was a very important question. The relevant articles in the peace treaties laid down the procedure to be followed in case a dispute arose between the three Allied Powers on the one hand and the defeated countries, namely Bulgaria, Hungary and Romania, on the other. That procedure had been laid down for the defeated countries and not for the Allies. It could only be put into force if the three Powers agreed that a dispute existed between themselves, on the one hand, and the defeated countries on the other, and that was not the case. Moreover, the treaties did not lay down any procedure for the settlement of disputes which might arise between the three Allied Powers. There was no treaty or international convention which could be used as a basis for the settlement of such disputes.

34. Other delegations had endeavoured to justify the intervention of the United Nations in that matter on the basis of Articles 2 and 55 of the Charter. Mr. Vyshinsky recalled that the representative of France, who had been in favour of a part of the draft resolution advocating that intervention, had expressed doubts whether it could be justified under the aforesaid Articles. The USSR representative congratulated Mr. Ordonneau on that juridical logic.

35. The same Articles had been invoked on several occasions to justify the intervention of the United Nations in other problems, in particular the question of the Indian minority in South Africa, and the questions of Spain and Greece. Those were all international problems. In fact, in the case of the Indian minority in South Africa, the discussion could have been based on an international treaty, the one in force between India and the Union of South Africa. As regards Spain, the representatives of the United States and of the United Kingdom had agreed with the representative of the Soviet Union that it was the duty of the United Nations to boycott fascism as it was an international crime.

36. The position was quite different as regards the problem before the Assembly.

37. The representative of France had referred to freedom of worship in Bulgaria, Hungary and Romania. Mr. Vyshinsky recalled that prior to 1944 there had been laws in Romania which were definitely discriminatory in character and which gave the Orthodox Church pre-eminence over the other churches. The popular reform had freed the Church from its servitude and had enabled all other religions to be freely practised. Mr. Vyshinsky then quoted various laws which granted different religions freedom to practise in Romania.

38. Basing itself on those considerations, the USSR delegation considered that the draft resolution, and especially questions III and IV contained in paragraph 2, could not be accepted; his delegation would vote against the draft. Mr. Vyshinsky, speaking as the representative of a Member of the United Nations and jealous of the prestige of that Organization, asked the Committee to reject the draft resolution as a whole, and especially the paragraphs mentioned, as their adoption would considerably damage that prestige. The adoption of those two paragraphs would only result in a new struggle for the free-

dom and sovereignty of States, a struggle from which no truly democratic country could escape.

39. Mr. DJERDJA (Yugoslavia), referring to the accusations made against his country by the representative of the Ukrainian SSR (11th meeting), pointed out that the latter could have based his case only on anti-Yugoslav statements made during the Rajk trial. It was difficult to believe that that fraudulent trial could have any connexion with the defence of Bulgaria, Hungary and Romania, which were charged with having violated human rights. Moreover, it was doubtful whether such arguments could react in favour of those three countries. It might even be legitimately supposed that the representative of the Ukrainian SSR had found it necessary to revive the accusations made against Yugoslavia during the Rajk trial, with the sole object of giving them a kind of official blessing. The statement made by the Ukrainian representative, therefore, formed part of the campaign which was being conducted against Yugoslavia by certain countries.

40. Such being the case, it would be interesting to study at closer quarters the origin and the significance of the Rajk trial. It was quite apparent that the trial had been organized with definite aims in view, by those elements which were opposed to the policy of peaceful co-operation among the peoples of the Danube and the Balkans, a policy which Yugoslavia had advocated since the end of the Second World War. It was a policy which had already produced tangible results; among other things it had made possible the signing of mutual assistance treaties and the further development of the cultural relations between the peoples of the Balkans and of the Danube; it was a policy, therefore, quite in keeping with the principles of the United Nations Charter. Those who wished to wreck that policy of peace and co-operation had naturally sought to destroy the prestige of its most active defender, Yugoslavia; with this end in view, they had let loose a campaign of slander and lies against that country; but that campaign, particularly the Cominform resolution, not having produced the expected results, they had hit upon the idea of arranging the Rajk trial. The real significance of the trial became even more apparent when it was remembered that the USSR, Czechoslovakia, Poland, Hungary and other countries had, immediately after the trial, denounced the treaties entered into with Yugoslavia.

41. It was therefore somewhat paradoxical that the enemies of Yugoslavia, who had not hesitated to bring pressure to bear on that country, even to the extent of staging military demonstrations on its frontiers, should come forward and accuse Yugoslavia of interference in the affairs of its neighbours, supporting such allegations by statements gleaned from the Rajk trial.

42. Proceeding to analyse the trial itself, the Yugoslav representative referred to the official document published in English and circulated by the Hungarian Government, *Lazlo Rajk and His Accomplices before the People's Court* (Budapest, 1949). That document contained, *inter alia,* the indictment against Rajk and his counsel. On page 10 of the document it was stated that Rajk had provided the Yugoslav Government with confidential information as to the situation in Hungary, and the armed forces of the USSR. In the circumstances, it might have been expected that the Hungarian Government Prosecutor would attempt during the trial to throw some light on such serious accusations; but nothing of the sort had happened; the Prosecutor had not even touched on the question. Moreover, the speech of Rajk's counsel, given on page 274 of the same document, contained no mention of the charge of treason; it was surprising, to say the least, that the defence counsel had not tried, even for the sake of form, to refute such accusations. Such gaps were as surprising as they were significant, and made it impossible to allow that the document had the legal value that had been claimed for it. Nevertheless, on such a document were based all the accusations hurled at Yugoslavia.

43. In conclusion, Mr. Djerdja asked the representative of the Ukrainian SSR whether he could throw some light on the gaps in the document published by the Hungarian Government, to which attention had been drawn.

44. Mr. COHEN (United States of America) expressed his surprise at the criticism which had been levelled, particularly by the USSR representative, against the procedure laid down in the joint draft resolution submitted by Bolivia, Canada and the United States. Contrary to the assertions of the Soviet Union representative, the proposed procedure was perfectly in accordance with the provisions of the peace treaties.

45. The USSR representative had quoted article 37 of the Treaty of Peace with Romania, which stipulated that, for a period not exceeding eighteen months from the coming into force of the Treaty, the heads of the three diplomatic missions of the Soviet Union, the United Kingdom and the United States of America, acting in concert, should represent the Allied and Associated Powers in dealing with ex-enemy countries in all matters concerning the execution and interpretation of the Treaty. The USSR representative, on the other hand, hardly seemed to be taking into account article 38 of the same Treaty, which nevertheless was the legal basis on which the United States delegation and the other authorities relied in their draft resolution. That article said that, except where another procedure was specifically provided under any article of the Treaty, any dispute concerning the interpretation or execution of the Treaty, which was not settled by direct diplomatic negotiations, should be referred to the three heads of mission, acting under article 37, except that in such a case the heads of mission would not be restricted by the time limit provided in that article. It was therefore quite clear that the three Powers need not necessarily have come to a prior agreement as to the existence of a dispute before article 38 could apply to the dispute; if prior agreement were necessary, there would be no point in stipulating that the question should be referred to the three heads of mission, since the latter would already have the matter before them. Moreover, the article went on to confirm the latter point of view even more conclusively; it said, in fact, that if such a dispute were not resolved by the three heads of mission within a period of two months it should, unless the parties to the dispute mutually agreed upon another means of settlement, be referred at the request of either party to a commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from

nationals of a third country; if the three heads of mission had agreed to recognize the existence of such a dispute, it would certainly be impossible that they should not be able to settle it. Finally, there was no doubt that the provisions of article 38 applied to any dispute arising between any one of the signatories to the treaties and the ex-enemy States.

46. It should be remembered that the arbitration procedure in question had been drawn up by the Council of Foreign Ministers and by the Paris Conference, with the definite purpose of ensuring a solution for difficulties which might arise from the execution and interpretation of the peace treaties. It had only been adopted after long discussion, in which the representative of the Soviet Union had pressed that all disputes should be settled exclusively by the three heads of mission, that is to say, by the three major Powers.

47. The position was as follows: some delegations maintained that the accusations made against Bulgaria, Hungary and Romania had no foundation and that such accusations were not covered by the provisions of the peace treaties. On the other hand, the United States delegation, together with the others which had raised the question of the observance of human rights in those three countries, was convinced that the case did fall within the scope of the peace treaties. Nevertheless, in order to abide by the spirit of the Charter, those delegations thought that the International Court of Justice should be asked to give an opinion on the matter and were willing to accept that opinion, whatever it might be. It was surprising that such a proposal should meet with opposition from States which, like the USSR, considered that the case under discussion was not covered by the peace treaties. If they were so certain of their position, those delegations should welcome the opinion of an impartial body. It was particularly surprising that questions III and IV of the joint draft resolution should have given rise to such objections, since there was no question of denying one of the parties the right to be represented on the commission. The question was whether such a commission could be set up even if one of the parties to the dispute refused to appoint a representative —and that was a question which the Assembly was perfectly justified in putting to the International Court of Justice.

48. Referring more particularly to the attitude of the USSR representative, Mr. Cohen was surprised that the USSR should refuse to make use of the procedure provided by the existing peace treaties, while, at the same time, recommending that new treaties, or peace pacts, should be signed. It seemed that the treaties would become devoid of meaning if one of the parties could, at will, refuse to abide by its obligations. The United States could not agree to such a situation, for it considered the peace treaties as legal instruments which were binding upon the signatories and not simply as instruments of propaganda. In taking that attitude, the United States was acting strictly in accordance with the principles of the Charter which stated that the peoples of the United Nations had undertaken to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained.

49. Mr. Cohen then replied to the arguments put forward by some of the delegations which had taken up the defence of the three countries in question. Those delegations had maintained that Bulgaria, Hungary and Romania had only acted as any other country would have done in their place. The United States certainly did not intend to question the right of each sovereign State to punish any attempt to overthrow the Government by force. Many States were in fact obliged to prosecute the traitors who attempted to destroy their democratic institutions by force. Their task was indeed vastly complicated by the fact that the USSR was attempting to use the international communist party as an obedient instrument of its foreign policy, both in non-communist countries and in those of the communist countries which refused to subordinate their entire national life to the interests of the Soviet Union.

50. Returning to the case of Bulgaria, Hungary and Romania, Mr. Cohen recalled that the signatories to the peace treaties had assumed certain specific responsibilities towards the peoples of those countries, particularly with regard to the observance of human rights and political freedoms. It was therefore quite natural that the United States, as a signatory to the peace treaties, should have felt itself morally obliged to raise the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania. The United States was not, as certain delegations alleged, attempting to impose any particular political system on those three countries, but was simply trying to safeguard the fundamental freedoms of their peoples in accordance with the obligations it had undertaken.

51. The policy followed by the USSR was quite different, for it made use of the services of a minority in those countries which had succeeded in imposing its will on the people. It was therefore hardly fitting for the Soviet Union to allege that the disinterested efforts of the United States and certain other of the signatories to the peace treaties were attempts at interference in the internal affairs of sovereign States, and to try to confuse the basic issue of the violation of human rights in Bulgaria, Hungary and Romania by labelling all those who did not obey the orders of the Communist Party as traitors or fascists.

52. It was evident that a definite governmental policy was being carried out in those countries in order to suppress systematically all independent opinions. The sentences passed on Petkov, Maniu, Cardinal Mindszenty and the Protestant pastors fell into the general pattern of that policy, which was aimed at depriving the people of their rights and freedoms under cover of a struggle against treason and fascism and at imposing a régime against the wishes of the people.

53. Replying next to the criticisms levelled at the United States by the representative of Poland, Mr. Cohen said that, in the field of human rights, no country could claim perfection, but that his country, unlike some other retrogressive ones, was making definite progress towards a greater respect for human rights and fundamental freedoms. In that connexion, he referred to the opinions of the Supreme Court which had given increased vitality to the Bill of Rights. He also mentioned the trials of the leaders of the American Communist Party where the accused

were being given the highest guarantees of justice and impartiality. He emphasized the freedom of expression in the United States, which enabled writers to criticize the institutions and practices of their country without being threatened with imprisonment. Thus, the writers so often cited by the delegations of Poland, the USSR, and other delegations had not feared for their safety. He stressed the political freedoms and the representative character of the Government in his country, as well as the important part played by a free and powerful opposition and he added that any political strife in the United States was carried out solely on the electoral plane. Finally, he emphasized that the champions of human rights and fundamental freedoms in the United States worked freely in the full light of day, without fear for their lives or their safety. Some were in politics and others in business and the most active of all of them was none other than the President himself, who had set up a civil rights commission to consider means to safeguard even more adequately the rights of the American citizen, regardless of his race or religion.

54. In conclusion, he recalled that, in the preamble to the Charter, the peoples of the United Nations had proclaimed their faith in fundamental human rights and he maintained that the observance of those rights, under any system of government, was the essential prerequisite for a free and peaceful world.

55. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) said that he had expected that some representatives would try to refute the proofs submitted during the trials that had taken place in Bulgaria, Hungary and Romania, and he had provided himself with considerable documentary material in order to reply to them.

56. Only gratuitous assertions had been made, however, by the speakers who had engaged in directing charges against the three countries concerned. Those speakers had not in any way touched upon the substance of the question.

57. He recalled that at a previous meeting (7th meeting) the Australian representative had stated that the magistrates presiding over the people's courts in Romania could only be Communists, and in reply to a question by Mr. Vyshinsky had offered to provide the members of the Committee with all the documentary evidence needed to support his statements. It seemed that the Australian representative was not in any great hurry to communicate the documents in question, and probably this was because his assertions were not founded on fact.

58. Mr. Manuilsky recalled that he had quoted from the testimony of Cardinal Mindszenty and from the main documents relating to the charge. No one had so far contested the authenticity of those depositions and documents.

59. The debate on that question could not have any practical result, since only the representatives of the five Slavic countries had presented the case in its true light.

60. In reply to the Yugoslav representative, he stated that he was prepared to submit to the Committee all the documents relating to the trial of Rajk. He further recalled that none of the charges brought against Rajk had been refuted by the Yugoslav Government. That Government could not claim that its Minister of the Interior, Mr. Rankovitch, had not had secret conversations with Rajk with a view to organizing a plot against the Hungarian Republic: it could not deny the fact that the same Minister had been arrested during the German occupation and that later, also during the occupation and under mysterious circumstances, he had been set free, whilst his companions in misfortune had all been shot. He noted that the representative of Yugoslavia had confined himself to propaganda statements, and had not hesitated for that purpose to repeat the United Kingdom representative's allegations.

61. Mr. ALLEN (United Kingdom) said that, according to the verbatim record, Sir Hartley Shawcross had stated that in many, in fact, in most, political trials, the accused were not brought to judgment unless they had previously admitted their guilt. The same record also revealed that Sir Hartley Shawcross had stated that in practically every case the accused obligingly admitted all the charges brought against them before appearing in court. Mr. Vyshinsky, who had quoted from a Press release of Sir Hartley Shawcross's speech, was therefore incorrect in his allegation that the United Kingdom representative had said that political prisoners were never brought to trial unless they first confessed. His argument, based on that allegation, was consequently misconceived.

62. Mr. DJERDJA (Yugoslavia), in reply to Mr. Manuilsky, recalled that the Minister of the Interior, Mr. Rankovitch, was a hero of the national resistance, and that he had been imprisoned for that reason by the Gestapo during the war. He owed his release, however, to the Yugoslav people's forces, who had always looked upon him as one of the greatest figures in the Yugoslav people's struggle for its liberation.

63. It was only natural that Mr. Rankovitch should have had contacts with the ministers of neighbouring countries in the course of the numerous journeys he had undertaken with Marshal Tito in the interests of international co-operation.

64. He recalled that on page 8 of the indictment published by the Hungarian Government it was stated that Mr. Bebler, Deputy Minister of Foreign Affairs, and Messrs. Mrazovic and Maslaric had been interned in the same concentration camp as Rajk, in France, after the Spanish Civil War. It had, however, been proved that those persons had never been imprisoned in a concentration camp in France and that consequently they could not have had contact with Rajk.

65. On page 13 of the indictment, it was stated that the Yugoslav Government in its struggle against the other Balkan countries, had made use of the Balkan Trade Union Association and the Union of Balkan Women. Everybody knew, however, that those organizations had never existed, and that consequently the charges were without foundation.

66. The indictment claimed, moreover, that Mr. Latinovitch who was described as Minister Plenipotentiary in Switzerland, had taken part in the plot against the Hungarian Government. For six months, however, Mr. Latinovitch had been chargé d'affaires at Moscow, and for the last four years the Yugoslav Minister in Switzerland has been Mr. Milan Ristic. It appeared that the authors of the indictment were ignorant of those facts.

67. Lastly he quoted the statement made during the trial by one of the accused to the effect that he had not been subjected to any special treatment calculated to make him confess his crimes. Mr. Djerdja wondered why there should be any need for a defendant to justify the procedure adopted by the judicial authorities.

68. He wondered how an indictment containing such falsifications of the truth and such contradictions could be considered as having any international legal value whatever.

69. Mr. MAKIN (Australia) recalled that at a previous meeting (12th meeting) Mr. Vyshinsky had claimed possession of certain documents which refuted the Australian representative's statements concerning certain laws in force in Romania; he had asked Mr. Vyshinsky to submit those documents to the Committee and the latter had replied in the affirmative, but had challenged him at the same time to submit documents in support of his own statement.

70. The Ukrainian representative had just raised that question and had asserted that it would be extremely difficult for the Australian representative to produce the documents concerned. He pointed out that three documents were involved, and that it would take some time to have them translated; he would, however, not delay further in transmitting the documents concerned to the Secretary-General and the members of the Committee would then be in a position to determine where the truth was.

71. Mr. DENDRAMIS (Greece) wished to answer the Byelorussian representative who had attempted, at a previous meeting (13th meeting), to divert the debate to the Greek problem, which was not on the agenda of that Committee.

72. The Byelorussian representative's allegations, which had been repeated by other representatives, could not remain unchallenged.

73. He thought that the term "monarcho-fascist" applied to Greece, was used very frequently and to the point of monotony in the statements of those representatives, and drew attention to the fact that the representatives of communist countries considered all persons who did not profess the communist ideology to be fascists.

74. He recalled that a democratic régime had been set up in Greece by means of free elections which had taken place under the supervision of three major Powers, whereas an unrepresentative totalitarian régime had been established in the countries championed by the Byelorussian representative.

75. Mr. DROHOJOWSKI (Poland) wished to point out that he did not know to which treaty the United States representative had referred when speaking of a "satellites' treaty"; he wondered whether it could refer to the North Atlantic Treaty or to other similar treaties.

76. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) did not wish to enter into a long dispute with the Yugoslav representative on the trial of Rajk; he was convinced that the Yugoslav people, through their own people's tribunals, would pass appropriate judgment on the Rankovitch-Tito group.

77. Mr. DJERDJA (Yugoslavia) emphasized that the Yugoslav people were capable of solving their own problems and did not need to be placed under trusteeship for that purpose.

78. The CHAIRMAN stated that the general debate was closed.

79. He recalled that the Committee had before it one draft resolution, namely, the joint draft resolution of Bolivia, Canada and the United States of America (A/AC.31/L.1/Rev.1); two amendments had been submitted, one by Australia (A/AC.31/L.2) and the other by Brazil, Lebanon and the Netherlands (A/AC.31/L.3).

80. If no objection was raised, he would first put to the vote the preamble of the joint draft resolution and the amendment to it, and then the operative part of the joint draft resolution and the various amendments which had been proposed.

It was so decided.

81. Mr. MAKIN (Australia) proposed that the meeting be adjourned.

82. Mr. GONZÁLEZ ALLENDES (Chile) and Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) opposed the adjournment of the meeting and proposed that a vote should be taken immediately on the draft resolution and the amendments.

The proposal for adjournment was adopted by 30 votes to 17.

The meeting rose at 5.45 p.m.

FIFTEENTH MEETING

Held at Lake Success, New York, on Thursday, 13 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms (A/985, A/985/Corr.1, A/990) (*concluded*)

1. The CHAIRMAN explained that the Committee was called upon to vote on the joint draft resolution submitted by Bolivia, Canada and the United States (A/AC.31/L.1/Rev.1) and on the two amendments to it: the joint amendment of Brazil, Lebanon and the Netherlands (A/AC.31/L.3) and the Australian amendment (A/AC.31/L.2).

2. Mr. COHEN (United States of America), speaking only on behalf of his own delegation, saw no objection to the joint amendment. He thought, however, that the two parts of it should be voted on separately. The original draft resolution had been drawn up in moderate terms with a view to obtaining the greatest measure of support for it in the Committee.

3. Mr. JORDAAN (Union of South Africa) was satisfied with the original draft resolution. He felt that the first part of the joint amendment would give rise to unnecessary complications by introducing a controversial element into an

otherwise satisfactory resolution. He recalled that his delegation had taken the position that nothing in Article 55 of the Charter could authorize interference in the internal affairs of any nation. His Government, was, however, deeply concerned over the violation of human rights in Bulgaria, Hungary and Romania and strongly supported the view that an advisory opinion should be requested of the International Court of Justice in order to facilitate further action in conformity with the peace treaties. Accordingly, even if the joint amendment were approved, he would vote in favour of the joint draft resolution as a whole, in the belief that legal problems should be solved by legal means.

4. Mr. ORDONNEAU (France) pointed out that the draft resolution and the proposed amendments to it raised two distinct questions: first, the action to be taken by the General Assembly on the basis of Article 55 and secondly, the application of the legal procedures provided in the peace treaties. In his opinion, the two parts of the joint amendment submitted by the delegations of Brazil, Lebanon and the Netherlands were closely linked: the new paragraph which it was proposed to insert in the preamble applied exclusively to the text which it was proposed to substitute for the first paragraph of the operative part. That link might no longer be apparent when the amendment was incorporated in the draft resolution. He therefore asked the sponsors of the amendment to confirm the accuracy of his interpretation.

5. Mr. VAN HEUVEN GOEDHART (Netherlands) said, in reply to the representative of South Africa, that he considered that the insertion of the first part of the joint amendment in the preamble of the joint draft resolution would not affect the relationship between Article 55 and any other Article of the Charter. He pointed out that the sponsors of the joint draft resolution had adopted a predominantly legal approach to the problem, while the joint amendment emphasized the moral responsibility of the United Nations under the Charter to promote the observance of human rights. In view of world opinion regarding the violations of those rights in Bulgaria, Hungary and Romania, that moral responsibility should be made quite clear. The representative of France was correct in stating that the two parts of the joint amendment were closely linked. The reference to Article 55 explained why the General Assembly, aware of its moral obligation, was expressing increased concern at the grave accusations made against the three Balkan States.

6. Mr. van Heuven Goedhart stressed that the second sub-paragraph of the second part of the joint amendment referred exclusively to the action taken by the General Assembly on the question of human rights in Bulgaria, Hungary and Romania. It was not intended to suggest interference with the action of the signatories to the peace treaties or to prejudge the opinion of the Court. The refusal of the Governments of Bulgaria, Hungary and Romania to assist the General Assembly in its efforts to ascertain the true situation by sending representatives to the Committee justified the Assembly's concern.

7. The CHAIRMAN put to the vote the first part of the joint amendment submitted by Brazil, Lebanon and the Netherlands (A/AC.31/L.3).

The first part of the joint amendment was adopted by 20 votes to 7, with 25 abstentions.

8. The CHAIRMAN put to the vote the whole of the preamble of the joint draft resolution (A/AC.31/L.1/Rev.1), as amended.

The preamble of the joint draft resolution, as amended, was adopted by 41 votes to 5, with 8 abstentions.

9. At the request of Mr. ORDONNEAU (France), the CHAIRMAN asked the Committee to vote separately on the two sub-paragraphs of the second part of the joint amendment.

The first sub-paragraph was adopted by 25 votes to 5, with 21 abstentions.

The second sub-paragraph was adopted by 21 votes to 5, with 26 abstentions.

10. The CHAIRMAN noted that the effect of the vote had been to replace paragraph 1 of the operative portion of the draft resolution by the second part of the joint amendment.

11. The Chairman put to the vote question I of paragraph 2 of the operative part of the joint draft resolution.

Question I was adopted by 45 votes to 5, with 4 abstentions.

12. The CHAIRMAN put to the vote question II of paragraph 2.

Question II was adopted by 44 votes to 5, with 6 abstentions.

13. The CHAIRMAN called for discussion of the Australian amendment to the draft resolution (A/AC.31/L.2).

14. Mr. SHANAHAN (New Zealand) stated that the New Zealand delegation would vote for the Australian amendment but that its support of that amendment would in no way diminish its support of the legal procedures set forth in the draft resolution.

15. The New Zealand delegation was doubtful concerning the efficacy of the procedures contemplated in questions III and IV of the draft resolution and felt that if the International Court of Justice gave an affirmative answer to the first two questions and if the Governments of Bulgaria, Hungary and Romania failed to comply with the advice of the Court, more effective procedures would have to be adopted.

16. Recalling the statement of the head of the New Zealand delegation earlier in the debate (7th meeting) to the effect that the action of Bulgaria, Hungary and Romania was in fact a violation of human rights, Mr. Shanahan stressed that delay on the vital question of human rights would be avoided by the adoption of the effective action proposed in the Australian amendment.

17. Mr. COHEN (United States of America) stated that the United States delegation would vote against the Australian amendment because it considered that no new or parallel step should be taken by the Assembly until efforts had been made to utilize the peace treaty procedure and to secure answers from the Court to all relevant questions.

18. Mr. ORDONNEAU (France) declared that the French delegation would vote against the Australian amendment for the reasons given at the preceding meeting. He recalled that Article 55 did not give the Assembly competence to intervene in the domestic affairs of States. Although the French delegation would vote in favour of

the joint draft resolution, it could not support the Australian amendment.

19. Mr. MARTIN (Canada) explained that while the Canadian delegation fully agreed with the aim of the Australian amendment, it regarded that amendment as premature and unlikely to achieve the purpose intended. Admittedly, the *prima facie* evidence of violations of human rights and the flouting of treaty obligations by Bulgaria, Hungary and Romania were of the utmost importance. Unfortunately, however, the Australian amendment might give the undesirable impression that full efforts were not being made to settle the dispute which had arisen, in that the International Court of Justice had not been asked for an advisory opinion on all the legal points at issue. All legal resources provided for in the peace treaties should be exhausted before the action recommended by the Australian delegation was proposed to the General Assembly.

20. The Canadian delegation would therefore abstain in the vote on the Australian amendment.

21. Mr. ANZE MATIENZO (Bolivia) indicated that the Bolivian delegation appreciated the spirit of compromise shown by the Australian delegation, which, at the previous session, had favoured more drastic action in the matter of the violation of human rights. The Bolivian delegation could not, however, vote in favour of the Australian amendment for the reasons given by the representatives of the United States and Canada. Bolivia would therefore abstain in the vote.

22. Mr. MAKIN (Australia) requested that the vote on the Australian amendment be taken by roll-call.

A vote was taken by roll-call, as follows:

Ethiopia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Lebanon, New Zealand, Uruguay, Argentina, Australia.

Against: Ethiopia, France, Greece, Guatemala, Iceland, India, Iran, Iraq, Liberia, Luxembourg, Mexico, Nicaragua, Norway, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United States of America, Yugoslavia, Belgium, Byelorussian Soviet Socialist Republic, Colombia, Cuba, Czechoslovakia, Denmark, El Salvador.

Abstentions: Honduras, Israel, Netherlands, Pakistan, Peru, Philippines, Saudi Arabia, Syria, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Afghanistan, Bolivia, Brazil, Burma, Canada, Chile, China, Costa Rica, Dominican Republic, Ecuador, Egypt.

The Australian amendment was rejected by 29 votes to 5, with 22 abstentions.

23. The CHAIRMAN put to the vote question III of the operative part of the draft resolution.

Question III was adopted by 39 votes to 6, with 8 abstentions.

24. The CHAIRMAN put to the vote question IV of the operative part of the draft resolution.

Question IV was adopted by 39 votes to 6, with 9 abstentions.

25. The CHAIRMAN put to the vote paragraphs 3 and 4 of the draft resolution.

Paragraphs 3 and 4 of the joint draft resolution were adopted by 43 votes to 5, with 7 abstentions.

26. The CHAIRMAN put the joint draft resolution (A/AC.31/L.1/Rev.1) as a whole, as amended, to the vote.

The draft resolution, as amended, was adopted by 41 votes to 5, with 9 abstentions.

27. Mr. CISNEROS (Peru) explained that he had voted in favour of the draft resolution as a whole because he agreed that an advisory opinion should be sought from the International Court of Justice regarding the existence of a dispute under the peace treaties. That course was reasonable and likely to prove morally effective in demonstrating the Assembly's concern for the respect of human rights and the pacific settlement of disputes. He hoped that an affirmative answer by the Court to question I might persuade the Governments of Bulgaria, Hungary and Romania to modify their attitude in respect of the accusations brought against them. The Peruvian delegation had not, however, supported questions III and IV of the operative part of the draft resolution, because it considered that those questions might be construed as interference in the internal affairs of States through the unilateral interpretation of the peace treaties, which would create a dangerous precedent.

28. In interpreting its responsibilties under Article 55 of the Charter, the United Nations should not go beyond the literal meaning of the words "to promote", and should bear constantly in mind the inflexible rule of non-interference in the domestic affairs of sovereign States.

29. Colonel GHALEB Bey (Egypt) stated that his delegation had voted in favour of the draft resolution in its revised form, but had abstained from voting on the various amendments submitted. The letters from the United States (A/985) and United Kingdom (A/990) delegations to the Secretary-General indicated a difference of opinion on whether or not a dispute existed concerning the interpretation of certain provisions of the treaties of peace. The submission of the matter to the International Court of Justice was therefore the only possible course to follow.

30. The CHAIRMAN announced that the Australian delegation had transmitted to the Secretariat the texts of certain laws and decrees mentioned in the course of the discussion. Those documents were at the disposal of any members who wished to consult them.

The meeting rose at 12 noon.

SIXTEENTH MEETING

Held at Lake Success, New York, on Thursday, 13 October 1949, 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Report of the Interim Committee of the General Assembly (A/966)[1]

1. Mr. ORDONNEAU (France), Rapporteur, stated that the report before the *Ad Hoc* Political Committee was as concise as possible, and he hoped that all the members of the Committee had been able to study it.

2. He recalled that the Interim Committee had been set up by General Assembly resolution 111 (II) of 13 November 1947, as an experimental measure for a restricted period. It had been re-established for the period between the closing of the third regular session and the opening of the following regular session by resolution 196 (III) of 3 December 1948: it was on the work it had accomplished during that year that the Committee was reporting to the General Assembly.

3. If the work accomplished by the Interim Committee in 1949 were considered from an absolute standpoint, it was doubtful whether the experiment would be found conclusive.

4. He drew attention, however, to the fact that since the Interim Committee met in the period between sessions of the General Assembly, it had been deprived of much of the time it should have had, because of the second part of the third session of the General Assembly and consequently it had had scarcely more than four months at its disposal. That circumstance had seriously hampered the long-term work undertaken by the Committee.

5. He recalled that under its terms of reference as defined in General Assembly resolution 196 (III), the functions of the Interim Committee fell into two categories.

6. One was referred to in paragraphs 2 (*a*), 2 (*b*), 2 (*c*) and 2 (*d*) of the resolution and only applied when particular problems had to be considered. Because of the frequent meetings of the General Assembly during 1949 and the absence of particularly urgent problems, there had been no need to have recourse to the Interim Committee under those paragraphs.

7. Furthermore, under paragraph 2 (*c*) of the same resolution, the Interim Committee had "to consider systematically, using as a starting-point the recommendations and studies of the Interim Committee contained in document A/605, the further implementation of that part of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1 (*a*)) which deals with the promotion of international co-operation in the political field, and to report with conclusions to the General Assembly".

8. On 31 January 1949, a special Sub-Committee was requested to draw up a long-term programme of work and to implement it in accordance with the directives contained in sub-paragraph 2 (*c*) referred to above; the programme of work thus drawn up had been approved by the Interim Committee on 31 March 1949 and was contained in annex I of the report.

9. After the second part of the third session of the General Assembly, the Interim Committee had concentrated on beginning to implement that programme; two different categories of questions had been studied by two working groups: namely, the organization and operation of United Nations commissions and the study of the settlement of disputes and special political problems by the General Assembly. The Secretariat had been most competent in that connexion and had provided the Committee with ample and very helpful documentation for the study of those problems; the Interim Committee had wished to publish those important documents for purposes of reference.

10. Annex II of the report also contained the general findings which the Interim Committee had drawn from those documents.

11. The General Assembly must decide whether those studies should be pursued; for its part, the Interim Committee thought that they should be continued.

12. Mr. Ordonneau then considered the problem of renewing the Interim Committee's mandate. There had been certain differences of opinion on that matter within the Interim Committee itself; there had also been certain differences of opinion concerning the function of the Committee. A wide measure of agreement had been achieved, however, on the importance which should be attached to the Interim Committee within the framework of its existing terms of reference; it was generally recognized that the Interim Committee should be ready to undertake special studies concerning particular political problems on behalf of the General Assembly and without prejudice to the Security Council's competence.

13. The Interim Committee recommended that its terms of reference should be practically the same, except for duration, as its previous ones; it recommended that the Interim Committee should be established for an indefinite period; that would make it possible to put an end to its existence at any time if it subsequently appeared to be serving no useful purpose.

14. Lastly, he recalled that when the recent catastrophe had struck at Ecuador, the Interim Committee had expressed to that country the United Nations' feelings of solidarity and sympathy with it; furthermore, the officers of the Committee had requested the Secretary-General to examine the possibility of giving immediate assistance to the victims of that catastrophe. That last action of the Interim Committee gave fortunate emphasis, at the conclusion of its report, to the fact that the public opinion of the Members of the United Nations could be expressed through the Committee when the General Assembly itself was not in session.

15. Mr. KURAL (Turkey) recalled that the establishment of an Interim Committee as a permanent measure had been raised regularly at each

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 11.

session of the General Assembly in the two preceding years.

16. The arguments in favour of establishing it on that basis had not changed and the Turkish delegation was more than ever convinced of their validity. The Committee had been established to meet the necessity for assisting the General Assembly and facilitating its work; a solution to the problem arising from the number of questions on the agenda for each session had to be found; the Interim Committee was exactly the type of body which could do the preparatory work for the General Assembly.

17. Another important question justifying the existence of the Committee was the settling of disputes or situations which might be submitted to the General Assembly by the parties to them; the principal responsibility for maintaining international peace and security obviously lay with the Security Council. Under the terms of the Charter itself, however, the Security Council was not the only body to which such questions could be submitted; he thought that the authors of the Charter had rightly recognized the necessity for giving the General Assembly such an important function. The Assembly, however, was not always in session, and it took some time to convene a special session. Moreover, it was dangerous not to settle disputes immediately and it would be regrettable if any dispute were to be aggravated merely because the parties had been unable to submit it to the General Assembly. In such circumstances the Interim Committee could play a part of primary importance by initiating the study of the dispute immediately and carrying out the research and investigations that might prove to be necessary in the particular case whilst the General Assembly itself prepared to examine the substance of the problem. Moreover, since the Interim Committee was open to the participation of all the Members of the United Nations, the study of any question could be conducted in a democratic spirit because of the equal opportunity offered to all to make their opinions known.

18. He thought the legality of the establishment of the Interim Committee had been so amply demonstrated that it would be superfluous to expatiate on the question. He remarked, however, that, under Article 22 of the Charter, "the General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions", and it was on the basis of that Article that the Interim Committee had been established. He also emphasized the fact that the powers of that body did not encroach in the slightest degree on the prerogatives of other United Nations organs. It was not even necessary, therefore, to use the argument that the General Assembly might face situations for which the Charter had omitted to provide.

19. The draft resolution submitted by the Interim Committee, the text of which was given in annex III of its report, did not differ appreciably from previous resolutions advocating the establishment and continuation of the Interim Committee. The only change was that the continuation of the Committee was recommended for an indeterminate period. For the reasons already given, he thought that recommendation was acceptable.

20. He drew attention to the fact that a period of one, two or even three years might prove to be totally inadequate when it was a question of proving the value of an international organ of such considerable importance. International problems did not arise at fixed dates, and in proof of that he adduced the fact that the Interim Committee had not yet been called upon to face any of the situations specified in paragraph 2 (*b*) of its terms of reference. That did not prove that such situations could not arise at any time and that the Interim Committee was of no use.

21. For those reasons, the Turkish delegation hoped the General Assembly would adopt the draft resolution recommending the re-establishment of the Interim Committee for an indeterminate period.

22. The prolongation of the Interim Committee for an indeterminate period rather than its establishment on a permanent basis had been proposed so as to make it possible for it to be dissolved, after some years, should the General Assembly so desire. Such a decision would also avoid the annual repetition of discussions relating to the Committee's existence.

23. He desired to pay tribute to the manner in which the Interim Committee had performed its task. He recognized that in certain respects the Committee's work might appear to be less fruitful if the questions with which it had dealt were considered in relation to their numbers rather than to their importance. He recalled that the Committee had been actively engaged in a systematic study of the application of the provisions of the Charter relating to general principles of co-operation for the maintenance of international peace and security and of the provisions regarding the development of international co-operation in the political field. That was a long-term task which might take several years to complete. Nevertheless, the results already achieved seemed to augur well for the future.

24. The agenda of the General Assembly included several questions that might be entrusted to the Interim Committee. He drew attention particularly to what he thought had been a procedural mistake on the part of the General Assembly at its third session, when, by its resolution 271 (III) of 29 April 1949, it had created a Special Committee on Methods and Procedures of the General Assembly, composed of fifteen members. While paying a tribute to the work done by that Committee, he thought it would have been preferable to entrust that responsibility to an organ such as the Interim Committee, so that the study which had been made would not be reopened in the General Assembly by delegations which had been unable to take part in the debates in the small Committee.

25. Those disadvantages might be avoided if the General Assembly referred to the Interim Committee the consideration of questions of a general nature not requiring the collaboration of highly specialized experts. He also thought it would be useful to entrust the Interim Committee with the responsibility of preparing the General Assembly's agenda.

26. With regard to the Interim Committee's terms of reference, he thought they might very usefully be enlarged, and that, for instance, there

was much of value in the suggestions made by the delegation of Panama, during the discussions of the Interim Committee to the effect that the Committee should be competent to deal with questions which are incumbent upon all the Main Committees of the General Assembly. He recalled, however, that his delegation had abstained from supporting that suggestion, regretfully, but from a desire for compromise, since other delegations were of the opinion that the Interim Committee's terms of reference should not be too comprehensive. He thought the future would demonstrate the necessity for extending those terms of reference, and that the General Assembly would take the necessary steps for the purpose.

27. For the reasons he had just described, he hoped the *Ad Hoc* Political Committee would adopt the draft resolution submitted by the Interim Committee.

28. Mr. AUSTIN (United States of America) pointed out that the Interim Committee's report comprised two parts, one setting forth the Committee's programme on the promotion of international co-operation in the political field, and the other dealing with the re-establishment of the Interim Committee. Those two subjects were provided for in the draft resolution submitted to the *Ad Hoc* Political Committee by the Interim Committee, which draft resolution was of the greatest importance.

29. Analysing that draft resolution, Mr. Austin said that it was based on the three following principles: first, that the programme for the promotion of political co-operation should be actively continued; secondly, that some of the facilities of the Assembly for dealing with disputes and other political problems should be available to States between Assembly sessions; thirdly, that all those functions could best be combined in a subsidiary body on which every Member of the United Nations was entitled to be represented. The United States delegation continued to affirm those principles, which were already embodied in resolution 196 (III). It stressed the importance of the Interim Committee's study on methods for the promotion of international co-operation in the political field, that study being the only effort that had so far been made to implement Article 13, paragraph 1 a; of the Charter; it was important that that study should be continued in the future.

30. Mr. Austin then turned to the first of the two basic questions dealt with in the report, that concerning the systematic study of the implementation of that part of Article 11, paragraph 1, relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13, paragraph 1 a, relating to the promotion of international co-operation in the political field. It was a question of the utmost importance.

31. No one would deny that the maintenance of international peace and security was the primary aim, the very reason for the existence of the United Nations, as expressed in Article 1 of the Charter. If peace and security were to be assured and war abolished throughout the world, the nations would have to settle their disputes by means other than force and violence. That was why Article 2 of the Charter imposed on the peoples of the United Nations the obligation to settle their disputes by peaceful means and why a whole chapter of the Charter, Chapter VI, was devoted to the pacific settlement of disputes. Without minimizing the importance of Chapter VII, which provided for military and economic sanctions in respect of threats to the peace, the great significance of the principle of the pacific settlement of disputes should be emphasized; it was essentially by helping the parties to a dispute to settle it by pacific means and by affording methods to facilitate agreement by the parties themselves that the United Nations could work effectively for the maintenance of peace throughout the world.

32. During the four years which had passed since the United Nations had been set up, it had often acquitted itself successfully of such conciliatory missions, whether through the intermediary of the General Assembly, of the Security Council or of commissions set up by these organs; it had sometimes intervened with excellent results in areas where dangerous tension existed and had brought the parties to resume negotiations through the good offices of its own representatives. In short, the whole structure of the United Nations was founded on the basic principles of the pacific settlement of disputes; all Member States would surely agree as to the significance and value of that principle, though their opinions might differ as to the methods of its application.

33. But it was not enough that the United Nations should intervene when disputes had arisen in the world; it should also take advance measures to prevent those disputes from arising, by promoting international co-operation in the political field and considering, with a view to making effective, the general principles relating to the maintenance of peace and security. That was precisely what the Interim Committee was doing, in endeavouring, by exploring the difficulties arising from disputes which have actually occurred, to develop methods and procedures for realizing the principle of the pacific settlement of disputes contained in the Charter.

34. Mr. Austin then reviewed the activities of the Interim Committee in that field. It was clear from the Committee's report and its annexes that the Committee conceived in very broad terms the Assembly's function of promoting international co-operation. Within that broad field, the Interim Committee had rightfully given priority to the problem of the pacific settlement of disputes; it had adopted, for the survey of that problem, a definite programme which was of the utmost importance.

35. Under that general plan, the Committee had covered in a preliminary way the question of the organization and operation of United Nations commissions and was preparing a document summarizing all the experience acquired in that field by the United Nations, experience which might be very useful in the future.

36. In addition, the Interim Committee had initiated a study of the settlement by the General Assembly of disputes and special political problems; that was a new study which had never before been undertaken, and it would certainly contribute valuable information, especially as the settlement of such problems was one of the Assembly's most arduous tasks.

37. Lastly, under the same plan of work, the Interim Committee would consider the procedures

of pacific settlement provided for in the bilateral, regional and multilateral treaties and agreements, and study the most effective methods by which States could draw up pacific settlement agreements to be used in application of Article 33 of the Charter. Mr. Austin fully appreciated the usefulness of such a study, which should be undertaken at a later stage of the Interim Committee's work if it were to be completely fruitful. Such a synthesis of the experience acquired in the past would undoubtedly make it possible to simplify and allow for better comprehension of the methods which were provided to States by the Charter and by various treaties for settling their disputes by peaceful means.

38. The United States delegation approved the work already done by the Interim Committee and that which it proposed to carry out in the future. It would show its approval by voting for paragraph 2 (*c*) of the draft resolution submitted by the Interim Committee, which proposed the continuance of its functions.

39. The United States delegation also supported the other provisions of the draft resolution.

40. It was in favour of the continuance of the Interim Committee, not for a year only but indefinitely. The work accomplished by the Interim Committee could be better evaluated if it had a longer period at its disposal. Unhampered by a time-limit, the Committee would be able to study thoroughly and unhurriedly the important questions submitted for its consideration. The United States delegation was confident that the Committee would carry out its task with the greatest care and thoroughness and would see the necessity for co-ordinating the various studies of the same type which were being carried forward under the authority of the General Assembly. Finally, if account were taken of the opinion, which it did not share, that the Interim Committee's powers should be extended beyond the strictly political field, the United States delegation considered that the one-year limitation on the Committee's duration should be abandoned. That limitation considerably hampered the work of the Committee, which found it impossible to plan its programme in advance. It gave it an aura of instability and furthermore led to the repetition each year of a debate which was both unnecessary and undesirable. It should, however, be understood that the Committee's duration would be indefinite rather than permanent and that the General Assembly could always modify its duration or terminate its activities.

41. Mr. Austin pointed out that the Interim Committee's report also proposed a solution to problems which had led to some discussion in previous years. The resolution provided, first, that the Committee might meet during the period between the two parts of any session of the General Assembly and secondly, that the Committee might meet during special sessions of the General Assembly. The United States delegation thought that a wise and advantageous proposal; during special sessions the agenda of the General Assembly was limited to a single item, and therefore there seemed to be every reason for allowing the Interim Committee to meet and consider questions quite unrelated to the agenda of the General Assembly, even though there might be some practical difficulties in its doing so. The United States delegation therefore gave its full support to the draft resolution submitted by the Interim Committee.

42. Having indicated the principles underlying the position of the United States Government, Mr. Austin reviewed the work accomplished by the Interim Committee during its first two years.

43. He recalled that the Interim Committee had been authorized, under General Assembly resolution 112 (II) of 14 November 1947, to consult with the United Nations Temporary Commission on Korea. When that Commission arrived in Korea, it had been faced with the situation created by the negative attitude of the Government of the USSR, and had requested the Interim Committee for advice as to whether it should, in accordance with the General Assembly's recommendations, proceed with elections in the country. The Interim Committee had been quickly able to give an affirmative reply, enabling steps to be taken which resulted in the setting up of the Government of the Republic of Korea. Mr. Austin laid stress on the importance of the part played in the matter by the Interim Committee, which was able to solve a problem that would otherwise have required a special session of the General Assembly.

44. The United States representative also recalled that, by resolution 193 (III) of 27 November 1948, the Interim Committee had been given the power to consult with the United Nations Special Committee on the Balkans. Fortunately the latter had not met with any difficulties which it could not handle itself. But that did not alter the fact that, had such difficulties been encountered or had a crisis arisen in Greece, the United Nations would have been able to express the views of all its Members through the Interim Committee.

45. Apart from the political questions which had been submitted to the Interim Committee by the General Assembly, many suggestions had been presented for referring to that Committee the examination of other political problems, in particular that of the Italian colonies (A/892/Rev. 1). The latter proposal had been rejected[1], since the General Assembly felt that longer and more careful study of the problem would enable its members to reach agreement. It was nonetheless true that it was an undeniable advantage for the Assembly to have a subsidiary organ to which it might refer problems of that nature.

46. Mr. Austin then passed to a different problem, the technical and political character of which had necessitated careful examination by the Interim Committee, namely the report on the problem of voting in the Security Council[2]. That report, submitted at the previous session of the General Assembly, had been adopted by it in the form of a resolution (267 (III)) addressed to all the members of the Security Council and in particular to the permanent members. He emphasized that the undue exercise of the unanimity rule, which prevented the Security Council from successfully carrying out the duties imposed on it by the Charter, had caused anxiety and concern among Members of the Organization. The question, which

[1] See *Official Records of the third session of the General Assembly, Part II,* 219th plenary meeting.

[2] See *Official Records of the third session of the General Assembly,* Supplement No. 10 (A/578).

had given rise to violent debate at the two preceding sessions of the General Assembly, was of such complexity that it could not be solved without very careful study. There also, the Interim Committee, which had studied the problem in a calm atmosphere in which political influences were not so violently felt, had played a very useful part by formulating conclusions which had received the approval of a substantial majority of Members of the Organization. It was obvious that a problem of such complexity would not have been brought to such a successful conclusion without the careful preparatory work which the Interim Committee was able to give to it.

47. He regretted that the USSR and the States allied to it had refused to participate in the Interim Committee's work. Their absence had undoubtedly helped to make the Committee's work less effective than it might otherwise have been. For more than two years the Soviet Union had claimed that the Interim Committee was illegal and that it had been established in order to bypass the Security Council. Impartial study of the work carried out by the Interim Committee made it possible to state that that accusation was without grounds. The main purpose both of the Interim Committee and of Members of the Organization was to foster international co-operation. The United States delegation for its part, although it would welcome a decision by the USSR to take its seat on the Interim Committee, was opposed to the restriction of the development of the Organization and its activities because the Soviet Union and its allied States did not wish to participate in one of its organs. The lack of co-operation of the USSR should not be an obstacle to the constructive efforts of the majority of Members of the Organization.

48. With regard to proposals to refer certain of the questions submitted to the Interim Committee to *ad hoc* committees of limited membership, Mr. Austin wished to emphasize the importance of a committee in which all the Members of the United Nations were represented. Such a committee took into account the opinions of all the Members of the Organization before it reported to the General Assembly on the question which had been referred to it. If a committee expressed conclusions which were based solely on the opinion of the limited group of members of which it was composed, the General Assembly could justifiably wish to examine those conclusions in detail, and that gave rise to long discussions.

49. The delegation of the United States was far from regarding the organization of the Assembly's work in the political field, and hence the organization of the Interim Committee, as perfect. On the contrary, it was generally recognized that the General Assembly had to face ever-mounting responsibilities and a Special Committee had recently been studying methods whereby the Assembly could accomplish its work in a shorter time.

50. However, those very circumstances were a new reason for continuing the Interim Committee. The General Assembly, which had set up, with the greatest possible care, a special organ which was to consider any disputes which might arise between its different sessions, could not but benefit from the existence of such an organ. The need for recourse to such an organ had not decreased since 1947. Moreover, it was not possible to know in advance what organs for conciliation would prove most effective. It was necessary to maintain the existing organs for conciliation, until new and more efficient bodies with more extended powers had been set up.

51. The United States delegation thought that the only acceptable solution was that suggested by the draft resolution, namely, the creation of a committee comprising all Members of the United Nations, with varied political functions and a definite organization.

52. In conclusion, Mr. Austin asked the members of the Committee to redouble their efforts to develop international co-operation, which must remain the fundamental principle of an organization which, like the United Nations, was composed of independent States. The supreme objective of the Organization was and would continue to be the creation of a spirit of co-operation which would enable reasonable solutions to be found to international problems. It was that spirit of international co-operation which the Interim Committee was designed to promote and it was towards that objective that all the efforts of the Members of the United Nations should be directed.

The meeting rose at 4.15 p.m.

SEVENTEENTH MEETING

Held at Lake Success, New York, on Friday, 14 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Report of the Interim Committee of the General Assembly (A/966) (*continued*)

1. Mr. WINIEWICZ (Poland) observed that the importance of the question merited a detailed review of its history.

2. The Interim Committee had been innocently represented by the United States at the second session of the General Assembly as a mere subsidiary body of the General Assembly, which was to expedite the work of the Assembly and thus increase the efficiency of international processes.

3. It had, however, been clear from the outset that the real function of the Interim Committee was to by-pass the Security Council. Attempts had been made to justify the creation of the Interim Committee by the alleged inefficiency of other organs of the United Nations. Such attempts could only undermine the world's confidence in the Organization.

4. Since the beginning of the United Nations it had been clear that certain imperialist forces were trying to disrupt the links of international unity forged during the Second World War. Among the results of that disruptive process were the premature termination of the work of UNRRA and the frustration, by means of the Marshall Plan, of the plan for close economic co-operation

among all Members of the United Nations; the Marshall Plan involved only a few nations and was politically and economically inconsistent with the principles of the United Nations.

5. The persistent campaign against the principle of the unanimity of the five major Powers and the attacks on the achievements of the Security Council, started in 1947, had increased in intensity during 1948. The conclusion of the North Atlantic Treaty had created a situation in which one group of Members of the United Nations was arming against other Members of the Organization. Those responsible for that situation were trying to justify their actions by wilful misinterpretation of Article 51 and 52 of the Charter, just as the sponsors of the illegal Interim Committee were distorting the true meaning of Article 22 to suit their purposes.

6. The principle of unanimity had been bypassed not only by the establishment of the Atlantic alliance—a political, economic and military bloc outside the United Nations—but also by other actions of great international consequence. Thus, disregarding the Charter which left the solution of the problem of Germany to the Council of Foreign Ministers, the Western Powers had by unilateral actions prevented the achievement of a unanimous settlement on Germany. Similarly, they had thwarted all attempts to reach a unanimous solution of the problem of atomic energy.

7. It was abundantly clear that the success of the United Nations, and indeed of the whole cause of peace, depended on the principle of unanimity of the major Powers. That principle had been adopted without hesitation or doubt by the authors of the Charter. It had been warmly championed by Generalissimo Stalin, Secretary of State Stettinius and many others. But times had changed. The proposal to place the Interim Committee on a permanent basis was yet another expression of the policy which had given rise to the Marshall Plan and the North Atlantic Treaty, brought about the division of Germany and obstructed unanimous agreement on the question of atomic energy.

8. The grounds on which the Polish delegation objected to the Interim Committee had not changed since 1947. Firstly, it denied that the Committee was compatible with the provisions of the Charter. Secondly, it questioned the political wisdom of creating or maintaining such an organ. Thirdly, it doubted the Committee's practical usefulness.

9. With regard to the first of those objections, it was hardly necessary to repeat that the Committee was illegal and inconsistent with the clearly defined provisions of the Charter. He had disposed of the question of political advisability in the opening part of his statement, and wished only to add that the United Nations did not suffer from any deficiency which might justify the Interim Committee's creation or warrant its continuance. Any lack of success was caused solely by the defective attitude of certain Members, who attempted to overthrow the principles of San Francisco in their desire to create within the United Nations an instrument which, instead of serving all the nations, would serve only a few.

10. As to the question of its practical value, it was clear from the Interim Committee's first two reports that its continued existence would prove entirely useless.

11. In the two years of its existence, the Interim Committee had striven above all towards the extension of its terms of reference as established in resolutions 111 (II) and 196 (III). It had illegally undertaken the functions of a watch-dog committee, notably in the case of the Korean question. There had been plans to vest the Committee with powers in administrative and budgetary matters and in questions normally falling within the scope of the Economic and Social and Trusteeship Councils. The suggestion had even been voiced that the Interim Committee should be charged with the task of preparing the peace treaty with Austria. Encouraged by the decision to prolong the Interim Committee's existence for a further year in 1948, certain Members had suggested that it should assume the powers enjoyed by the six Main Committees of the General Assembly. Lastly, it had been proposed that the Interim Committee should act as an agenda committee of the General Assembly, thus virtually replacing the General Committee.

12. The trend, then, had been not only towards diminishing the powers of the Security Council but also towards infringing the competence of the General Assembly and even of the Council of Foreign Ministers. True, not all those tendencies were reflected in the Interim Committee's report; but there were good grounds for expecting that, were the Committee to be re-established on a permanent basis, those plans would be revived and would eventually materialize. It was sufficient to draw attention to the fact that it was proposed that paragraph 2 (*f*) of resolution 196 (III) should be replaced by a provision for the reconsideration by the Interim Committee of its terms of reference when the Interim Committee itself deemed it necessary (page 28 of the report).

13. The report also demonstrated a desire to allow more time for the Interim Committee's deliberations at the expense of discussions within the Assembly itself. It was suggested in the draft resolution attached to the report that a special session need not interrupt the work of the Committee or its sub-committees.

14. A further characteristic of the work of the Interim Committee was that most of the studies undertaken had been carried out, not by the Committee itself, but by the Secretariat. The conclusion to be drawn from that was that the Secretariat was competent and qualified to fulfil many of the functions then vested in the Interim Committee.

15. Between the closing of the third session and the opening of the fourth session of the General Assembly, the Interim Committee had held only four meetings. It had produced two papers, one on the organization and operation of United Nations Commissions and the other on its programme of work in implementation of paragraph 2 (*c*) of resolution 196 (III). Both those papers represented an attempt to convince the General Assembly of the desirability of prolonging the Committee's life.

16. The suggested programme of work of the Interim Committee in the field of political co-operation was divided into a general programme and an immediate programme. The former was

outlined in terms so vague as to suggest that the Interim Committee was more interested in its existence than in its actual duties. Both the general and the immediate programmes, however, indicated that their ultimate aim was a revision of the Charter. The Polish delegation was energetically opposed to such a policy. Insinuations to the effect that the Charter must be revised in order to be made effective could only harm the Organization's prestige.

17. With regard to the study of the organization and operation of United Nations Commissions, the report stressed that the Interim Committee's work was not expected to result, in the immediate future, in any concrete proposal to be placed before the General Assembly. The cursory nature of the study and the striking omissions in it raised serious doubts regarding its usefulness. The study did, however, reveal the tendency of United Nations Commissions to exceed their terms of reference for reasons of expediency. That practice had been encouraged by the attitude of the General Assembly itself, which had granted to the Interim Committee the right to conduct investigations and appoint commissions of inquiry, a right which only the Security Council possessed under Article 34 of the Charter.

18. The draft resolution on the re-establishment of the Interim Committee for an indefinite period was the only concrete proposal contained in the report. The Interim Committee had few, if any, positive results to show for the two years of its existence. On the other hand, the deceitful propaganda spread to justify its creation had done much harm to the United Nations. The Polish delegation would therefore resist the new proposal on the same grounds as it had resisted the original proposal for the Committee's establishment; but it would do so with redoubled vigour.

19. The authors of the Charter had not intended the General Assembly to be permanently in session. The Security Council was and remained the only permanent guardian of world peace and security. The General Assembly was not entitled to transfer its rights and obligations to a body not provided for by the Charter; still less was it free to transfer to a subsidiary body functions which it did not itself possess.

20. The experience of the past two years had exposed the plan to widen the Interim Committee's terms of reference to a point where, from being a "Little Assembly", it would become a "Super-Assembly", thus completely upsetting the balance within the Organization.

21. It would be wrong to be deceived by the apparent inaction of the Interim Committee. Once it was placed on a permanent basis, no time would be lost in using it as a potent instrument in the hands of those who wished to rearrange the structure of the United Nations so that the views of the Soviet Union and the peoples' democracies would be continually rejected and disregarded.

22. The Polish delegation, devoted as it was to the cause which had united the peace-loving nations during the Second World War and pledged to uphold the principles of the Charter, could not tolerate the rejection of those principles for reasons of opportunism.

23. Under the draft resolution, the Interim Committee would be authorized to conduct investigations and appoint commissions of inquiry. That suggestion was inconsistent with Articles 11 and 34 of the Charter. The term "action" in paragraph 2 of Article 11 did not refer to actions of enforcement under Chapter VII alone; it also covered recommendations under Article 36 and, *a fortiori*, investigation and inquiry of any kind. The Charter clearly intended that there should be no overlapping of the powers of the General Assembly and the Security Council in matters relating to the maintenance of peace and security.

24. While Article 22 empowered the General Assembly to establish subsidiary bodies, it did not mean that the Assembly was free to delegate all or some of its powers wholesale to a subsidiary organ. Subsidiary organs must be subsidiary in character and must have specific, clearly limited terms of reference. It was still less permissible for a subsidiary organ to create other subsidiary bodies to deal with such crucial matters as those pursuant to Articles 11, 14 and 35 of the Charter.

25. The suggestion that the Interim Committee should be authorized to advise the Secretary-General in connexion with the summoning of a special session of the General Assembly was inconsistent with Article 20 of the Charter.

26. The consideration of general principles of political co-operation under Article 11, paragraph 1, and Article 13, paragraph 1 a of the Charter could be continued by the Secretariat, which had, in fact, carried it out up till then.

27. The report indicated that many members of the Interim Committee, though not sharing the view of its direct opponents, entertained serious doubts as to the advisability of its continuance. Some members had expressed the view that the *ad hoc* committees created by the General Committee would prove more useful than the Interim Committee. The Polish delegation fully endorsed that view. Others thought that the Secretariat was better equipped to carry out many of the Interim Committee's projects. Many members at earlier sessions of the General Assembly had voiced their doubts concerning the legality of the Interim Committee.

28. The report noted that several members of the Interim Committee had admitted that the latter could not function properly without the participation of the Soviet Union and the peoples' democracies. The Interim Committee lacked universality; it did not, and could not, represent the United Nations as a whole.

29. At the preceding meeting, an appeal had been made to the countries of Eastern Europe to change their attitude and, by their participation, to make the Interim Committee a universal body. The Polish delegation, as in the past, would not agree to participate in the Interim Committee.

30. Appeals had also been made to regard the Interim Committee as an experiment. It was high time to abandon that unfortunate experiment, which had begun illegally, had not met with success, and had confused the issues before the Organization.

31. In conclusion, Mr. Winiewicz called upon members of the Committee to devote all their efforts to the implementation of the letter and spirit of the Charter.

32. ABDUR RAHIM Khan (Pakistan) stated that the problem of the Interim Committee was seri-

ously affected by the refusal of certain countries to co-operate with the majority of the Members of the United Nations. He recalled the lengthy discussion of every aspect of the proposal to establish the Interim Committee in 1947. Certain delegations had expressed serious apprehensions concerning the true purpose of the Interim Committee and had refused to participate in its work. The activities of the Interim Committee since its creation furnished ample proof that the apprehension with regard to the intentions of the sponsors of the proposal were unfounded.

33. The delegation of Pakistan remained firm in its conviction that the Interim Committee was a fully legal organ of the United Nations and that its functions and purposes in no way violated the terms of the Charter. There was no doubt that the Interim Committee was a subsidiary organ of the General Assembly which had only a portion of the powers of the Assembly but no powers which did not belong to the Assembly.

34. While it was desirable for the General Assembly to have a subsidiary organ to deal with matters with which the Assembly could not deal when it was not in session, it was important to consider whether that organ was able effectively to carry out the objectives for which it had been established. Although it could not be denied that the Interim Committee had satisfactorily accomplished whatever work had been entrusted to it, the delegation of Pakistan did not consider that it had fulfilled the purposes and objectives which had led to its establishment. It was noteworthy that, although resolution 196 (III) of the General Assembly listed three important functions for the Interim Committee, no matter had been referred to it by the General Assembly, no dispute had been brought to it for consideration and it had had no occasion to carry out any investigations or appoint any commissions of inquiry. Its only important achievement was the work of its Sub-Committee 6, which, in the opinion of the delegation of Pakistan, could have been performed by the Secretariat and did not require a fully fledged political committee.

35. The effectiveness of the Interim Committee had admittedly been seriously hampered by factors beyond its control but it must also be recognized that the failure of the General Assembly to entrust even non-political matters to the Interim Committee and the hesitation of Member States to bring disputes before that Committee was conclusive proof that that organ was not considered effective or really useful.

36. The delegation of Pakistan expressed the view that the failure of the Interim Committee was almost entirely due to the lack of co-operation of a number of Member States, in disregard of the overwhelming majority opinion which had favoured the establishment of that organ. As he had already pointed out, the refusal to participate in a United Nations organ was regrettable, particularly in view of the fact that the Interim Committee had little chance of succeeding even as an experimental measure unless every Member co-operated.

37. While the boycott of the Interim Committee was neither warranted by the actual operation of the Interim Committee nor consistent with the responsibility of all Member States towards the United Nations, it would be unwise to persist in maintaining the Committee if the opposition to it continued. It was, however, desirable to exert every possible effort to make the Interim Committee fully representative. The delegation of Pakistan was prepared to vote in favour of the continuance of the Interim Committee for one additional year if necessary, in order to provide an opportunity for achieving universal participation. It could not, however, agree to the continuance of the Interim Committee as it stood, either on a permanent basis or for an indefinite period.

38. Since the principal difficulty in the operation of the Interim Committee was the absence of certain delegations, the delegation of Pakistan considered it unnecessary to alter the existing terms of reference.

39. Mr. ROBINSON (Israel) stated that after careful study of the work of the Interim Committee during the past two years, his delegation questioned the desirability of continuing its existence. The Interim Committee had been conceived as an experiment amid sanguine expectations and grim apprehensions. Those expectations had not been realized, but neither had the apprehensions expressed at the Committee's inception proved to be justified.

40. The Israeli delegation did not regard the Interim Committee as illegal or unconstitutional. Its designation as a subsidiary organ of the General Assembly under Article 22 of the Charter, however, was not in itself conclusive. The real criterion of its subsidiary nature was to be found in the demonstration that its activities did not in practice encroach upon those of any principal organ of the United Nations. An examination of those activities would show that the fears that the Committee would compete with the Security Council or usurp the functions of that body had proved unfounded. In fact, apart from the question of its own continuance, the Committee had to date dealt with only three questions: consultation with the Temporary Commission on Korea, a matter transferred from the Security Council to the agenda of the General Assembly; voting in the Security Council, a problem within the jurisdiction of the Assembly; and methods for promoting international co-operation in the political field, which was also within the purview of the Assembly, under the terms of the Charter. Thus, it could not be successfully argued that the creation of the Committee had upset the basic structure of the United Nations.

41. On the other hand, the expectations of achievement on the part of the Interim Committee had not been realized. The Committee had not succeeded in relieving the burden of work of the General Assembly. It had not made the convocation of special sessions unnecessary, nor had it contributed to reducing the number and duration of the regular sessions of the Assembly. In fact, the excessive number of sessions during the past four years had transformed the Assembly into a semi-permanent organ of the United Nations and eliminated the need for a substitute organ in the periods between sessions.

42. To support the view that the Interim Committee had not obviated the need to call special sessions of the Assembly, Mr. Robinson recalled that in 1948, one month after the Committee had

adopted a resolution[1] concerning the implementation of the functions of the Temporary Commission on Korea, the Security Council had convoked a special session which might very well have dealt with the same problem. Moreover, if the Assembly had not instructed the Commission on Korea to confer with the Interim Committee, the Commission would probably have solved its difficulties unaided.

43. At its inception, the Interim Committee had also been expected to prepare the work of the General Assembly and thus expedite the proceedings during the regular sessions. While its reports on the few items considered had undoubtedly proved helpful, its preparatory work had actually been confined to so few questions that the huge mass of agenda items had remained to be disposed of by the Assembly itself. Moreover, despite the preparatory function that had been assigned to the Committee, it had been necessary to appoint three special committees to assist in the preparation of both the third and fourth regular sessions. The Special Committee on Methods and Procedures of the General Assembly was one such special body. That record seemed to indicate that the necessary preparatory work for the Assembly could in all instances be carried out by *ad hoc* committees or by some existing organ of the United Nations.

44. The Interim Committee had also been intended by some proponents to serve as a whip for the Security Council, should the latter fail to meet its responsibilities. Under the existing structure of the United Nations and the established hierarchy of its organs, it was unrealistic to expect that a subsidiary organ of the Assembly would be able to control the activities of the Security Council. Despite deadlocks within the Council on many questions, such as the admission of new Members, no appeal had ever been made to the Interim Committee to intervene.

45. Finally, the Interim Committee had been designed to provide an opportunity for the representatives of many countries to develop friendly relations and mutual confidence by working together. That was certainly a laudable purpose, in conformity with the principles of the Charter. It was doubtful, however, whether its achievement warranted the continuance of a body which had met, for example, for only four days during the entire year of 1949. An association of the permanent representatives in New York with an expanded social and cultural programme might further that aim far more effectively.

46. The sponsors of the Interim Committee had emphasized its general usefulness. Usefulness alone, however, was not a proper criterion for the continuance of a United Nations organ; it had to be demonstrated that it was actually indispensable. The Israeli delegation found that it could not draw that conclusion from the record of the Interim Committee's activities during the two preceding years. It had held only six meetings in 1949 and had remained in recess for nearly four and one-half months. The total number of meetings held during the two years compared very unfavourably with the number of meetings held by any of the Main Committees of the Assembly, although it was true that, in addition to the Interim Committee, seven sub-committees, of which four were concerned with its procedure and self-preservation, had been meeting during the same period. Few of those meetings, however, had been devoted to matters other than the extension of the life of the Interim Committee itself, and the net result of all that activity could only be termed insignificant. Realizing the abstract nature of its functions, it had attempted during the first year of its existence to extend them to concrete budgetary, financial and legal matters and to act as an agenda committee, but it had soon abandoned that policy of expansion.

47. There were other indications of the general decline in usefulness of the Interim Committee. The only question actually referred to the Committee by the Assembly had been the problem of Korea. No new matters had been assigned to it during the third session. Its budgetary appropriation had been reduced from 169,000 dollars during the first period to 42,600 dollars for the second period of its existence. It had never spent its full appropriation. In that connexion, it was interesting to note that while the first report on the advisability of establishing a permanent Interim Committee had alluded to tentative information on the cost of such a body and the savings resulting from its establishment, a second report made no mention of budgetary implications.

48. A review of the terms of reference of the Interim Committee under the 1948 General Assembly resolution 196 (III) revealed that the Committee had implemented only two of the functions assigned to it: the study of methods for the promotion of international co-operation in the political field and the consideration of the problem of Korea, which had been referred to it by the General Assembly. While it had undertaken long-range studies on the voting procedure in the Security Council and such matters as conciliation machinery, that work was largely academic in nature and did not warrant perpetuation of the Committee.

49. There were, however, gaps in the structure of the United Nations which should be filled. While the Economic and Social Council was designed to implement sub-paragraph a of paragraph 1 of Article 13 of the Charter, no body had been created by the General Assembly to form the studies called for in sub-paragraph a of the same paragraph on international co-operation in the political field. To fill that gap, a permanent committee of fifteen members analogous to the Special Committee on Information Transmitted under Article 73 e of the Charter might be established, to meet before each regular session of the Assembly. The same committee might be entrusted with working out general principles of co-operation in the maintenance of international peace and security under Article 11 of the Charter. It would be noted that the Assembly had set up the International Law Commission to deal with the progressive development of international law and its codification under the last part of Article 13, paragraph 1 a. That Commission could competently handle the entire subject of the pacific settlement of disputes. That topic had, however, been removed from the agenda of the International Law Commission, presumably in order to avoid duplication with the work of the

[1] See *Official Records of the third session of the General Assembly*, Supplement No. 10 (A/583).

Interim Committee on pacific settlement. Clearly, a division of that subject matter between the two bodies would be unwise; the entire question should be assigned to the International Law Commission.

50. The conclusions of the Israeli delegation regarding the futility of continuing the Interim Committee were based on the experience of the years 1948 and 1949. Having failed to justify its existence during that crucial period, it could hardly be expected to win greater confidence in the future. Moreover, the Interim Committee was the only organ of the United Nations in which a group of Member States did not participate. The gravity of that fact had been stressed repeatedly. The continued existence of the Committee in its existing form could only widen the chasm between the Major Powers and further jeopardize the chances of international co-operation. The absence of a group of States from the Committee had not been counterbalanced by any substantial advantages for the United Nations. In the circumstances, it would be unwise to risk continuance of a useless and ineffective body.

51. In conclusion, Mr. Robinson observed that independent scholarly opinion also leaned definitely towards discontinuance of the Interim Committee. For example, the former President of the General Assembly, Mr. Evatt, had devoted only five lines to the Committee in his book *The Task of Nations*. Articles contained in the publications of organizations dedicated to the cause of world peace expressed the general view either that the Committee was utterly futile or that its functions should be restricted to study and consultation. In view of those facts, the delegation of Israel could not support continuance of the Interim Committee.

52. Mr. EUSTACE (Union of South Africa) stated that the position of his delegation regarding the effectiveness of the Interim Committee had not been modified. As a constitutional subsidiary organ of the General Assembly under the Charter, it had done useful work and the risks implied by its existence had been exaggerated. While it had accomplished less than had been hoped, it warranted the support of all Members of the United Nations and the additional administrative expenditure entailed. The South African delegation could not agree that *ad hoc* committees would function more effectively than the Interim Committee. It considered that the latter had not been given an adequate trial. Accordingly, it supported the continuance of the Committee for an indefinite period, on the understanding that the General Assembly would at all times have the right to dissolve its subsidiary organ.

53. The South African delegation favoured retention of the existing terms of reference of the Interim Committee. It should continue its efforts to relieve the General Assembly of the burden of work on less important and urgent matters. Care should, however, be taken to ensure that the retention of the Committee did not encourage an unduly heavy influx of agenda items and the extension of the operations of the General Assembly.

54. Finally, the South African delegation regretted that certain Member States were not participating in the work of the Interim Committee and hoped that they would reconsider their attitude.

55. Mr. KISELEV (Byelorussian Soviet Socialist Republic) reaffirmed the objections of the Byelorussian delegation to the Interim Committee, an organ which constituted a flagrant violation of the Charter and of the basic principles of the United Nations. He noted that no provision of the Charter authorized the establishment of an Interim Committee or any similar body. The explanation of the establishment of the Interim Committee was that the leading circles of the United States and the United Kingdom were seeking to undermine the Charter, since its principles presented a serious obstacle to their expansionist plans. To that end, a number of States, led by the United States and the United Kingdom, had launched a concerted attack against the principle of unanimity, which was the corner-stone of the United Nations. The failure of their attempt to secure a review of that basic principle had led them to seek to circumvent that rule by creating an Interim Committee, to which they assigned broad functions and powers comparable only to the functions and powers of the Security Council. There was no doubt that the entire manoeuvre represented an effort to supersede the Security Council in complete violation of the Charter, which gave the Security Council "primary responsibility for the maintenance of international peace and security".

56. During the two years of its operation, the Interim Committee had proved to be a completely useless and unnecessary organ, which had devoted a considerable part of its energy to the problem of ensuring its own extension. Its study of methods of international co-operation in the political field could have been performed equally well by the Secretariat of the United Nations.

57. The logical conclusion of the statement of the representative of Pakistan would be the elimination of the Interim Committee rather than the extension of its life for an additional year. The opposition of the representative of Israel to the Interim Committee was a further example of the general and increasing opposition which was becoming evident on the part of many delegations.

58. The Byelorussian delegation associated itself with the statement of the representative of Poland, who had given a detailed analysis of the reasons for discontinuing an organ which was manifestly illegal and useless.

59. Mr. Kiselev could not accept the thesis that a period of two years was inadequate as a basis for judging the accomplishments of the Interim Committee. Moreover, the existence of contradictory views regarding the future disposition of the Interim Committee provided further proof that it was inadvisable to continue so controversial a body, particularly since during its operation that organ had served to create increased divergencies and disagreements among the Members of the United Nations.

60. The attempt to set up an organ of the United Nations without the participation of the USSR and the countries of the peoples' democracies had failed miserably. The plan to submit international disputes to the Interim Committee and thus make that organ a tool of Anglo-American policy was a flagrant violation of the Charter and dealt a

tremendous blow to the prestige of the United Nations.

61. Referring to the draft resolution contained in the report of the Interim Committee, Mr. Kiselev condemned the provisions for the indefinite extension of the life of the Interim Committee and the broadening of its terms of reference. He objected to the proposal that the Interim Committee should continue its work during special sessions of the General Assembly. That proposal implied equality of the two organs. The resolution went even further and authorized the Interim Committee to review its terms of reference, whenever it saw fit.

62. The Byelorussian delegation therefore urged the immediate discontinuance of the useless and illegal Interim Committee.

The meeting rose at 1.10 p.m.

EIGHTEENTH MEETING

Held at Lake Success, New York, on Monday, 17 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Report of the Interim Committee of the General Assembly (A/966) (*continued*)

1. Before proceeding with the item under discussion, the CHAIRMAN noted that the delegation of the USSR had submitted the text of Romanian Law No. 341 and that that text as well as the text submitted by the delegation of Australia was available to any delegations for reference.

2. Mr. NISOT (Belgium) was surprised that certain delegations questioned the constitutionality of the Interim Committee, although they did not question it in the case of the other Main Committees of the General Assembly whether provided for in the rules of procedure or not, as for instance the *Ad Hoc* Political Committee. There was no constitutional difference, however; the Interim Committee, like the other committees, was a subsidiary organ under Article 22 of the Charter and had been given purely advisory functions without any of the General Assembly's powers of recommendation or decision. The fact that the Committee met between, instead of during, the sessions of the General Assembly and that it would change from a temporary organ to a permanent one did not impair its legal status.

3. The Belgian delegation would vote for the resolution submitted by the Interim Committee. On the one hand, the resolution included reservations regarding the Committee's future since, notwithstanding its permanent character, the Committee could be abolished by the General Assembly at any time. Again, the resolution provided for the continued existence in the service of the United Nations of an organ which might prove of great value in an emergency and which, as experience had shown, was doing useful work.

4. Mr. VOYNA (Ukrainian Soviet Socialist Republic) stated that his delegation's negative attitude towards the Interim Committee had been confirmed still further by the Committee's report (A/966) and the speeches made in its support during the current debate.

5. The Ukrainian delegation by no means contested the General Assembly's right to establish subsidiary bodies in accordance with Article 7, paragraph 2 of the Charter. But any attempt to transform a subsidiary body into a principal organ was inconsistent with the Charter.

6. The sponsors of the Interim Committee continued to hope that that illegal body would succeed in undermining the authority of the Security Council and weakening its political significance as the decisive organ in the maintenance of international peace and security. By replacing the Council by the Interim Committee, they intended to render ineffective the principle of unanimity of the five Major Powers.

7. The Soviet Union, insistent on the observance of the principle of unanimity in matters of world peace and security, was striving to strengthen international co-operation and to ensure a just and lasting peace. By their firm adherence to the Charter and the rule of unanimity, the representatives of the USSR in the Security Council had prevented the realization of the plans of the Anglo-American majority which might have done irreparable harm to the cause of peace.

8. Having failed to transform the United Nations into their obedient tool by means of incessant attacks upon the unanimity rule, the enemies of international co-operation had resorted to such steps as the creation of the Interim Committee and the conclusion of the aggressive North Atlantic Treaty. The members of the so-called minority in the United Nations, aware that behind the creation of the Interim Committee lurked plans for world domination and war, had from the outset categorically refused to take part in the Committee's activities. They had also repeatedly appealed to the Assembly to adopt a critical attitude towards the Interim Committee and to insist on its discontinuance. Mr. Voyna wished to reiterate that appeal.

9. The Interim Committee's report with the annexed draft resolution, as well as the speeches of certain members of the Committee, exposed the insincerity of those who proclaimed peace and international co-operation as their primary objectives while the Press of their countries daily spoke of preparation for a new war. The Interim Committee was an essential instrument for those who resented the principle of unanimity and hoped to force their will upon the minority in important international questions.

10. The report demonstrated that the main purpose of the Interim Committee was to usurp the Security Council's functions. In its study of the questions of voting in the Security Council, of elections in Southern Korea and of the organization and operation of United Nations Commissions, the Interim Committee had endeavoured to undermine the vote of the Security Council and other principal organs of the United Nations.

11. The United States representative, who wished to extend the Interim Committee's powers *ad infinitum* and to make it the most important organ of the Organization, seemed to forget paragraph 1 of Article 24 of the Charter, which conferred upon the Security Council primary responsibility for the maintenance of international peace and security. If the United States representative and his followers sincerely desired to achieve international co-operation, their aim could best be attained through the Security Council.

12. The Ukrainian delegation felt that more rational use should be made of the existing principal organs of the United Nations; no attempts should be made to use second-rate substitutes which, instead of strengthening international co-operation, merely undermined it. No international co-operation would be possible while such States as the United States and the United Kingdom maintained their aggressive policies, while unconstitutional organs continued in existence within the United Nations, while plans were made behind the scenes to utilize the Organization for expansionist aims, and while the Charter continued to be violated and the opinion of the minority continued to be ignored. The lack of consideration given to that opinion was strikingly evident from many United Nations documents. Thus, the report of the Interim Committee in no way indicated why the so-called minority did not participate in its deliberations. In that connexion, Mr. Voyna also criticized the records of the United Nations Special Committee on the Balkans for failing to show the real state of affairs in Greece. Lack of objectivity and falsification of the views of the minority were becoming a dangerous habit on the part of the majority of United Nations organs. The Interim Committee's sub-committee on international co-operation in the political field, being an illegal organ created to destroy international co-operation rather than to strengthen it, had not attempted to deal with that problem.

13. Referring to annex II of the report, which dealt with the organization and operation of United Nations commissions, Mr. Voyna remarked that it was untrue that the rule of equitable geographical distribution had been followed in the composition of commissions; many Commissions had no representatives or military observers from Eastern Europe.

14. In paragraph 9 of the report it was stated that the Committee "held that it was entitled to go beyond problems of method and consider the substance of international problems". Mr. Voyna challenged the right of subsidiary organs to consider the substance of problems which, under the Charter, were within the purview of principal organs alone.

15. All actions of the Interim Committee had shown that it was intended to become the main universal organ of the United Nations and to subordinate the Security Council and the General Assembly itself. The Ukrainian delegation would not take part in attempts to violate and distort the Charter, and would vote against the attempted legalization of the Interim Committee as proposed in the draft resolution.

16. Mr. TRANOS (Greece) stated that while he took exception to remarks against his country made by the Ukrainian representative in connexion with the United Nations Special Committee on the Balkans, he would not make any reply because the problem of the Balkans was being dealt with by another organ of the United Nations.

17. Mr. AZKOUL (Lebanon) observed that the draft resolution before the Committee merely called upon it to place the Interim Committee on a more stable basis by prolonging its existence for an undefined period on the understanding that the General Assembly could decide at any time to dissolve it. It would be premature to attempt to evaluate the activities of the Interim Committee just then.

18. Mr. Azkoul went on to demonstrate the lack of logic in the arguments which had been advanced to justify abolition of the Interim Committee. It had been held, for example, that the Committee was illegal because it usurped the powers of the Security Council and endangered the principle of unanimity. Yet the Interim Committee was clearly a subsidiary organ of the General Assembly and as such would not assume powers which the Assembly itself did not possess. All the recommendations of the Interim Committee had to be submittted to the General Assembly for its approval. In the light of the experience of the past two years, the Lebanese delegation found no reason to alter its original position and considered the charges of unconstitutionality groundless.

19. It had also been argued that experience had shown the uselessness of the Interim Committee. However, it was only fair, before comparing the tasks it had undertaken with its achievements, to consider the nature of those tasks. From an examination of its terms of reference, it would be seen that under sub-paragraphs (*a*), (*b*), (*d*) and (*e*) of paragraph 2 of the draft resolution, the Interim Committee could not initiate action except on matters which had been referred to it by the General Assembly or a Member State. Only under sub-paragraphs (*c*) and (*f*), dealing respectively with studies in implementation of paragraph 1 of Article 11 and of paragraph 1(*a*) of Article 13 and with modifications in its own constitution and terms of reference, was the Interim Committee actually in a position to take the initiative in the execution of its tasks. Accordingly, it could not be held responsible for failing to take action on questions which were not in fact within its purview.

20. On the other hand, it was premature to pronounce final judgment on whether or not the Interim Committee had satisfactorily fulfilled its instructions to undertake studies and research on international co-operation and the peaceful settlement of disputes. They were necessarily long-range studies requiring many more than two years for successful completion. In the circumstances, the Committee had made a good start on an important problem the solution of which was in fact the United Nations ultimate objective.

21. No one could deny the overwhelming importance of the problem. Ideally, it should be dealt with by the Assembly itself. But that would require the Assembly to remain permanently in session and it was precisely to relieve it of its burden of work that the Interim Committee had been established. Those representatives who had suggested the possibility of referring the problem

to the International Law Commission, to an *ad hoc* committee or to the Secretariat failed to realize that it was not simply a question of academic research; the preliminary studies were merely intended to prepare the Committee to come to grips with the real core of the problem. From the initial studies conclusions had to be drawn and proposals formulated which would prove acceptable to all Members of the General Assembly. To reach such conclusions on the problem of international co-operation, which was essentially political in nature, they had to be entrusted to a body which was fully representative, and in which divergent opinions would be given free expression. For example, it was important to determine not only whether the establishment of a permanent conciliation commission was acceptable in theory, but whether such a body would prove acceptable to the sovereign Member States of the United Nations. Only by discussion in a fully representative organ could the necessary compromise solution be reached.

22. The need for a fully representative body to deal with the problem of international co-operation in the political field led the Lebanese delegation to regret all the more the failure of a group of States to participate in the work of the Interim Committee. However, the Committee itself could hardly be held responsible for their absence, and never ceased to hope that they would eventually join in its work. Despite that obstacle, it had, to a large extent, been able to fulfil its primary purpose which was to reduce the burden of the Assembly.

23. Moreover, the Interim Committee had done useful work on the two questions which had been referred to it by the General Assembly: the voting procedure in the Security Council and the problem of Korea. After long study, it had submitted recommendations on the use of the veto which had found favour among the majority of the General Assembly. Thus it had adequately discharged one of its assigned tasks. By assisting the United Nations Temporary Commission on Korea in the organization of the Korean elections, it had spared the Assembly the necessity of holding a special session on that subject. To those who had maintained that a special session would in any case have been necessary if the question had been more serious, Mr. Azkoul wished to point out that the Interim Committee had at least proved adequate in dealing with matters as serious as the elections in Korea. Any decision which the Temporary Commission on Korea might have taken unaided would not have enjoyed the authority and prestige of a representative organ of the United Nations. Consequently, the Interim Committee had satisfactorily fulfilled the two tasks assigned to it.

24. To justify further the continued existence of the Interim Committee, Mr. Azkoul observed that it was the only body in which the majority of Member States could express their views in the period between regular sessions of the General Assembly. Through the Interim Committee, all Member States would be afforded a channel for continuous participation, and for the development of friendly relations based on mutual understanding.

25. In conclusion, Mr. Azkoul stated that the considered opinion of his delegation was that the advantages to be gained by the continued existence of the Interim Committee outweighed its defects. Those defects might be remedied by redoubled efforts to improve the functioning of the Committee. It suffered primarily from general lack of enthusiasm and confidence in it. Too few questions had been referred to it by the General Assembly or by Member States. That could be explained, on the one hand, by the boycott and attacks to which it had been subjected by a group of States and on the other, by its provisional and experimental character which had given rise to an atmosphere of instability which failed to inspire confidence. The delegation of Lebanon felt that every effort should be made to overcome the objections raised by the States which had refused to participate in the work of the Interim Committee. It would be prepared to approve an extension of its terms of reference to include administrative, financial and agenda matters, provided the ultimate objective of reducing the burden of work of the General Assembly did not suffer. However, the oft-repeated argument of the non-participant States regarding the illegality of the Interim Committee was tantamount to a refusal to co-operate. The Lebanese delegation was not prepared to abolish the Committee on those grounds. Such an action would constitute an unfortunate precedent and permit the operation of a new kind of veto.

26. Mr. Azkoul urged that the Assembly should give the Interim Committee greater stability, not by placing it on a permanent basis, but by permitting its existence for an undefined period without raising the question of its future at each session. The Lebanese delegation fervently hoped that strict adherence to the terms of reference given it by the Assembly and further evidence that it was not designed to by-pass or replace the Security Council might ultimately convince the non-participant States that their apprehensions were unfounded.

27. Mr. ANZE MATIENZO (Bolivia) recalled that his delegation had supported resolution 196 (III) by which the Assembly had decided to continue the existence of the Interim Committee for another experimental year as a demonstration of its constant desire to co-operate constructively in the work of the United Nations. The faith of the Bolivian delegation in the value of the Committee was further strengthened by the realities of the world situation. The United Nations was attempting to cope with the problems of a troubled world in which permanent vigilance had become necessary. A tendency had developed to overload and complicate the agenda of the General Assembly and to engage in polemics on the various issues before it. While tremendous progress has been made in the preceding four years in increasing the efficiency of the Secretariat, no comparable advances could be discerned in relations among Member States. Items were being carried over from the agenda of one Assembly session to the next or were being discussed year after year by the principal organs to which they had been referred. Yet, all the organs of the United Nations were adequately regulated by the Charter and the rules of procedure. The Organization must strive for greater efficiency; it must eliminate the tendencies which were undermining it and endangering its prestige; to do that, it must adopt a constructive approach and en-

deavour to find solutions for the problems impeding its progress.

28. It was perfectly clear that the six Main Committees of the General Assembly could not, in the space of six or eight weeks, expect to complete their agenda and reach constructive solutions to the tremendous problems confronting them. The Interim Committee was a means of resolving that difficulty. If it were to become a permanent body, or if it were replaced by some other permanent committee with another name, that solution would be still more effective.

29. The Bolivian delegation had not been convinced by the repeated arguments to the effect that the Interim Committee was an illegal and artificial body created in violation of the Charter. The representative of Belgium, placing himself on purely legal grounds, could find no justification for that view. The contention that the Interim Committee had been established against the will of the minority was equally inapplicable inasmuch as a decision of the majority should, in accordance with fundamental democratic principles, bind a dissident minority. Accusations had been brought against the Committee for encroaching upon the competence of the Security Council. They had been of a purely theoretical nature and no single instance of violation of the Council's jurisdiction had been cited. In fact, nothing empowered the Interim Committee to usurp the powers of the principal organs of the United Nations and it had not been designed for that purpose.

30. Mr. Anze Matienzo deplored the nature of the debate. By continuing to justify the existence of a body which had been established by the majority against the unreasoning opposition of a group of States, the Organization was actually weakening co-operation and falsifying its real work. While the operation of the veto in the Security Council had sound justification, a veto—or what was tantamount to a veto—in the General Assembly could not be tolerated. As a small country, Bolivia wished to work in harmony towards peace and security in accordance with Articles 11 and 13 of the Charter. It was the duty of all Member States to contribute constructively to the success of that work in a spirit of calm co-operation.

31. The draft resolution before the Committee was complicated in structure. The distinctions it implied between principal and subsidiary organs were somewhat ambiguous. In the view of the Bolivian delegation, the principal organs of the United Nations were the General Assembly, the various Councils and the Secretary-General. All other groups were actually study groups of a subsidiary nature. Any of the six so-called "Main" Committees of the Assembly fell into that category. They had not been provided for in the Charter; they had been established under rule 90 of the rules of procedure. That was normal inasmuch as the rules of procedure were flexible and the Assembly was free to invoke them in accordance with the needs of the Organization. Accordingly, a seventh committee might be established to function in the intervals between sessions of the Assembly. Like all other committees, it would be authorized by the Assembly to submit draft resolutions for approval by the principal organ. It would therefore be a subsidiary organ of a permanent nature, fully representative of all Member States and devoted to the achievement of international peace and security.

32. The creation of the *Ad Hoc* Political Committee had demonstrated the legality of establishing a special committee with representatives of all States which functioned precisely like other committees of the Assembly. There was little difference between it and a new committee empowered to function between sessions of the Assembly. Furthermore, the consideration of the Korean question showed the utility of starting discussion on a draft resolution. Attention had been focused on a text, long discussions had been obviated and the work had been considerably shortened. The Assembly should take full advantage of that experience.

33. Finally, Mr. Anze Matienzo alluded to the proposals put forward by the USSR delegation concerning control of armaments including atomic weapons (A/996)[1]. Strictly speaking, those subjects were properly dealt with by the Security Council and its Commissions. Nevertheless, they were of such overriding importance that they had been brought before the full Assembly. Yet it could not be maintained that the Assembly was infringing the jurisdiction of the Council. Nor would the Interim Committee or a seventh committee of the Assembly be trespassing upon the domain of the Security Council if it were to discuss the important problem of international co-operation for the maintenance of peace and security. The Bolivian delegation would welcome a compromise solution to the difficulties confronting the Assembly in the matter of the Interim Committee and its future. If his suggestion for the establishment of a seventh committee of the Assembly, to remain permanently in session, were received favourably, Mr. Anze Matienzo would be prepared to submit a draft resolution on the subject.

34. Mr. BIHELLER (Czechoslovakia) noted that the entire history of the Interim Committee represented an attempt to upset the balance established among the various organs of the United Nations under the Charter. The Interim Committee could not be considered as a legal organ since the Charter provided for two principal bodies: the General Assembly which functioned periodically and the Security Council which was a permanent organ. The representative of Czechoslovakia could not agree that the Interim Committee was a subsidiary organ of the General Assembly since in reality that Committee competed with the Assembly. Its task was not to reduce the work of the Assembly or to perform preparatory functions for that body but to by-pass the Assembly and particularly the Security Council. That tendency was emphasized by the provision in the draft resolution calling for meetings of the Interim Committee even during special sessions of the General Assembly. Moreover, in view of the lack of strict limitations in the terms of reference of the Interim Committee, it would be extremely unwise to continue the Interim Committee for an indefinite period.

35. It was increasingly apparent from the general discussion that many delegations had serious doubts as to the value of the work of the Interim Committee, particularly because certain States did

[1] See *Official Records of the fourth session of the General Assembly*, 226th plenary meeting.

not participate in its work. In the Interim Committee itself, divergent points of view had been expressed regarding the future of that organ. One group of members favoured the abolition of the Interim Committee, a second group sought to persuade the absent Member States to participate while a third group was determined to continue the Interim Committee at all costs in order to circumvent the fundamental principle of unanimity.

36. Noting that no suitable proposal for performing the preparatory work of the General Assembly had been found by the Special Committee on Methods and Procedures of the General Assembly, the delegation of Czechoslovakia urged the immediate dissolution of the Interim Committee which was a costly, inadequate and illegal instrument presenting a grave menace to the principles of the United Nations.

37. The Czechoslovak delegation would therefore vote against any proposal to continue the Interim Committee whether for a definite or an indefinite period.

38. Mr. WOLD (Norway) stated that the contention that the Interim Committee was an illegal organ established in violation of the Charter had been decisively rejected by a majority of the General Assembly.

39. In his opinion, the question before the *Ad Hoc* Political Committee was to decide whether there was justification for the statement that the Interim Committee had been unable to carry out its work effectively. If there was agreement that the Interim Committee had not fulfilled the aims set for it, abolition of that organ would be indicated.

40. The representative of Norway felt that such a conclusion would be premature and unjustified on the basis of the arguments presented. He recalled that during its first year, the Interim Committee had functioned so successfully that its members had unanimously recommended that it be continued for an additional year. In the current period, however, the Interim Committee recommended indefinite extension by 32 votes to none with 9 abstentions. Mr. Wold could not agree that abolition of the Interim Committee would be justified.

41. He recalled the important work of the Interim Committee in the field of international co-operation and felt that it was most desirable for all Members of the United Nations to participate in that task. Moreover, although in 1949 no matters had been referred to the Interim Committee by the General Assembly, that situation might be altered in the future.

42. The representative of Norway expressed the view that the General Assembly had in the past been too reluctant to refer matters to the Interim Committee and had thus neglected a valuable source of assistance. Shortening of the sessions of the General Assembly could be achieved only by finding a more effective method of preparing the work of each session. Much of the preparatory work could be turned over to the Interim Committee, and some items on the agenda of the General Assembly could be deferred to the Interim Committee.

43. The representative of Norway noted that the Sixth Committee, in dealing with the report of the Special Committee on Methods and Procedures of the General Assembly, had approved a recommendation for the establishment of *ad hoc* committees meeting between sessions of the Assembly to examine draft conventions which could not be considered by any of the Main Committees of the Assembly during a session[1]. The Interim Committee might perform important service in such cases. In addition, the Interim Committee might be the logical organ to which the General Assembly might refer matters for which special committees might otherwise be contemplated. The General Assembly might well consider a proposal to have the General Committee review the agenda of the following session at the close of each session of the Assembly and recommend that any appropriate items be referred to the Interim Committee for consideration and preparation in the period between sessions. Since the idea of a special agenda committee had been rejected by the Sixth Committee[2], the question of entrusting that task to the Interim Committee still deserved consideration.

44. The representative of Norway could not agree that the absence of certain Members of the United Nations from the Interim Committee was a decisive reason for abolishing that Committee, although in his opinion it was most regrettable that that organ was not fully representative. He considered that in spite of the failure of certain Members to participate, the Interim Committee had been able to perform usefully in the interests of the United Nations and that it could make valuable contributions in the future.

45. The Norwegian delegation would therefore support the re-establishment of the Interim Committee.

46. Mr. TSARAPKIN (Union of Soviet Socialist Republics) recalled his delegation's earlier objections to the creation and subsequent re-establishment of the Interim Committee. The Interim Committee was intended to serve as a means of circumventing the principle of unanimity which governed the work of the Security Council. Yet the loss of that principle would remove the basis for co-operation among the five great Powers, substitute power politics for agreed action, and transform the United Nations into an obedient tool of the aggresive Anglo-American bloc.

47. The purpose of the draft resolution before the Committee was to make the Interim Committee into a permanent organ of the United Nations. To preserve the illusion that the Interim Committee was only a subsidiary body, it was suggested that the General Assembly should retain the right to dissolve the Committee should it see fit to do so.

48. The Interim Committee was already enjoying powers far exceeding those of subsidiary organs; it was in a position to make considerable encroachments upon the competence of principal organs of the United Nations, particularly that of the Security Council. The provisions of paragraph 4 of the draft resolution did not, therefore, correspond to the facts.

49. Previous actions of the Interim Committee in connexion with the problem of voting in the

[1] See *Official Records of the fourth session of the General Assembly*, Sixth Committee, 155th meeting.

[2] See *Official Records of the fourth session of the General Assembly*, Sixth Committee, 156th meeting.

Security Council and the appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council represented serious infringements of the powers of the Security Council. Unfortunately, the General Assembly had approved those actions. It had also adopted the Interim Committee's proposals on the restoration of its original efficacy to the General Act of 26 September 1928 and on the creation of a panel for inquiry and conciliation, aimed at removing from the Security Council's competence matters connected with the pacific settlement of disputes.

50. Far from strengthening the authority of the United Nations, the Interim Committee was, by its illegal actions and its ceaseless attacks upon the principle of unanimity, undermining the very foundations of the United Nations and, more particularly, of the Security Council.

51. The results of the Interim Committee's harmful activities in the Korean question clearly showed that the Committee's main function was to serve the interests of the United States and the United Kingdom.

52. It had been argued that not only the Security Council, but also the General Assembly was responsible for matters connected with the maintenance of international peace and security; consequently, the Interim Committee, as a subsidiary organ of the General Assembly, was also free to deal with those matters. Such an interpretation was inconsistent with the letter and spirit of Chapter VI of the Charter. In that connexion, Mr. Tsarapkin cited Articles 33, 34 and 36 of the Charter. Paragraph 2 of Article 36 did not mean that the Security Council should withdraw from the consideration of a dispute if procedures for its settlement had already been adopted by the parties; paragraph 1 of the same Article clearly provided that the Security Council might, at any stage of a dispute of the nature referred to in Article 33, recommend appropriate procedures or methods of adjustment. Thus, it was for the Security Council to deal with the pacific settlement of disputes; the rights of the General Assembly in that field were strictly limited by Articles 11 and 12 of the Charter.

53. The powers of the Interim Committee, then, were excessively wide and conflicted sharply with the provisions of the Charter. However, the Committee's champions considered those powers to be insufficient and wished them to be widened still further. In that connexion, Mr. Tsarapkin referred to statements made at the Interim Committee's meetings of 10 August 1949[1] by the representatives of Canada, Turkey and the United States. Those statements left no doubt as to the fact that the Interim Committee was intended to supplant the Security Council in the maintenance of international peace and security.

54. Resolution 111 (II), by which the Interim Committee was established in 1947, had restricted the Committee's work in the field of political co-operation to the consideration of methods of co-operation. The draft resolution before the *Ad Hoc* Political Committee contained no such restriction. On the contrary, it appeared from the report that the Interim Committee held itself to be entitled to consider the substance of international problems.

[1] See documents A/AC.18/SR.33 and A/AC.18/SR.34.

55. Referring to paragraph 11 of annex I of the report, Mr. Tsarapkin remarked that it was inconsistent with Article 62 of the Charter, which provided that the Economic and Social Council alone was authorized to make or initiate studies on international questions in the economic field. The report of the Interim Committee to the third session of the General Assembly stated that "an extension of the powers of the Interim Committee to" the fields of activity of the Economic and Social and Trusteeship Councils "was considered unnecessary . . . and even undesirable, as it might give rise to conflicting jurisdictions"[2]. The report before the Committee put forward the opposite point of view.

56. But the main purpose of the Interim Committee continued to be the curtailment of the powers of the Security Council. The Interim Committee's practical activity, its proposed functions and its programme of work belied the terms of paragraph 4 of the draft resolution and exposed that paragraph as a deliberate attempt to distort the facts in order to sway the opinion of Members of the General Assembly who had not yet adopted a definite position on the matter.

57. It was to be foreseen that the draft resolution would be adopted by a majority decision; that would not, however, give legality to the Interim Committee, or convince the USSR delegation of its usefulness. By ensuring the continuance of the Interim Committee's work, its sponsors meant to doom the Security Council to inaction and to relegate it to the background. Previous attempts to use the Security Council for the attainment of ends entirely unrelated to the purposes and principles of the United Nations had failed solely because of the existence of the unanimity rule.

58. The United States representative, supported by the representative of Lebanon, had appealed to members of the Committee to disregard the fact that the Soviet Union and the peoples' republics were not participating in the work of the Interim Committee. That policy of disruption was leading the United Nations toward a fate similar to that of the League of Nations.

59. The United Nations could not develop normally if it followed the course mapped out for it by the United States of America. The USSR delegation, guided by the interests of permanent peace and security and by the basic purposes of the Charter, which provided for the development of friendly relations among nations on the basis of equality, could not support the United States plan with regard to the Interim Committee and would not alter its attitude towards that illegal and harmful organ. It therefore objected to the proposal to re-establish the Interim Committee and would vote against the draft resolution.

60. Mr. URRUTIA (Colombia) stated that it was incontestable that the Interim Committee had failed to achieve the results expected of it. Its failure was regrettable because of the urgent need for an organ to meet between sessions of the General Assembly and prepare the work of each session.

61. Various explanations for the failure of the Interim Committee had been advanced. Certain

[2] See *Official Records of the third session of the General Assembly, Supplement No. 10* (A/606).

delegations attributed that failure to the refusal of certain Member States to co-operate, while others maintained that the Committee was illegal and had been established in violation of the Charter. Mr. Urrutia concurred in the view of the representative of Bolivia that it would be inadmissible for the General Assembly to decide that the Interim Committee could not function merely because of the absence of some Members. Such an admission would be tantamount to recognizing the right of veto in the General Assembly. Nevertheless, it was apparent that the Interim Committee was ineffective and that improvement was needed.

62. The ineffective performance of the Interim Committee was due to the lack of agreement regarding its terms of reference. In the view of the minority, the Interim Committee represented an attempt to supersede the Assembly. Certainly that had never been the intention of the majority, and clarification of the fact that the Interim Committee was not a political weapon but a working organ might eliminate the objections of the minority. Unless that basic misunderstanding could be eliminated, the divergences would widen and the Interim Committee would become less and less effective. It was most important to remedy the situation and to replace the unsatisfactory Interim Committee by an organ which could facilitate the work of the General Assembly.

63. Mr. Urrutia referred to the statement of the representative of Bolivia to the effect that he would be prepared to present a draft resolution for the establishment of a new organ if his proposal were favourably received. The Committee might be well advised to request the representative of Bolivia to submit his proposal.

64. Mr. ANZE MATIENZO (Bolivia) indicated that the aim of the Bolivian delegation was to achieve co-operation among all the Members of the United Nations. Unless such co-operation were indicated, it would be pointless to present new proposals and, in that case, the delegation of Bolivia would vote in favour of the draft resolution contained in the report of the Interim Committee.

65. Mr. ALEXIS (Haiti) stated that the suggestion submitted by the representative of Bolivia represented a new and original approach which might achieve agreement if a spirit of co-operation and good will prevailed. He suggested that the representatives of the delegations which had opposed the creation of the Interim Committee should be invited to participate in a committee which would seek a compromise formula for the establishment of an organ to work between sessions of the General Assembly on any questions submitted to it by the General Assembly. It would, of course, be understood that the powers of such an organ would be clearly defined and would not infringe the functions of any of the main organs of the United Nations. Willingness to co-operate in such an endeavour would, in the opinion of the representative of Haiti, provide proof of the sincerity and good will which were essential in reaching agreement.

66. The CHAIRMAN noted that the representative of Colombia had been the only one of five speakers to comment favourably on the proposal of the representative of Bolivia. Compromise required the co-operation of both parties. If at the forthcoming meeting those members who opposed the continuance of the Interim Committee remained silent, the Committee would proceed to a vote on the draft resolution contained in the report of the Interim Committee.

The meeting rose at 5.55 p.m.

NINETEENTH MEETING

Held at Lake Success, New York, on Tuesday, 18 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Report of the Interim Committee of the General Assembly (A/966) (*continued*)

1. Mr. ANZE MATIENZO (Bolivia) announced that his delegation was not proposing to follow up its statement of the previous meeting with any draft resolution.

2. Mr. RODRÍGUEZ FARREGAT (Uruguay) said the Interim Committee's report (A/966) fell into two parts, of which one dealt with the question of the continuance of the Interim Committee and the other contained an account of certain special functions conferred upon the Interim Committee by General Assembly resolution 196 (III), including the study of the promotion of international co-operation in the political field.

3. The Interim Committee recommended its re-establishment for an indefinite period. The only innovation was the use of the word "indefinite" instead of the fixed term which had been prescribed in the past and his delegation would vote in favour of that new recommendation.

4. The second part of the report gave a good picture of the work so far accomplished by the Interim Committee.

5. As the Interim Committee was the newest of the organs established by the General Assembly and the most controversial, the problem it presented should be considered in three separate aspects: first, its juridical aspect, involving, *inter alia*, the question whether the Committee was truly a subsidiary organ of the General Assembly under Article 22 of the Charter, secondly, the question of its composition and thirdly, its exact terms of reference.

6. The legality of the Interim Committee had been and continued to be hotly disputed. For that reason six Members of the United Nations had systematically refused to participate in the Interim Committee's proceedings, a fact which had greatly hampered the work of that body.

7. He regretted that the conciliatory statements made in the course of the debate by, among others, the representatives of Bolivia, Colombia, Lebanon and Haiti, had found no echo and that

therefore the representative of Bolivia had felt bound to state that he would not submit any draft resolution.

8. He admitted that it was understandable if some delegations expressed doubts regarding the legality of the Interim Committee; yet one should not base one's judgment on obvious exaggerations.

9. Thus, and contrary to past allegations, there had never been any question of the Interim Committee's taking the place of the General Assembly. On the contrary, the Interim Committee had been popularly dubbed "the Little Assembly"; which clearly meant that the Committee was called upon to undertake only limited tasks between the sessions of the General Assembly.

10. The Interim Committee's function was simply to use the time between the sessions of the General Assembly for the purpose of studying questions referred to it by the Assembly.

11. That being so, the Interim Committee could surely not be charged with violating the terms of the Charter; in any case, no single case could be quoted that bore out such charges.

12. The Interim Committee was truly a subsidiary organ of the General Assembly. It had been established under Article 22 of the Charter when the need for such a body arose owing to the increasing volume and complexity of the General Assembly's work.

13. In its membership the Interim Committee merely reproduced the General Assembly. It included, in principle, all the Members of the Assembly and its work was of benefit to the Members of the United Nations as a whole. It was also a sort of permanent forum where the small nations could, at times other than Assembly sessions, express their views on important questions.

14. The General Assembly itself had noted the growing length of its agenda. In the beginning, the Assembly's agenda had contained some thirty items but that number might well reach a hundred in the near future.

15. Some delegations had complained of the excessive increase in the number of items. His opinion was that such an increase did not constitute an evil; it reflected the increasing interest of the Member States in the work of the General Assembly and the faith of the peoples of the world in the achievements of the United Nations. There would be much more reason for complaint if the opposite tendency were noted.

16. He recalled that in order to organize its work methodically, the General Assembly had taken two important decisions: first, it had established the Interim Committee, though with a regrettable limitation of its terms of reference; secondly, it had established a Special Committee on Methods and Procedures of the General Assembly instructed to review each one of its rules of procedure; the Special Committee's final report was currently being considered by the General Assembly.

17. The activities of the Interim Committee had, in pursuance of its terms of reference, been limited to the political field. Hence it had been unable to exceed those strict limits and become a subsidiary organ, in the full sense of the term, of the General Assembly, with powers to assist the Assembly at all times.

18. Accordingly it was difficult to understand the reasoning of those who charged that the Interim Committee had failed to help the General Assembly effectively.

19. Nevertheless the Interim Committee and its sub-committees had done valuable work in the field of international co-operation and the pacific settlement of disputes.

20. The Committee, anxious to continue that valuable work, proposed that it should be re-established; it suggested no changes in its terms of reference.

21. Yet he felt the possibility of enlarging the Interim Committee's functions ought to be considered. Actually the very fact that the Interim Committee's terms of reference were limited had had some curious repercussions. Thus, the Special Committee on Methods and Procedures of the General Assembly had recommended—in order to facilitate the work of the General Assembly—the adoption of such steps as the limitation of the time allowed to each speaker, the elimination of certain general debates from plenary meetings, the granting of wide powers to the President of the General Assembly and the Chairmen of Committees to enable them to accelerate the meetings, the establishment of an agenda committee and the requirement of a written memorandum to be attached to each request for the inclusion of an item on the agenda of the General Assembly. He considered that if the General Assembly really wished to save time it would be wiser to undertake a more rational distribution of its work rather than to contemplate limitations such as those he had mentioned. Nothing would be gained if, on the one hand, a subsidiary organ such as the Interim Committee were impeded in its operation on the grounds that it was irregular while, on the other hand, simplifications were adopted which would amount to pure and simple violations of the right of each Member State participating in the General Assembly's proceedings. The problem had become acute precisely because of the excessive limitation of the Interim Committee's powers.

22. His delegation had always favoured the establishment and continuance of the Interim Committee and by the same token would vote for the draft resolution submitted by the Interim Committee.

23. Still, his delegation was ready at any time to consider any suggestions that might be made in the spirit of the statements made at the preceding meeting with a view to facilitating the work and ensuring the normal operation of the Interim Committee and so to accelerating the proceedings of the General Assembly.

24. The CHAIRMAN announced that the list of speakers included the representatives of Yemen, Egypt, Canada, Nicaragua, Syria, France, Panama, India and Argentina.

25. In conformity with rule 104 of the rules of procedure, he proposed to close the list of speakers.

26. Mr. AZOUNI (Yemen) recalled that some delegations had expressed doubts as to the efficacy and usefulness of the Interim Committee, while others thought that it was still too early to pass judgment.

27. Both those views had some elements of truth. But it was imperative to study in detail the reasons why the Interim Committee had not been able to function normally.

28. Some delegations had attempted to minimize the importance of that subsidiary organ. Everybody realized that the work of the United Nations should be based on the principle of universality; indeed, each time the United Nations had deviated from that principle it had run into difficulties. The presence of a determined minority in the United Nations was a very serious problem. Such a minority was in no way comparable with an opposition party in a democratic parliament since an opposition party could not help acquiescing in the will of the majority. That was not so in the United Nations, where the resolutions of the General Assembly were simply recommendations which States Members could accept or reject as they chose. That was why a compromise was necessary, some common denominator which could make general agreement possible.

29. If any attempt at compromise failed, the prestige and influence of the United Nations would suffer severely.

30. The minority group claimed that the creation of the Interim Committee was a breach of the Charter; however, it was clear from Article 22 of the Charter that the Interim Committee was quite within the scope of the article; moreover, the terms of reference of that organ were perfectly compatible with Article 13 of the Charter.

31. The delegations opposing the Interim Committee also claimed that it was designed to encroach on the powers of the Security Council and circumvent the unanimity rule.

32. Consequently, if all those difficulties and criticisms were to be avoided, the problem had to be reconsidered with a view to ascertaining to what extent the establishment of a permanent committee acceptable to all States Members was possible.

33. The small States attached considerable importance to the existence of a permanent organ which would constitute a guarantee for them against too great a concentration of authority in the hands of certain privileged Powers.

34. The terms of reference of the permanent organ would have to be precisely established and there would have to be guarantees that they were scrupulously respected; otherwise grave violations of the Charter might result. He recalled, in that connexion, that the people of Palestine had had to pay dearly for such a breach of the Charter.

35. His delegation considered that such an organ could help the General Assembly to examine matters on its agenda and would also enable Member States which were not represented on the permanent organs of the United Nations to express their opinions at times other than General Assembly sessions.

36. The small States should make every effort to bring about the adoption of a compromise resolution and generally speaking to smooth out the differences between East and West. He expressed the hope that in the near future those Great Powers would show the necessary spirit of co-operation.

37. His delegation was ready to submit a draft resolution providing for the setting up of a sub-committee to study the possibility of establishing a permanent committee, provided that the suggestion received the approval of the *Ad Hoc* Political Committee.

38. Colonel GHALEB Bey (Egypt), while expressing his deep appreciation of the work accomplished by the Interim Committee and its sub-committees, noted that it had not been able to achieve the objectives assigned to it.

39. In his opinion, the reasons for that failure were as follows: first, the General Assembly had not made full use of the subsidiary organ; secondly, some States had systematically abstained from taking part in its work and, lastly, the short duration of its term.

40. As to the first two factors, experience had shown that they were not decisive.

41. The existence of the Interim Committee should not be allowed to create problems of the very kind it was called upon to solve.

42. Past experience was encouraging and hence it was regrettable that certain Member States had abstained from participating in the Interim Committee's work; such an organ could only have a chance of succeeding, if all the States Members making up the General Assembly took part in its work.

43. Lastly, with regard to the short duration of the Interim Committee's term, he considered that it had not had enough time to prove its usefulness. That was why his delegation had originally contemplated proposing the renewal of the organ for a further term of one year; however, it had acceded to the opinion of the majority that the Interim Committee should be renewed for an indefinite period.

44. Mr. STARNES (Canada) said his delegation continued to support the principle and the purposes for which the Interim Committee had been established. Contrary to the opinion expressed by certain representatives, he believed that the Committee had done and would continue to do useful work.

45. He also thought there was little point in dwelling further on the question of the legality of the Interim Committee; his delegation fully shared the opinion expressed by the Belgian representative on that point.

46. He felt that the draft resolution before the Committee was a logical development of the work done by the Interim Committee since its establishment. In point of fact, by conferring a permanent character on the Committee, the General Assembly was in no way modifying the constitutional status of that organ. The Interim Committee remained the creature of the General Assembly, and the General Assembly could end the life of the subsidiary organ at will.

47. His delegation believed that the renewal of the Interim Committee for an indefinite period could only be advantageous; from the strictly administrative point of view, it was easier to adapt the budget and the services of the Secretariat to the requirements of a permanent organ. Moreover, permanent status would lend more stability to the Committee's work.

48. Certain of the opponents of the establishment of the Interim Committee had said that it

ought to be abolished because it had not produced any spectacular results. As against that, his delegation thought that the value of the work done by the Interim Committee could not be measured in that way.

49. It had also been argued that the organ should be abolished because it had not fulfilled expectations. If that test were applied to all the organs of the United Nations, there was no doubt that others would have to be abolished, too.

50. Lastly, the mere fact that six Members of the United Nations had refused to take part in the Interim Committee's work was not a sufficient reason for discontinuing its existence; if for one reason or another certain Members did not wish to co-operate in the work of the United Nations, it was their misfortune, not that of the United Nations as a whole. It was certainly no reason for discontinuing the existence of an organ which had proved so useful.

51. The adoption of the draft resolution before the Committee would, he felt, extend for an indefinite period the life of an organ which could do useful preparatory work for the General Assembly and might prove still more useful in the event of a crisis. In his opinion, even more questions should be referred to the Committee. His delegation hoped that during the current session the General Assembly would not fail to take steps in that direction.

52. For the reasons stated his delegation would vote for the draft resolution submitted by the Interim Committee and hoped that the majority of the members of the *Ad Hoc* Political Committee would do likewise.

53. Mr. SANSÓN TERÁN (Nicaragua) recalled that his delegation had strongly supported the establishment and renewal of the Interim Committee.

54. It had been said and repeated that the Interim Committee could have achieved more satisfactory results; he recognized the pertinence of such statements, but allowances should be made for the specially difficult circumstances in which the Interim Committee had been called upon to work. In that connexion, he recalled the efforts exerted by those who had taken part in the discussions of the Interim Committee from beginning to end.

55. It had also been said that the Interim Committee had only been able to achieve slight results owing to the systematic absence of six States Members. His delegation had always considered that the six Member States should reconsider their attitude and occupy their places on the Interim Committee. Should that prove impossible, however, then the Interim Committee should continue to work as in the past. It would be dangerous to create a precedent by which a General Assembly resolution was stultified merely because of the opposition of certain members to that resolution.

56. He added that his delegation would vote in favour of the draft resolution submitted by the Interim Committee.

57. Mr. RIFAI (Syria) said he noted that the greater part of the General Assembly's time was wasted in arguments between the representatives of the two opposing blocs; the small States had tried in vain to remedy the situation and they were finally beginning to wonder whether their participation in debates was of any value whatsoever. They believed, nevertheless, that there was hope of a better comprehension of their respective problems by the great Powers if a compromise could be achieved on questions such as the one under discussion.

58. His delegation, therefore, had welcomed the statement of the Bolivian representative at the previous meeting. In the same spirit, his delegation was prepared to agree to the setting up of a sub-committee instructed to consider the possibility of a compromise.

59. His delegation considered that in any case the following three points should be kept in view: first, it had been categorically laid down that no illegality attached to the Interim Committee; secondly, the experience of the preceding two years did not contain any evidence for the belief that the Interim Committee tended to encroach upon the prerogatives of the Security Council; finally, the Interim Committee would have been able to accomplish its work more effectively had it not been systematically opposed by certain Member States.

60. There was nothing to justify the continuation of such opposition, amounting to obstruction, since the majority of the members of the *Ad Hoc* Political Committee had expressed the wish to reach a compromise. Still, if the delegations which had systematically opposed the Interim Committee persisted in their attitude, there were only two possible solutions: either to dissolve the Interim Committee, because of the refusal of certain Member States to take part in its work, or else to decide on the renewal of the Interim Committee in view of the great services it had rendered and was called upon to render.

61. His delegation, if it had to choose between those two solutions, would vote in favour of the second.

62. Mr. ORDONNEAU (France) said that the discussion in progress had produced no new element; however, the opponents of the Interim Committee, with the possible exception of the USSR representative, had expressed themselves more moderately. Criticism had followed two lines: it had been alleged that the organ was illegal and that it was useless.

63. The accusation of illegality had two aspects also: on the one hand it was asserted that, since the Interim Committee was not provided for under the Charter, its establishment could not be in order. Such an argument was untenable in view of the general terms in which Article 22 of the Charter was couched. It pleased the USSR delegation to maintain that the Charter should be interpreted not only literally but also restrictively, and therefore that anything not provided for under the Charter was forbidden. Such a method of approach would prove harmful to the very existence of the United Nations and would prevent any progress whatsoever.

64. Another claim was that the Interim Committee was not a subsidiary organ in the sense of Article 22. Mr. Ordonneau wondered how that organ, which derived its powers from the General Assembly, could be considered as other than a subsidiary organ. According to the same argument, the real purpose of the Interim Committee was to take the place of the Security Council. The

USSR representative had gone so far as to assert that paragraph 4 of the operative part of the draft resolution submitted by the Interim Committee, which laid down that the Interim Committee should at all times take into account the responsibilities of the Security Council under the Charter, was absurd, and was in fact contradicted by the other provisions of the draft resolution, as also by the spirit in which those provisions had been drafted. That uncalled for statement was a really tendentious accusation: certain delegations were being reproached in advance with the use which they might make of the organ, it being presumed that the organ in question would overstep the terms of reference assigned to it. Such arguments could only be judged at their own true value.

65. Mr. Ordonneau recalled that the Interim Committee could only consider disputes if they were included in the agenda of the General Assembly or if the Security Council had done with them. The latter, however, could at any time consider any question which it thought came within its competence and hence any dispute which had already been brought before the Interim Committee. It was therefore wrong to say that the Interim Committee was encroaching on the prerogatives of the Security Council; nor did the work already undertaken by that organ justify in any way the accusation.

66. The Interim Committee had also been reproached with having considered the problem of the veto. In that connexion Mr. Ordonneau reminded the meeting of the provisions of Article 10 of the Charter, under which the General Assembly could discuss, *inter alia,* any questions relating to the powers and functions of any organs provided for in the Charter. Hence the Interim Committee had only exercised, on behalf of the General Assembly, powers which the latter possessed. The USSR delegation, moreover, could not be unaware of the extent of those powers, since it had itself voted for the inclusion of the Indonesian question in the agenda of the General Assembly at a time when the Security Council was still discussing the matter.

67. With regard to the accusation that the Interim Committee was useless, Mr. Ordonneau acknowledged that the experiment carried out so far did not appear to be conclusive, but as had already been pointed out, the Interim Committee had had very little time at its disposal during the previous two years. The small volume of work accomplished by the Interim Committee could not be compared with the importance of that work, which was, moreover, the beginning of more important work for which the Interim Committee would require the necessary time.

68. Mr. Ordonneau also pointed out that barely one-half of the Member States of the United Nations were represented on the various permanent organs of the Organization; it would therefore be useful for the other half to be able to put forward its views at any time outside the sessions of the General Assembly.

69. The USSR representative had said that it was essential for the eleven members of the Security Council to be in agreement; Mr. Ordonneau thought that it was even more important for the fifty-nine Member States of the United Nations to be in agreement. Being itself a privileged nation with a seat in the permanent organs of the United Nations, France wished to allow all other Member States to express their opinion at any time.

70. Mr. Ordonneau recalled that his delegation would have preferred to see a definite time limit set for the experiment which was begun in the Interim Committee; seeing that the majority of the members of the Interim Committee had been in favour of an indefinite period, his delegation had accepted that view, provided that the word "indefinite" meant that the General Assembly retained the right to reconsider its attitude with regard to the existence of the Interim Committee at any time. He thought, moreover, that the draft resolution of the Interim Committee had been framed in such a spirit.

71. His delegation was prepared to respond to the appeals for a compromise between the majority and the minority; he hoped that the six delegations to which the appeals had been principally addressed would co-operate with the others in reaching a compromise solution.

72. Mr. DE DIEGO (Panama) was convinced that it was necessary to re-establish the Interim Committee for an unspecified period and he would therefore vote for the draft resolution submitted by the Interim Committee.

73. In the interests of conciliation, he wished to make some suggestions to dispel the misgivings of the delegations who entertained doubts regarding the Interim Committee's practical usefulness. Convinced that the solution of the problem lay in widening the Interim Committee's terms of reference, he proposed that a new sub-paragraph (*g*) should be added to paragraph 2 of the operative part of the Interim Committee's draft resolution so as to include, among the functions of the Interim Committee, doing preparatory work for the General Assembly. He added that he would submit a formal motion to that effect (A/AC.31/L.6).

74. Mr. RAO (India) said he would briefly define his delegation's position with regard to the draft resolution submitted by the Interim Committee.

75. As it had already had occasion to say at the first part of the third session of the General Assembly in Paris, the Indian delegation was of the opinion that the objections raised by the States which had refused to take part in the Interim Committee were not justified. In his opinion, the establishment of the Interim Committee was in no way illegal under the terms of the Charter, and that subsidiary organ of the General Assembly in no way encroached upon the functions of the Security Council or any other organ of the United Nations.

76. One important question arose, however, and it ought to be settled: Could the Interim Committee, in the atmosphere in which it was working and despite the absence of a number of Member States, satisfactorily carry out the duties assigned to it? The discussion that had just taken place in the *Ad Hoc* Political Committee had not provided an affirmative answer to that question.

77. It would be quite a different matter if it were a question of establishing a subsidiary organ which would enjoy the confidence and support of all the Members. Such an organ might consider-

ably lighten and facilitate the General Assembly's work. No such possibility, however, had emerged during the discussion, and the *Ad Hoc* Political Committee at the moment had before it only the draft resolution appearing in annex III of the Interim Committee's report.

78. Such being the case, the Indian delegation's position was as follows: in its opinion there could be no question of extending the Interim Committee for one year, and after that period, of rediscussing the matter which would to a large extent be a repetition of the discussions that had just taken place in the *Ad Hoc* Political Committee. Hence two solutions remained: either to re-establish the Interim Committee for an indeterminate period in the hope that the day would come when all Member States would be represented in the Committee, or to consider that the experiment had failed and discontinue the Committee immediately. The first of those two solutions was the one offered in the draft resolution submitted by the Interim Committee. It had the support of those who were of the opinion that the experiment undertaken could not provide conclusive results in the too short period of time which the Interim Committee had had at its disposal. The Indian delegation did not wish to oppose the continuance of the experiment, but it could not support the draft resolution. It would therefore abstain from voting.

79. Mr. MUÑOZ (Argentina) had intended to speak on the matter. He would, however, abstain, in order not to retard the Committee's work, and requested that the draft resolution submitted by the Interim Committee should be put to the vote immediately.

80. Mr. DJERDJA (Yugoslavia) recalled the serious legal and practical criticisms that had been directed against the Interim Committee. It was true that under Article 22 of the Charter the General Assembly had a perfect right to establish such subsidiary organs as it deemed necessary for the performance of its functions, but provided that the composition, powers and other characteristics of such organs were in conformity with the relevant articles of the Charter.

81. It seemed that the desired compromise solution which would make it possible to settle the matter in a spirit of collaboration and co-operation lay in that direction. The delegation of Yugoslavia had noted with satisfaction that several delegations had made suggestions on those lines during the discussion. He was prepared to join those delegations in their conciliatory efforts and pointed out that his Government would consider favourably the possibility of taking part in the work of such a subsidiary organ of the General Assembly, provided that it were established under the conditions laid down by the Charter.

82. The CHAIRMAN pointed out that, as the Bolivian representative had not made any concrete proposal to follow up his statement of the previous day, the *Ad Hoc* Political Committee had before it only a single draft resolution, namely the one that had been submitted to it by the Interim Committee itself.

83. Mr. STOLK (Venezuela) thought that no possibility should be neglected of reaching a compromise agreement. In his opinion, it would therefore be very useful to set up a small sub-committee in which the majority view and the minority view would both be represented. The sub-committee would have the precise function of reconciling those divergent opinions. The Chairman might make proposals concerning the membership of such a sub-committee, taking into account the principle of geographical distribution and the need for allowing the various points of view opportunity for expression in that body.

84. The CHAIRMAN said he would be very glad to comply with the Venezuelan representative's suggestion if there were any precise proposals relating to the sub-committee's terms of reference.

85. Mr. ALEXIS (Haiti) recalled that, at the 18th meeting, his delegation had made certain suggestions concerning the establishment of a sub-committee to find a basis of agreement with a view to establishing a permanent committee of the General Assembly, and it had wished to know whether the representative of the USSR would agree to take part in the work of such a sub-committee. In his opinion, it would be better to know the position of the USSR before proceeding any further.

86. Mr. ORDONNEAU (France) supported the Haitian representative's remarks. In his opinion it would be possible to reach a compromise solution only if the minority, like the majority, displayed a spirit of conciliation. He wondered whether the persistent silence of five of the minority members did not mean a refusal to participate in the work of the conciliation sub-committee.

87. Mr. STOLK (Venezuela) thought that the *Ad Hoc* Political Committee had a perfect right immediately to establish the sub-committee suggested by his delegation. It was true that delegations which objected to the re-establishment of the Interim Committee had not indicated that they would agree to take part in the work of the sub-committee, but they had not refused to consider the Venezuelan representative's suggestion either.

88. The CHAIRMAN shared the Venezuelan representative's point of view. Taking into account the need for allowing supporters of the various opinions to express themselves in the sub-committee rather than the principle of geographical distribution, he proposed that the following countries should constitute the sub-committee: Bolivia, France, Turkey, the USSR and the United States. He also suggested that the sub-committee should meet in the course of the following two days and complete its report by Friday. The sub-committee's proposals would then be considered by the *Ad Hoc* Political Committee in plenary meeting and put to the vote. Should the sub-committee fail to reach a compromise, the *Ad Hoc* Political Committee would have to take an immediate decision on the draft resolution submitted by the Interim Committee.

89. Mr. AZKOUL (Lebanon) said he thought that, even if the sub-committee did not succeed in reaching unanimous agreement on a compromise draft, the *Ad Hoc* Political Committee would have to be able to express an opinion on the minority proposals, should the minority submit any to the sub-committee, because of the significance that such a gesture on the minority's part would have.

90. The CHAIRMAN explained that that would certainly be the case.

91. On a proposal by Mr. STOLK (Venezuela), the CHAIRMAN proposed that Yugoslavia be included in the list of countries to be represented on the sub-committee.

92. Mr. MUÑOZ (Argentina) requested a vote on the various proposals that had just been made concerning the sub-committee's establishment, composition and terms of reference.

93. Mr. TRANOS (Greece) proposed that the Chairman of the *Ad Hoc* Political Committee should also be chairman of the sub-committee.

94. Mr. ANZE MATIENZO (Bolivia) supported the Greek representative's proposal.

95. The CHAIRMAN said he was entirely at the Committee's disposal, but he thought it preferable to leave it to the sub-committee to appoint its own chairman.

96. Mr. KURAL (Turkey) agreed to sit on the sub-committee. He wished to know whether the date of Friday, 21 October, given by the Chairman, was part of the sub-committee's term of reference. In his opinion, a sub-committee composed of so small a number of members would be able to reach agreement fairly quickly and might, for instance, submit its report to the *Ad Hoc* Political Committee at the afternoon meeting on Wednesday, 19 October.

97. The CHAIRMAN was afraid that the Turkish representative was being over-optimistic. Members of the sub-committee would doubtless want to study the question before expressing an opinion; moreover, the rules of procedure stipulated that no proposal could be discussed or put to the vote unless the text had been transmitted to all delegations at least twenty-four hours in advance, and consequently the consideration of any proposals which the sub-committee might formulate would be that much delayed.

98. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that he was not in a position to express an immediate opinion on the establishment of the proposed sub-committee or its eventual terms of reference. Before taking a decision on the subject, he thought it was indispensable to make a thorough study of the text of such a proposal. So far, however, the proposals had been formulated verbally and somewhat vaguely, and there had been no written text in which the functions and powers of the proposed sub-committee were clearly defined. He thought that it was impossible to decide on the establishment of a sub-committee without knowing in advance, and very definitely, what its functions and terms of reference would be.

99. The question of the Interim Committee was of basic importance, and for the USSR delegation it was a matter of principle. The USSR delegation had made its position on the subject quite clear on many occasions. The United States delegation and other delegations had done the same. All the necessary discussion had therefore taken place. Hence, if the proposal to set up a sub-committee contributed no new factor, the sub-committee would be useless since it would only mean a repetition of the debates that had already taken place and the points of view already well known to everyone.

100. Mr. Tsarapkin again urged that a precise, written text should be placed at the disposal of the Committee members. Moreover, once a definite text had been drafted, some representatives on the Committee, especially the USSR representative, might wish to consult their Governments or the heads of their respective delegations on the subject.

101. The CHAIRMAN admitted that the USSR representative's attitude was well founded. He had hoped that there would be some response to the appeal made at the previous meeting by the Bolivian representative, and that a definite proposal would be submitted as a written text to serve as a basis for discussion. His expectations had not been fulfilled and no written text had been submitted, but, fully conscious of the importance of the problem under discussion and noting with gratification the spirit of conciliation shown by certain delegations, he had not thought himself entitled to give up the hope of a compromise; for that reason he had agreed to open the discussion on the various suggestions which had been made orally.

102. Mr. ANZE MATIENZO (Bolivia) regretted that he had disappointed the expectations of the Committee members. The Bolivian delegation had put forward a suggestion in a conciliatory spirit. To formulate it more precisely, his delegation would have liked to feel that it was supported by the Committee members unanimously. Having heard the statement of the USSR representative, Mr. Anze Matienzo thought that the question was settled in substance and proposed that a vote should be taken on the draft resolution contained in the report of the Interim Committee.

103. Mr. MUÑOZ (Argentina) asked that the Venezuelan representative's proposal be submitted in writing and put to the vote immediately, in order to avoid further loss of time.

104. Mr. GONZÁLEZ ALLENDES (Chile) thought that the debate had at least achieved one result: the opinion of the USSR delegation on the efforts of certain delegations to reach a compromise had been obtained. For his part, he had never entertained much hope that the USSR attitude would change, and he could only observe that the effort at conciliation had proved to be in vain.

105. Mr. WINIEWICZ (Poland) wished to give a few explanations to prevent his delegation from being accused, like all those which considered the Interim Committee to be illegal, of systematically opposing every effort at conciliation. The Polish delegation had always maintained that the Interim Committee was illegal. Other delegations had just as strongly maintained the contrary. The Committee was therefore divided on an essential point, namely the legality of the Interim Committee. It seemed very difficult to reconcile two points of view that were so diametrically opposed.

106. There had been talk of a compromise solution and of a conciliatory spirit. The Polish delegation noted that no conciliatory proposal had so far been formulated, and that those who supported the establishment of a sub-committee had made no concessions in respect of the provisions of the Interim Committee's draft resolution. No one had suggested deleting or modifying certain clauses, such, for example, as those which assigned to the Interim Committee powers that belonged in fact only to the Security Council and which were consequently in violation of the Charter.

107. Mr. Winiewicz could not but share the USSR representative's feeling when the latter asked what new factor the proposal to set up a sub-committee introduced. The Polish delegation had adopted a very clear attitude towards the matter, and that attitude had not changed. It could undertake discussion only when presented with new proposals embodying genuine concessions.

108. Mr. STOLK (Venezuela) read out his draft resolution.

109. At the request of Mr. DJERDJA (Yugoslavia), who thought it preferable to leave it to the sub-committee to define the duration of the organ in question, Mr. STOLK (Venezuela) agreed to delete the word "permanent".

110. Mr. AZKOUL (Lebanon) thought that the word "permanent" was necessary and that, as it stood, the text of the Venezuelan proposal (A/AC.31/L.5) was too vague. In his opinion, it should be made clear what the nature of the subsidiary organ was, and for that purpose the word "plenary" should be inserted before the word "committee", and, secondly, the function of that body, namely, "to lighten the burden of work of the General Assembly" should be stated. The latter clarification was necessary for the new body to be able to meet between sessions of the General Assembly.

111. Mr. STOLK (Venezuela) thought that the function of the subsidiary body was sufficiently clearly defined, since the sub-committee was requested to carry out its work "in the light of the discussions of the *Ad Hoc* Political Committee" and that its essential purpose was "to secure the participation of all Members of the United Nations in the said subsidiary organ". In regard to the nature of the subsidiary body, Mr. Stolk agreed that the word "plenary" should be inserted in his text before the word "committee".

112. Considering that time should be given to all delegations to study his proposal and confer with the heads of their delegations or their respective Governments on the matter, he requested the representative of Argentina not to press for an immediate vote on the Venezuelan proposal.

113. Mr. MUÑOZ (Argentina) agreed to withdraw his proposal.

114. Mr. LONDOÑO Y LONDOÑO (Colombia) wished to stress that he understood perfectly that it was difficult for the USSR representative to express an opinion immediately on the Venezuelan representative's proposal. The USSR delegation should not consider the proposal as an attempt by the majority to impose its view but rather as a friendly invitation springing from a sincere desire for conciliation. The terms in which the proposal was couched were liberal enough to allow the USSR delegation, even if not in a position to give an immediate decision and therefore obliged to abstain from voting, to take part in unofficial talks which would enable the two opposite points of view that had come to light in the Committee to be reconciled and, eventually, to participate in the work of the subsidiary body which would be set up.

115. Colonel GHALEB Bey (Egypt) observed that the Committee had before it a definite proposal on which the various delegations had been able to express their points of view. At that stage in the discussion, he thought it would be advisable to adjourn the meeting, in order to allow representatives to consult the heads of their delegations or their Governments. He therefore moved the adjournment of the meeting.

The meeting rose at 6 p.m.

TWENTIETH MEETING

Held at Lake Success, New York, on Wednesday, 19 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Report of the Interim Committee of the General Assembly (A/966) (*concluded*)

1. The CHAIRMAN asked the Committee to continue its examination of the draft resolution submitted by the Venezuelan delegation proposing the formation of a conciliatory sub-committee (A/AC.31/L.5).

2. Mr. TSARAPKIN (Union of Soviet Socialist Republics) wished to explain his delegation's position with regard to the draft resolution proposing the formation of a sub-committee for the purpose of studying, in the light of the discussions of the *Ad Hoc* Political Committee, the character and attributions which might be conferred on a subsidiary committee of the General Assembly in order to secure the participation of all Members of the United Nations.

3. In the opinion of the USSR delegation, the establishment of such a subsidiary committee of the General Assembly would be entirely futile, as the United Nations already had at its disposal all the functional organs provided for by the Charter, and they were sufficient to cover all the various fields in which its activities were exercised. The USSR delegation did not therefore intend to participate in the work of the sub-committee referred to in the Venezulean draft resolution.

4. The CHAIRMAN asked the Venezulean representative if he intended to press his proposal in view of the statement of the USSR representative.

5. Mr. STOLK (Venezuela) emphasized that he had submitted his draft resolution in a spirit of compromise. His aim had been to find a solution which would enable States which had previously remained outside the Interim Committee, which they had regarded as illegal, to participate in the work of a subsidiary committee of the General Assembly, a committee, the existence of which was, in the opinion of the majority, indispensable for the effective functioning of the United Nations.

6. He had, it was true, been extremely disappointed to learn that the USSR delegation would be unable to participate in the sub-committee he had in mind, and he believed that such a decision conflicted with the principle of international co-operation laid down in the Charter. Despite the attitude of the USSR, the draft resolution, in his opinion, retained its full value, for the USSR was not the only country which had refused to participate in the Interim Committee. The other countries which had adopted a similar stand had not expressed their attitude towards their possible participation in the subsidiary organ of the General Assembly, with the exception of the Yugoslav delegation, which had stated that its Government would consider such participation favourably on condition that the new organ was in keeping with the Charter. He therefore wished his draft resolution to be put to the vote and the name of one of the other States which had remained outside the Interim Committee to be substituted for that of the USSR in the membership list of the sub-committee.

7. Mr. Stolk also wished the Chairman to add to the list the name of one of the following three countries: Pakistan, India, Israel.

8. The CHAIRMAN observed that the committee would first have to take action on the principle of setting up the sub-committee. Its membership would be settled subsequently.

9. Mr. AZKOUL (Lebanon) reminded the Committee that the purpose of those who had suggested the creation of a sub-committee had been to reach a compromise solution acceptable to the countries which had previously refused to participate in the Interim Committee. The USSR representative had just stated that he would not participate in the work of the sub-committee. It therefore seemed more advisable that the membership of that sub-committee should first be known, as that would make it possible to see what chance there might be of its success before deciding on the principle of setting it up. It would obviously be useless to set up a sub-committee, the work of which could not possibly produce any results.

10. Mr. ALEXIS (Haiti) emphasized that the purpose of the delegations which had originated the idea of such a sub-committee had indeed been to reconcile the divergent views of the majority and the minority. The statement of the USSR representative, however, made it impossible to nourish such hopes. In those circumstances, it seemed useless to vote on the principle of setting up such a sub-committee; it would be more advisable to vote immediately on the draft resolution submitted by the Interim Committee.

11. Mr. STOLK (Venezuela) did not share the view of the representative of Haiti. He was hoping that, following the example of Yugoslavia, the delegations of the Ukrainian SSR, the Byelorussian SSR, Czechoslovakia and Poland might be able to agree to participate in a subsidiary committee of the General Assembly if that committee were different from the Interim Committee. He would therefore press for a vote on his draft resolution.

12. Mr. KISELEV (Byelorussian Soviet Socialist Republic) thought that the Venezuelan draft resolution, which he had studied with the greatest of care, had the disadvantage of being extremely vague. Before expressing an opinion for or against the establishment of a sub-committee, it was indispensable to know exactly what duties it was intended to assign to it. If the sub-committee was supposed to limit its efforts to a mere remodelling of the Interim Committee, the delegation of the Byelorussian SSR would quite naturally vote against the Venezuelan draft resolution, for the Interim Committee would still retain its essentially illegal character even if modified. On the other hand, the situation might be different if the sub-committee was called upon to study proposals, for example, to substitute for the Interim Committee a committee to prepare and study the agendas of General Assembly sessions.

13. It had nevertheless to be recognized that hitherto no definite proposal had come to light, either in the course of the discussion or in the statements of the representative of Venezuela. In those circumstances it was not possible to foresee what the sub-committee was going to do. Unless the representative of Venezuela could add more definite proposals to his draft resolution, the delegation of the Byelorussian SSR would find it impossible to vote for the establishment of the sub-committee.

14. Mr. STOLK (Venezuela) observed that the sub-committee would certainly not be a reproduction of the Interim Committee in another form; it would have to seek a compromise formula which reconciled the views of the minority and those of the majority, and allowed of the formation of a subsidiary organ of the General Assembly to assist the latter in its work, particularly in preparing for its sessions. The sub-committee would therefore be quite different from the usual kind of sub-committee which was set up for the sole purpose of formulating a compromise draft resolution out of divergent proposals. Due allowance being made, it would be more in the nature of a conciliation body.

15. Mr. URRUTIA (Colombia) was of the opinion that the very absence of definite proposals, of which the representative of the Byelorussian SSR had just complained, was, on the contrary, evidence of the fact that the majority was prepared in all good faith to reconsider the question in the sub-committee without any preconceived notions.

16. Mr. GOROSTIZA (Mexico) recalled that the delegation of Mexico had favoured first the establishment and then the re-establishment of the Interim Committee; the position of his delegation remained unchanged. However, since the delegations sharing the Mexican view regarding both the legality and usefulness of the Interim Committee seemed to be prepared to study the possibility of replacing that body by a subsidiary committee which might rally the support of all the Members of the United Nations, Mexico was willing to co-operate with a view to arriving at a compromise solution.

17. The Mexican delegation feared, nevertheless, that the Committee had adopted a somewhat unsatisfactory procedure which was responsible for the difficulties it was encountering. If the majority was prepared to amend the terms of reference of the Interim Committee or to replace it by a new subsidiary organ of the General As-

sembly, it was either because it felt that the terms of reference were not entirely satisfactory or because it did not set great store by the Interim Committee and was willing to sacrifice it in its existing form in the interest of unanimity.

18. It would therefore be illogical to make any change in the terms of reference of the Interim Committee, or its replacement by any other organ, dependent on the preliminary condition that all Members of the United Nations should take part in the work of the Committee, instead of acting in conformity with the merits of the case. As the majority apparently believed that the Interim Committee's terms of reference were inadequate, although Mexico did not share that opinion, it would be advisable first to vote on the Interim Committtee's draft resolution. If it were rejected, the possibility of amending the Interim Committee's terms of reference could be considered immediately. If it were adopted, the matter of the Interim Committee's terms of reference could be considered later in the Interim Committee itself.

19. Mr. KISELEV (Byelorussian Soviet Socialist Republic) stated that after listening to the explanations of the representative of Venezuela, his delegation had come to the conclusion that the proposed sub-committee could not serve any useful purpose. Article 7 of the Charter provided for a sufficient number of constitutional bodies to allow for the study of the various aspects of the work of the United Nations. A new body would therefore be useless and the delegation of the Byelorussian SSR would vote against its establishment.

20. Mr. WINIEWICZ (Poland) felt that he had to reply to the invitation of the representative of Venezuela. He very much appreciated the spirit in which it had been made. The Polish delegation could not alter its position regarding the Interim Committee. Mr. Winiewicz had stated at the previous meeting that he did not see any possible compromise between two such divergent points of view as those which had been expressed in the Committee on the constitutionality of the Interim Committee. At the current stage of the discussion he could only appeal to the members of the Committee to reject the draft resolution submitted by the Interim Committee.

21. Colonel GHALEB Bey (Egypt) declared that, after the statements just heard by the Committee, his delegation would abstain in the vote on the Venezuelan proposal. If that proposal were adopted, it would in no wise bind those Members of the United Nations who had refused to participate in the work of the Interim Committee. Moreover, he wanted some clarification on the future work of the Committee. It seemed to him that, if the Venezuelan proposal were adopted, the Committee would have to postpone the remainder of the discussion on the report of the Interim Committee until the sub-committee had reported its conclusions.

22. The CHAIRMAN stated that that interpretation was correct. He asked the representative of Lebanon not to press for a decision on the membership of the sub-committee before the vote. The Chairman intended to put to the vote: first, the principle of establishing a sub-committtee; secondly, the membership of the sub-committee; and, thirdly, the whole of the draft dealing with the establishment of the sub-committee and laying down its membership.

23. Mr. VOYNA (Ukrainian Soviet Socialist Republic), in reply to the delegations which had asked him to define his position, stated that, in his opinion, the United Nations had at its disposal a sufficient number of organs to ensure an atmosphere of international co-operation, which remained the supreme aim of the Organization. Such an atmosphere could be created by carrying out the principles laid down in the Charter and by a sincere wish for co-operation. The delegation of the Ukrainian SSR thought that there was no reason for setting up a new subsidiary organ to achieve those ends and would therefore refuse to take part in the work of the proposed sub-committee and in that of the subsidiary organ which, in Mr. Voyna's opinion, could only be a new version of the Interim Committee.

24. ABDUR RAHIM Khan (Pakistan) stressed the fact that the representative of Venezuela had been fully justified in asking for a vote on his proposal, at least at the time he had done so. At that time, indeed, the viewpoints of some of the countries which had refused to take part in the work of the Interim Committee had not yet been known, and it had been possible to hope that a compromise solution could be reached. There was no longer any prospect of such a result, and the delegation of Pakistan, which had not spared any efforts to reach a compromise solution, was the first to recognize that fact. It seemed useless to maintain the Venezuelan proposal, and Abdur Rahim Khan asked the representative of Venezuela to withdraw it.

25. Mr. STOLK (Venezuela) recalled the efforts his delegation had made towards conciliation. They did not appear to have met with much approval from the countries of the Slav bloc. The representative of Yugoslavia alone had indicated his wish to bring his viewpoint into harmony with that of the majority. Mr. Stolk therefore felt obliged to withdraw his proposal.

26. The delegation of Venezuela considered that the Interim Committee was a perfectly constitutional organ and that, if it had not been able to carry out all the tasks assigned to it, it was not to blame, since six Member States had constantly refused to collaborate with it. The Venezuelan delegation, realizing the futility of its attempts at conciliation, would therefore vote for the draft resolution submitted by the Interim Committee, which proposed to re-establish that Committee for an indefinite period.

27. The CHAIRMAN said that, in view of the withdrawal of the Venezuelan proposal, the *Ad Hoc* Political Committee had before it only the draft resolution of the Interim Committee (A/966, annex III) and the amendment submitted by the delegation of Panama (A/AC. 31/L.6).

28. Mr. LOURIE (Israel) stated that his delegation would abstain from voting on the Interim Committee's draft resolution because the criticism of that Committee's work submitted by his delegation had not been refuted, and also because the efforts to reach a compromise solution had not been pursued sufficiently far to permit of the application of the principle of universality, without which the United Nations could make no progress.

29. Mrs. KLOMPÉ (Netherlands) appreciated the motives which had led the delegation of Panama

to submit its draft resolution. She was of the opinion, however, that the procedure envisaged in that draft resolution was unsatisfactory. There would be an increase in the work of the Interim Committee and overlapping with the activities of other organs of the United Nations whose powers were very precisely defined.

30. The Netherlands delegation thought that the Interim Committee had not had sufficient time to show its full usefulness. For that reason, a decision should be taken to renew that organ and to maintain its terms of reference unchanged, while reserving for the future the possibility of extending them.

31. For those reasons, the delegation of the Netherlands would oppose the amendment submitted by the delegation of Panama and would vote for the Interim Committee's draft resolution.

32. Mr. ORDONNEAU (France) shared the opinion expressed by the representative of the Netherlands. He recalled, moreover, that he had had the opportunity of presenting the same arguments in the Interim Committee itself.

33. Accordingly, he would also oppose the amendment of the delegation of Panama and would vote for the draft resolution of the Interim Committee. However, he reserved the position of his delegation with regard to the draft resolution in the event of the adoption of the Panamanian amendment.

34. Sir Terence SHONE (United Kingdom) stated that his delegation could not support the amendment submitted by the delegation of Panama, because the adoption of that text would result in an undue increase in the work of the Interim Committee.

35. He thought that the Interim Committee's present terms of reference enabled it to perform highly useful work and he hoped, moreover, that the General Assembly would entrust its subsidiary organs with duties in that field in accordance with paragraph 2, sub-paragraphs (*a*) and (*b*), of the operative part of the Interim Committee's draft resolution.

36. The United Kingdom delegation opposed any extension of the Interim Committee's powers, and in particular it could not agree that that organ should be allowed to take the initiatives which would be open to it under the terms of the Panama proposal.

37. Mr. NISOT (Belgium) stated that his delegation was opposed to the Panamanian amendment for the reasons which had just been given by the delegations of the Netherlands, France and the United Kingdom.

38. Mr. DJERDJA (Yugoslavia) recalled that his delegation had opposed the creation and denied the legality of the Interim Committee. However, one of the principal reasons which had led Yugoslavia to question the necessity of creating a body which might meet in the intervals between the sessions of the General Assembly had been its conviction that the USSR, as a permanent member of the Security Council, could always, during such intervals, defend the interests of the small nations which were not members of the Council.

39. However, the Yugoslav delegation was no longer able to express the same confidence in the policy of the USSR. Yugoslavia's experience, especially during the year just ended, no longer permitted it to place the same reliance on the policy followed by the USSR in the Security Council towards small nations in general, and Yugoslavia in particular.

40. For those reasons, the Yugoslav delegation had tried to assist in finding a formula which would ensure, during the interval between the sessions of the General Assembly, full and complete co-operation among all Members of the United Nations in the supreme interest of strengthening international peace and security. His delegation was convinced that there was no reason to consider as undesirable or superfluous a subsidiary organ whose powers were fully consistent with the provisions of the Charter.

41. Unfortunately, the efforts made in that direction by many delegations, including the Yugoslav delegation, had not led to the positive result of ensuring the participation of all nations in a common undertaking of international co-operation in the political field.

42. The Yugoslav delegation could only draw the logical conclusions from that state of affairs; it would therefore abstain from voting on any draft resolution concerning the Interim Committee, while reserving its attitude regarding its participation in the activities of that organ.

43. Mr. DE DIEGO (Panama) said that the aim of his amendment had been to allay the misgivings of some delegations which had complained of the limited activities of the Interim Committee.

44. He did not agree with the delegations which held that it would be dangerous to extend the Interim Committee's terms of reference and believed that the adoption of his amendment would have enabled the Interim Committee to accomplish the work which many delegations wished it to perform.

45. In order to facilitate the work of the *Ad Hoc* Political Committee, however, he withdrew his amendment while reserving the right to submit a similar proposal to the Interim Committee itself.

46. The CHAIRMAN put to the vote the draft resolution of the Interim Committee (A/966, annex III).

47. Mr. MUÑOZ (Argentina) requested a roll-call vote.

A vote was taken by roll-call.

Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Cuba, Denmark, Ecuador, Egypt, El Salvador, France, Haiti, Honduras, Iceland, Iran, Iraq, Lebanon, Luxembourg.

Against: Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Abstaining: Yugoslavia, Afghanistan, Burma, Colombia, India, Israel.

The draft resolution was adopted by 41 votes to 6, with 6 abstentions.

The meeting rose at 4.20 p.m.

TWENTY-FIRST MEETING

Held at Lake Success, New York, on Tuesday, 25 October 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

United Nations Field Service: report of the Special Committee (A/959)[1]

1. The SECRETARY-GENERAL said that he had not intended to speak, but since he was afraid that his silence might be misinterpreted and that it might, in particular, be construed as showing a lack of interest in the problem before the *Ad Hoc* Political Committee, he wished to make a brief statement.

2. He recalled that, at the previous session of the General Assembly, he had proposed the establishment of a United Nations guard and had suggested to the *Ad Hoc* Political Committee[2] that it should recommend to the Assembly the establishment of a special committee to study all aspects of the problem. The *Ad Hoc* Political Committee had before it the report of that Special Committee.

3. The Secretary-General stressed that, before the Special Committee assembled, he had given the most careful study to all the comments and arguments which had been made both in the *Ad Hoc* Political Committee and privately to him by representatives, with regard to his original proposal. As a result of that study, the Secretary-General had introduced in the Special Committee a revised proposal for the creation of a United Nations field service and a panel of field observers.

4. In formulating that revised proposal he had had in mind three paramount considerations: first, that experience had demonstrated conclusively the necessity for more system and strength in servicing field missions; secondly, that every effort should be made to ensure that that was brought about in the most efficient and economical manner; finally, that the need to remove any elements of political controversy, a need that was all the more cogent since he was determined that no proposal of his should serve as a further cause of division among the Members of the United Nations.

5. In his revised proposal the proposed field service of three hundred would only be performing the duties already performed less systematically by the Secretariat. It was to be in no sense an armed guard and would not regularly be supplied with arms of any kind. The panel of field observers would be merely a list of qualified officials who could be called into service for purposes of observing truces and supervising plebiscites, only when a decision to that effect had been taken by a competent organ of the United Nations.

6. He was happy that the Special Committee had approved that proposal. The modifications suggested by that Committee seemed to him sound and he was glad to accept them. He regretted that certain members of the Special Committee continued their opposition on legal and political grounds and he wished once more to emphasize the fact that the proposal in no way involved Article 43 of the Charter and that the proposed new services were not designed to act in any way as a military force or for the enforcement of Security Council decisions. The only consideration he had had in mind was the improvement of the efficiency of United Nations field operations. The study he had made of the operation of United Nations missions in the field had convinced him of the soundness of his proposal.

7. The units the Secretary-General proposed should be established were necessary and the plans had been drawn up on the most economical basis. While the creation of the field service would involve an eventual addition of 1,400,000 dollars to the regular United Nations budget, the compensating savings in the mission budgets would recover the major portion of that expense and would, in the future, save considerable sums of money.

8. Mr. HOUDEK (Czechoslovakia) said that, as a member of the Special Committee established by General Assembly resolution 270 (III), the Czechoslovak delegation had had every opportunity to express its views on the different aspects of the problem. The Special Committee's report showed that the Czechoslovak delegation had belonged to the minority of the Committee, whose views were summarized in part three of the report. Since, however, the Special Committee had been composed of only a small number of Member States, Mr. Houdek wished to put before the *Ad Hoc* Political Committee the basic facts that had determined his delegation's position.

9. Acting under the immediate impression of the assassination of the United Nations Mediator on Palestine, the Secretary-General had the previous year expressed the opinion that a United Nations Guard, several thousand strong, should be established. According to the preliminary estimates, the expenses relating to the establishment of such a guard were to amount to four million dollars. The primary purpose of the guard's establishment was to offer the necessary minimum protection to United Nations personnel; its equipment was to be limited to defense weapons, and was to be so limited as not to be of any possible use as an aggressive force. The Secretary-General's report[3] stated that the Secretary-General considered himself authorized to request the establishment of such a body under Articles 97, 98, 100 and 101 of the Charter. At the same time, it had been stated that guards of a similar nature were on duty on a small scale at the headquarters of the United Nations.

10. Mr. Houdek said that the original proposal already contained certain contradictions. According to one paragraph, the proposed guard was to be equipped only with revolvers and light weapons; according to another, the equipment was to consist of, *inter alia*, four armoured staff cars and 36 jeeps. Although the guard was to be established in order to protect personnel and property of the United Nations, it was also to be assigned duties going far beyond its original scope, such as the supervision of truce agreements or plebiscites

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 13.

[2] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc* Political Committee, 30th meeting.

[3] See document A/656.

and, in the case of elections, the supervision of polling places. The original proposal had stated:

"It is clear, however, that the Guard may be called upon to perform certain protective and control functions which involve more than the guarding of United Nations offices, archives and personnel."[1]

11. It was consequently obvious from the very beginning that there was a danger that the primary duty of the Guard might be superseded by functions assigned to it in violation of the Charter. In particular, the supervision which the Guard might be called upon to perform in the case of truce agreements and plebiscites showed that the Guard might be regarded as the nucleus of an armed force of a character that only the Security Council, on the basis of Articles 42 and 43 of the Charter, was competent to assign to it. Despite the reference to Articles 97, 98, 100 and 101 of the Charter, which some delegations had quoted as evidence for the Secretary-General's authority to establish such a body, the Czechoslovak delegation had continued to fear that the establishment of such a body had been proposed in order to circumvent the exclusive competence of the Security Council.

12. It was true that the original proposal had been slightly modified. But it was equally true that the changes made to the original text, as contained in the report of the Special Committee, had been essentially formal and that the substance of the proposal had not really been revised at all. In considering the different aspects of the revised proposal, the Czechoslovak delegation was faced with the same problem. The United Nations Guard as originally proposed had been divided into two bodies: the field service and the field reserve panel; the form of the body had thus been changed, but the substance of the matter remained the same.

13. Dealing with the legal aspect of the problem, he felt obliged to repeat that there was not in his opinion any provision in the Charter empowering the Secretary-General to establish a military, paramilitary or police organization of any kind whatsoever. Chapter VII of the Charter reserved that right for the Security Council. The problem had moreover other legal aspects which should be carefully examined. Thus, the question might arise of defining the legal position of the armed organ of the United Nations in its relation to the local authorities and to the Government on the territory of which the field service was operating. The Czechoslovak delegation was of the opinion that, even if the problem of the differences in language and loyalty could be resolved, the presence of United Nations armed forces would neither assist the work of the United Nations nor add to its prestige. On the contrary, in the form which it was at the moment proposed to give it, the armed force might give rise to political or even military complications, for its presence might be interpreted as interference in the domestic affairs of the States concerned. So long, therefore, as the Security Council had not taken a decision and adopted appropriate measures to solve the problem of armed forces in conformity with Chapter VII of the Charter, there could be only one practical solution: the utilization of the security forces of the States concerned to ensure the protection of the staff and property of United Nations missions.

14. Quoting from annex I of the Special Committee's report, which dealt with the services of the United Nations field service, he emphasized that those services were already rendered by members of the Secretariat, and that, briefly, the only justification given for the establishment of a new body responsible for fulfilling the same functions had been the claim that those functions would be performed more systematically. He was of the opinion that it was really superfluous to pay more than a million dollars to make services already rendered by the Secretariat more systematic.

15. Still more cogent objections had been raised against the establishment of a panel of field observers. It was proposed to draw up, in accordance with the principle of geographical distribution, a list of persons recommended by Governments. It was nowhere stated, however, that the persons whose names appeared on that list would be obliged to act as observers when an appeal for their services was made. Moreover, such a list would very rapidly become obsolete. To keep it up to date, it would be necessary to have a highly qualified staff and that would involve fresh expenditure. The more observers there were—and the proposal provided for 2,000—the more numerous would be the staff responsible for keeping the list up to date.

16. In addition to the legal objections to which the proposal might give rise, there were also considerable technical difficulties. Thus, very properly, the members of the panel of field observers would have to carry out their duties only when they were called upon to do so by a specific decision of a competent organ of the United Nations. It was therefore perfectly possible that the preliminary work of drawing up a list of persons qualified to serve as observers would turn out to be useless. The activity of the United Nations was constantly increasing in scope and variety, and it was therefore impossible to foresee what specific functions the observers would be called upon to fulfil and in what respects they ought to be qualified. For all those reasons it seemed natural that many members of the Special Committee had reserved their opinion with regard to the panel of field observers.

17. Turning to the financial aspect of the problem, Mr. Houdek recalled that his delegation had always supported any reasonable saving and had always protested against any expenditure which was not absolutely necessary or well founded. He was therefore also opposed to the Special Committee's proposal. The wish to economize should not be based on personal likes or dislikes but on whether any existing or contemplated United Nations body would or would not be in a position to do its work successfully.

18. Mr. Houdek hoped that that friendly criticism of the proposal before the Committee would be accepted by the Secretariat in the same spirit. Criticism was, however, only part of the work to be done and a negative part. He therefore wished to explain the constructive measures which he was proposing.

19. In the course of the Special Committee's discussions, the Czechoslovak delegation had requested[2] that the Secretariat should very carefully

[1] See document A/656, annex A, section 2.

[2] See document A/AC.29/SR.6.

study in all its aspects the matter of the assistance given to United Nations missions by the Governments on the territory of which the missions were operating. It had stressed, in that connexion, that Article 2, paragraph 5, of the Charter very clearly laid down that basic duty of Member States. Nevertheless, if, in exceptional cases Governments were not in a position to provide all the necessary assistance, it was then for the Security Council to decide on the assistance to be provided to protect United Nations missions in their activities. The Czechoslovakian delegation believed that the responsibility for automatically supplying assistance to United Nations missions was not limited to Member States. It naturally followed from the consent given by any particular Government to let a United Nations mission enter its territory or from the fact that a Government accepted the resolution providing for such a mission. If necessary, *ad hoc* agreements could easily solve any difficulties which might arise. The Czechoslovakian delegation considered that too little importance had hitherto been attached to the help that Member States could give to various missions, although such missions had never yet encountered any difficulty owing to the co-operative attitude of local authorities.

20. One essential argument had been put forward in support of setting up a field service, namely, the protection of the United Nations field missions. Mr. Houdek emphasized that it clearly appeared from the working paper prepared by the Rapporteur of the Special Committee[1] that, of the 202 persons who constituted the staff of the various United Nations missions in operation on 30 June 1949, only 46 had been concerned with security and only four of those forty-six had been employed by the United Nations. The remaining forty-two, or approximately 93 per cent, had been seconded by their Governments. That was a further reason for closely studying the matter of the help which Governments could give to United Nations missions.

21. In view of such fundamental objections, the Czechoslovakian delegation could obviously attach only secondary importance to the other difficulties inherent in the problem, such as the difficulties of language and of standards of efficiency. There was, however, another argument which Mr. Houdek wished to bring forward. The assassination of the United Nations Mediator on Palestine had been used as an argument in support of the original proposal for the establishment of a body to protect the United Nations. Time and again it had been said that such tragic accidents could have been avoided if the United Nations had had such protective bodies. In common with all the delegations represented at the General Assembly, the Czechoslovakian delegation had been deeply moved by the tragic death of Count Bernadotte and his friends. It was nevertheless convinced that the tragedy had nothing to do with the question before the Committee. No police force, however strong or numerous, could do anything to prevent a premeditated political assassination. When a state of war prevailed, as it had at that time prevailed in Palestine, many tragedies were likely to occur which no power in the world and, therefore, no United Nations Guard, could prevent.

[1] See document A/AC.29/W.1, annex B.

22. For those reasons, the Czechoslovakian delegations considered that the only means of protecting the staff of United Nations missions comparatively effectively was to appeal, as far as possible, to the help of the States on the territory of which the missions were operating. Mr. Houdek was convinced that, in most cases, that help would be forthcoming. If not, the Security Council would consider the question and decide on appropriate measures. The delegation of Czechoslovakia therefore regretted that it could not support the Secretary-General's proposal.

23. ABDUR RAHIM Khan (Pakistan) stated that his delegation had tried to approach the problem as realistically as possible. Accordingly, it had considered that it was essential to define in exact terms the problem which the Secretary-General was called upon to solve.

24. To aid it in its work, the United Nations had various commissions and committees operating in various parts of the world. Thus there was a commission in Indonesia, another in Kashmir and yet another in Korea. Those missions and commissions, composed of representatives of various countries who gave of their intelligence, their experience and their knowledge for the solution of different problems, turned to the Secretary-General to provide the material means necessary for the accomplishment of the tasks entrusted to them by the United Nations. It was obviously the duty of the Secretary-General to make technical and protective services available to such organs, as well as full facilities for observation. No United Nations commission could be expected to carry out the task assigned to it unless it was supplied with Secretariat personnel and the technical and protective services which it required and which, moreover, were provided for by the Organization. The delegation of Pakistan expressed the view that there could be no doubt whatever in that regard.

25. The problem was therefore to determine ways and means of fulfilling those conditions of work. That was the aim of the report of the Special Committee, which expressed the views of the majority of the members of that Committee and, in part three, recorded the opinion of the minority. That report dealt with the establishment of two separate organs: the field service and the panel of field observers, each of which Abdur Rahim Khan dealt with separately.

26. The field service, consisting of 300 officials, would be a permanent organ with the function of providing guard, transport and communication services. Until then those duties were assigned to certain branches of the Secretariat. The delegation of Pakistan had always held the view that such duties were purely administrative and that there could be no political implications in the fact that they were assigned to a new organ. The use of commissions and committees to facilitate the work of the United Nations had made it necessary to establish corresponding services for security, radio and transport on a proper footing. The United Nations was a young institution and it was essential to define the methods of work which would be used and to organize its various services as well as possible in the light of experience. Experience clearly showed that the system of commissions and committees had secured a permanent place in the United Nations. It was therefore natural that the Secretary-General should

seek, on a permanent basis, to provide those commissions and committees with the material means of carrying out the obligations assigned to them.

27. Nevertheless, the delegation of Pakistan considered that in so doing the Secretary-General should try to incur no expenditure that was not strictly necessary, and in particular to utilize to the utmost the resources which Member States might make available to commissions operating in their territory. That procedure would have the dual advantage of reducing expenditure and at the same time helping to overcome technical difficulties that might arise in connexion with the employment of United Nations security personnel in the territory of Member States. Actually, certain Member States might refuse to allow armed persons, even though in the employ of the United Nations, to act as sentries and guards in their territory. Member States would probably be willing to place their own protection and guard services at the disposal of the Secretary-General. The delegation of Pakistan hoped that, when a commission of the United Nations was called upon to operate in the territory of a country, the Secretary-General would do his utmost to obtain guards and protective services from the Government of that country. Apart from the fact that that procedure would avoid clashes between the competent officials of the United Nations and the countries concerned, the responsibility of Governments for the safety of United Nations personnel would be emphasized. The majority of the members of the Special Committee had concurred in that point of view, which was moreover stated in the appropriate passages of the report.

28. Subject to the reservations which Abdur Rahim Kahn had just expressed, the delegation of Pakistan saw no reason for rejecting the proposal of the Secretary-General (A/959, annex I). The criticisms passed on that proposal by certain delegations which maintained that it contravened the provisions of the Charter by authorizing the Secretary-General to create an armed force indicated unfounded suspicion of the Secretary-General's intentions. In the first place, a group of 300 persons, the majority of whom would be motor drivers, mechanics and radio-communication personnel scattered throughout the world, did not constitute an armed force under the terms of the Charter. Moreover, the mere fact of placing a system which was currently in practice on a permanent basis in no way constituted authorization to the Secretary-General to set up an armed force within the meaning of the Charter. It was true that some of the guards would be armed and accommodated in buildings resembling barracks. Moreover, the very nature of their functions would make it necessary for them to receive special training. That was, however, no reason for describing those security groups as an armed force.

29. For the above reasons, the delegation of Pakistan had supported the proposal for the creation of a field service in the Special Committee and would continue to support it in the *Ad Hoc* Political Committee.

30. He then considered the creation of a panel of field observers and stressed the fact that one of the essential features of the work of United Nations commissions was observation: observation of borders between two neighbouring countries or of polling booths during a plebiscite. The functions of observation were not of a permanent nature but, when the need arose, the commissions should have at their disposal personnel of very high calibre. The Special Committee proposed that the Secretary-General should establish a list of persons qualified to aid United Nations missions in their functions of observation and supervision. Those persons would be called to service through a specific resolution adopted by a competent organ of the United Nations.

31. In that connexion, the representative of Pakistan wished to stress one point to which his delegation attached great importance: the real value of United Nations observers lay in the fact that they were generally considered to be impartial and responsible only to the United Nations. If that feeling of confidence in the work of United Nations observers could not be maintained, the whole proposal for the creation of a panel of field observers became pointless. United Nations observers must be above reproach. That would have been necessary even in the best of international atmospheres. Under existing world conditions, it was all the more essential to take every possible precaution to avoid any justifiable suspicions regarding the character or the work of those observers.

32. To achieve that end, two conditions had to be fulfilled. In the first place, only the names of highly qualified persons should be included in the list drawn up by the Secretary-General. So far as possible, the latter should see that Member States accepted responsibility for the integrity and sense of duty of those of their nationals whose names appeared on that list. In the second place, persons acting as observers owed absolute obedience and loyalty to the United Nations. Accordingly, like all members of the Secretariat and all employees of the United Nations, observers should take the oath of allegiance to the Organization.

33. During the discussion in the Special Committee, some representatives had made the point that it would be better, in view of the fact that constitutional difficulties might arise in the case of certain countries, for the Secretary-General to negotiate individual cases with the Governments concerned. The delegation of Pakistan did not share that view. The necessity for every person serving the United Nations to take an oath of allegiance was so well recognized that even persons employed by various Governments took that oath when they entered the service of the Organization. The representative of Pakistan quoted the text of the oath and emphasized that there was nothing in it to which any objection could be raised. He therefore hoped that the discussion in the *Ad Hoc* Political Committee and in the General Assembly on the question would clearly show that all persons acting as observers of the United Nations should be required to take the oath.

34. In conclusion, the representative of Pakistan recalled that the two resolutions which the Special Committee had recommended for approval by the General Assembly had obtained a very clear majority vote in that Committee. They were both based on sound reasoning and designed to fulfil the genuine requirements of the United Nations. The Pakistan delegation had accordingly supported them in the Special Committee and would support them in the *Ad Hoc* Political Committee.

35. Mr. SHANN (Australia) said that his delegation had never been convinced that it was necessary for the Secertary-General to submit the question to a special study. Actually, the establishment of the services contemplated was a practical example of the administrative functions normally exercised by the Secretary-General.

36. Moreover, the Australian delegation considered that the legality of the field service and the panel of observers could not be questioned. Much had been said in the Special Committee about the incompatibility between the functions of those services and those of the Security Council. However, Mr. Shann drew the attention of the Committee to the fact that the Special Committee had been concerned only with the establishment of the services and not with the uses to which they might be put. His delegation considered that the latter aspect was well covered by the fact that the services would be used only on the authority of the relevant competent organ of the United Nations. Only at that stage might the question of legality arise, not in connexion with the field service and the panel of observers themselves, but in connexion with their use.

37. Furthermore, the argument that those bodies were likely to become military formations could not, from their very nature, convince his delegation.

38. With regard to the panel of observers, the Australian delegation thought it would be better for the Secretary-General to allocate the percentages which might be required of the various Member States, taking into account geographical distribution, and to select members of the panel from a list submitted by Governments at the time when the services of the panel were needed. The smaller countries would in fact have great difficulty in keeping an up-to-date list of persons readily available to the Secretary-General at all times. With that reservation, the Australian delegation would vote for the Special Committee's report, and therefore for the draft resolutions it contained.

39. Mr. COOPER (United States of America) said that his delegation favoured the adoption of the two draft resolutions submitted by the Special Committee.

40. He recalled that his Government had consistently supported the efforts of the Secretary-General to increase the efficiency of United Nations missions; the Secretary-General's proposal for the establishment of a field service and a panel of observers represented distinct progress towards that end. Adoption of the two draft resolutions submitted by the Special Committee, after a thorough study of the question, would mean that the General Assembly also gave its full support to the Secretary-General's efforts.

41. The revised proposal of the Secretary-General had none of the defects which had led to objections on the part of many delegations, including the United States delegation, to his original proposal. Furthermore, the modifications made by the Special Committee in the Secretary-General's proposal increased the usefulness of the services concerned.

42. It was generally recognized that the successful outcome of measures for the settlement of international disputes depended largely on the effective operation of United Nations field missions. Mr. Cooper was pleased to note that the United Nations had every reason to be proud of the results achieved, but he drew attention to the difficulties with which it had had to cope during the two preceding years in ensuring the efficient operation and the protection of those missions.

43. One of the Secretariat's principal difficulties had arisen from the lack of a systematic procedure for recruiting and training field personnel. As various representatives had observed in the Special Committee, those difficulties had become manifest and were aggravated in operations under difficult field conditions. In that connexion, Mr. Cooper recalled the tragic injuries suffered by certain members of the staff of United Nations missions. Those incidents had hindered the United Nations conciliation and mediation functions, and some of them might have been averted if the missions had enjoyed the protection of trained personnel. The activity of missions in the field had also frequently been hampered by difficulties and delay in recruiting qualified observers. The adoption of the Secretary-General's proposal would go far towards remedying those deficiencies.

44. Mr. Cooper thought that the Special Committee set up by the General Assembly had discharged its task well and that it was therefore unnecessary to discuss in great detail the organization, structure and functions of the services to be established. He would confine himself to examining three or four elements of the proposals before the *Ad Hoc* Political Committee.

45. In the first place, it was important to emphasize that the current proposal provided for the reorganization of certain services of the Secretariat so as to facilitate to a great extent the operations of the United Nations, without substantially increasing costs.

46. The Secretary-General had stated that, when properly organized, the field service would be able to perform its services for existing missions at less total cost to the United Nations than current expenditures for equivalent services. The plan called for the recruiting and training of personnel not to exceed 300 men. When assigned to commissions, that trained personnel would take over functions then being performed on an uncoordinated, temporary and costly basis by different groups of individuals. Mr. Cooper stressed that the number of men would not reach the total of 300 at the beginning; the entire personnel would be recruited only if the needs of existing or future United Nations missions required it.

47. As regards the panel of observers, it was primarily a list of persons available for duty. The expense of preparing and maintaining the list would probably not be large. Whatever additional expenditures might be called for by assignment of members of the panel would be attributable to individual mission budgets. It was expected that the total cost would be compensated by increased efficiency.

48. The administrative and budgetary elements of the proposal were within the competence of the Fifth Committee and would be continually subject to scrutiny by the General Assembly.

49. Mr. Cooper recalled that the Special Committee had discussed at some length the problem of selection of members for the two proposed

units. With respect to the field service, his delegation believed that the Special Committee's recommendation was a sound one. Recruitment of field service personnel by the Secretary-General in accordance with usual Secretariat practices would provide the flexibility and control necessary to make that unit active and efficient. The field service would be performing the type of service functions which regular United Nations employees were called upon to perform in the normal course of duty.

50. As to the panel, Mr. Cooper believed that the method suggested by the Special Committee for selecting names of observers was a fair and practicable one. The selection of observers should be made with special care to ensure a high level of qualification; furthermore, the list should not be limited to persons on active service with Governments. The new system would thus make it possible to overcome existing difficulties.

51. Besides the advantages he had already listed, Mr. Cooper thought that the establishment of the two proposed units would also have the effect of apportioning equitably between Member States the responsibilities arising from the activities of United Nations missions. He recalled that the United States had taken on the important work of supplying personnel to carry out the functions which it was proposed to assign to members of the field service and panel of observers. The United States would, of course, continue to carry its share of responsibilities in that field; but Mr. Cooper felt that it was desirable, both from the standpoint of the United Nations and from that of the various Members, to have those services supplied by the Secretariat.

52. Mr. Cooper thought the claim that the reorganization of services for field missions would be illegal and contrary to various provisions of the Charter was unsound.

53. The legality of the establishment of those services had been clearly set forth by the Secretary-General in the Special Committee. It therefore seemed unnecessary to enlarge upon the question. It was clear that the Secretary-General possessed and would continue to possess under the Charter the authority to provide the services contemplated for the field service and the panel of observers. A reorganization of the administrative service and protective functions and of the procedure for supplying observers when necessary did not alter the powers vested in the Secretary-General under Chapter XV of the Charter, and particularly under Articles 97 and 98.

54. It was also clear that the United Nations possessed the responsibility and power to protect its agents in the performance of their duties. That principle, implicit in the Charter, had been emphatically stated by the International Court of Justice in a recent advisory opinion dealing with reparation for injuries suffered in the service of the United Nations.[1] Mr. Cooper then quoted a passage from the advisory opinion in question, which provided, *inter alia,* that to ensure the efficient and independent performance of missions and to afford effective support to its agents, the Organization must provide them with adequate protection. That was clearly a Secretariat responsibility.

55. It was erroneous to argue that adoption of the proposal would constitute a circumvention of the powers of the Security Council. In effect, it should merely enable the Security Council to work more effectively in the settlement of disputes. Each United Nations organ possessed the competence assigned to it by the Charter. Under Articles 97 and 98, the Secretary-General was not only authorized but obliged to supply personnel to any organ requesting him to do so. When the General Assembly or a competent subsidiary organ asked the Secretary-General to provide field service or panel personnel, his authority and obligation to comply with the request could not be questioned. Similarly, when the Security Council or another organ acting under its authority pursuant to Chapter VI or Chapter VII requested the assignment of service or panel members, it would be the Secretary-General's responsibility to carry out the request.

56. The argument that the Secretary-General's proposal called for the establishment of an international army, contrary to the procedures outlined in Article 43 of the Charter, was quite unfounded. Examination of the revised proposal and the Special Committee's report showed that neither of the proposed units would possess the organization, size, training, equipment or functions necessary for a military force.

57. The Secretary-General and the Special Committee had made it plain that they were opposed to, and that the plan did not permit, the use of the field service and the panel as a substitute for the armed forces referred to in Article 43.

58. Lastly, Mr. Cooper recalled that the proposal before the *Ad Hoc* Political Committee had been conceived by the Secretary-General on his own initiative. It had received the solid endorsement of all but a small minority of members of the Special Committee.

59. Mr. Cooper was convinced that the establishment of the proposed units would facilitate the work of other United Nations organs in the settlement of international disputes. He therefore believed that the *Ad Hoc* Political Committee should give quick and unreserved approval to the draft resolutions before it. Such action would be an important step towards the fulfilment of one of the basic purposes of the United Nations.

60. Mr. DE HOLTE CASTELLO (Colombia) said that his delegation had no doubts as to the legality of the proposal for the creation of a field service. It was impossible to claim that such a unit would constitute an armed force within the meaning of Chapter VII of the Charter, or that it might be used under the terms of Chapter VII of the Charter. Moreover, Article 97 of the Charter implicity authorized the Secretary-General to organize the services necessary for the proper functioning of the Organization. Mr. de Holte Castello wondered therefore whether there was any need to argue at length on the subject of granting the Secretary-General powers which he already possessed and of which he had already made use in organizing the existing United Nations guard, a detachment of which had been sent to Palestine.

[1] See *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion:* I.C.J. Reports 1949, page 174.

61. The representative of Colombia recalled that his delegation in the Special Committee[1] had shared the Brazilian delegation's view[2] that the field service should be organized by developing the existing United Nations Guard, so as to avoid any overlapping of the functions of various organs and to safeguard the rights of existing personnel. Such a procedure would also make it possible to cut down costs.

62. As regards the panel of observers, the Colombian delegation thought that the functions of that unit should be extended so as to place it at the disposal not only of the United Nations but also of Member States which, for some reason, might wish to make use of the services of impartial observers.

63. Mr. de Holte Castello stated that, for the reasons he had given, his delegation would vote in favour of the two draft resolutions submitted by the Special Committee.

64. Sir Hartley SHAWCROSS (United Kingdom) said that he would support unreservedly the first draft resolution on the creation of a United Nations field service. The United Kingdom delegation was convinced that, in organizing such a unit, the Secretary-General would not in any sense exceed the powers conferred upon him by the Charter. The field service would not be an organization of a military type; its creation could not give rise to objections on legal grounds, inasmuch as it was fully in accordance with the terms of the Charter.

65. The United Kingdom delegation did not wish to enter into the details of the financial implications of the proposal; they would be examined by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions. It would merely stress the need for organizing the United Nations field service as economically as possible.

66. In that connexion it noted with satisfaction that, in the opinion of the Secretary-General, the establishment of the field service, far from entailing considerable expenditure, would probably result in some saving. It was also pleased that the Secretary-General did not intend immediately to set up a unit of 300 men but would recruit personnel as the need arose.

67. The United Kingdom preferred, however, to abstain from voting on the second draft resolution on the establishment of a reserve panel of United Nations field observers. It did not see any objections of principle or of a political or legal nature to the establishment of such a panel, but it strongly doubted its practical utility.

68. In the first place, it was impossible to define in advance, with any accuracy, either the duties which the members of the panel would be called upon to perform, or the duration of their period of service, as all such would have to be settled at the appropriate time by the body concerned. It was impossible to say in advance what future events might lead any given competent United Nations body to request the services of those observers. That uncertainty, natural enough in itself, would make it very difficult in practice to select the members of the field observers panel. If, as might well happen, the duties entrusted to those persons were extremely varied, it would be necessary, either to seek men with exceptionally wide experience, or to draw up a fairly lengthy list.

69. In the second place, it was doubtful whether the persons whose names appeared on the list would always be available when called upon by the Secretary-General. That difficulty would certainly arise in the case of volunteers; it would come up even more acutely in the case of government officials, for how could Governments undertake to place particular individuals in their service at the disposal of the United Nations at any time they might be called upon? The United Kingdom Government did not feel that that was possible.

70. It seemed, therefore, that whatever its imperfections the existing system of calling on Member States to supply observers in each particular case was preferable. At least, it always had the advantage of ensuring that United Nations missions had the services of men chosen especially for the duties they were called upon to perform.

71. The United Kingdom delegation naturally felt the greatest sympathy towards the Secretary-General's attempts to improve the operation of existing missions and was ready to back his efforts. But it could not share the certainty expressed by the representatives of Pakistan and of the United States regarding the efficaciousness of the proposed solution.

72. The United Kingdom Government would continue as in the past to supply, whenever possible, whatever observers the Secretary-General might request of it. Moreover, if the Secretary-General wished to include on the list in question the names of British citizens not in government services, the United Kingdom was quite prepared to assist the Secretary-General in assessing the qualifications of candidates.

73. Mr. FELLER (Secretariat) wished to clarify certain points raised in the statement of the United Kingdom representative. Reviewing the background of the question, he recalled that the idea of the establishment of a reserve panel of field observers had been suggested for the first time by the representative of France in the *Ad Hoc* Political Committee during the third session of the General Assembly. The Secretariat had taken up that suggestion, had studied it, had considered all the difficulties, including those which the United Kingdom representative had just pointed out, and had finally come to recognize its practical value.

74. The establishment of such a panel of observers would have the advantage of remedying some of the drawbacks of the existing system. Those disadvantages were as follows: when the General Assembly or the Security Council directed the Secretary-General to place military observers at the disposal of a given mission, he usually had to act very quickly and, pressed for time, he quite naturally contacted those Governments most readily available; the result was that the observers were usually supplied by a limited number of countries and were often selected with undue haste.

75. Undoubtedly, the establishment of a reserve panel of field observers had certain drawbacks,

[1] See document A/AC.29/SR.4

[2] See document A/AC.29/SR.3.

which had been carefully analysed by the United Kingdom representative. The recruiting of the panel might not proceed without difficulties; the qualified persons might not always be available at the moment when they were needed, but in that case, the Secretary-General could always call upon Governments as he did under the existing system.

76. To sum up, the Secretary-General had considered the question, as he wished to ensure that the missions would have the services of observers chosen from among the best qualified and most competent citizens of Member States. He had reached the conclusion that the establishment of a panel of observers would represent the best method of attaining that aim, at least in the existing circumstances. In his opinion, the establishment of that panel would contribute greatly to the smooth operation and success of the field missions.

77. Mr. AZKOUL (Lebanon) wished to make a few practical remarks on the text of the draft resolutions. The fourth paragraph of the first draft resolution stated in connexion with the United Nations Field Service that the General Assembly "takes note of the intention of the Secretary-General to establish this proposed unit as modified by the observations contained in the report of the Special Committee"; the fourth paragraph of the second draft resolution, concerning the panel of field observers, was drafted in similar terms. Those observations could be found throughout the report of the Special Committee, but they were contradictory, as some of them had been formulated by the majority and others by the minority, and the views of the majority itself had been divergent in some cases. In the circumstances, delegations did not know exactly how the Secretary-General's plan would be amended; it would therefore be very difficult for them to take decisions with any certainty.

78. The Lebanese delegation therefore considered that the amendments proposed by the Special Committee should be distributed as a separate document, which might be entitled "Guiding principles for the establishment of these bodies" and to which reference might be made in the draft resolutions. The *Ad Hoc* Political Committee might study that document paragraph by paragraph and might in turn amend it as it thought necessary; it could take a decision on the contents of that document together with the decisions on the draft resolutions.

79. Mr. SHANN (Australia), speaking as the Rapporteur of the Special Committee, said he did not share the views of the Lebanese representative. He recalled that the Special Committee, after a careful study of the question, had thought it preferable to submit to the General Assembly two very short draft resolutions, rather than lengthy proposals giving details of the structure and functions of the field service and the panel of observers. The Committee had considered that the Secretary-General was fully competent, under the provisions of the Charter, to organize both services, and that the resolutions should, therefore, merely signify approval of the Secretary-General's plan and refer him to the general directives contained in the report.

80. Mr. AZKOUL (Lebanon) agreed with the Australian representative with regard to the competence of the Secretary-General but considered that, in view of the fact that the establishment of a field service and a panel of observers had been approved by some delegations only under certain specific conditions and had given rise to objections on legal grounds from other delegations, it was essential to clarify further the amendments that the Special Committee wished to introduce into the Secretary-General's plan; the Secretary-General should be spared the difficulties and embarrassment that might arise out of undue inaccuracy.

81. Furthermore, members of the *Ad Hoc* Political Committee who had not participated in the work of the Special Committee should be given an opportunity of considering the observations made by the latter Committee and of approving them or altering them. For that reason, the Lebanese representative insisted that the *Ad Hoc* Political Committee should adopt the procedure he had proposed in his previous statement. In the contrary case, he might be obliged, against his will, to abstain from voting.

82. Mr. FELLER (Secretariat) pointed out, with reference to the Lebanese representative's remarks, that the majority of the Special Committee had expressed clear opinions on a certain number of points which constituted modifications to the Secretary-General's proposal, for instance, with regard to the method of recruiting the field service. Only one point remained uncertain, namely, that of the oath of allegiance which certain delegations wished to have administered to members of the panel of observers when their cooperation was requested by the Organization.

83. On the other hand, if the *Ad Hoc* Political Committee did not approve some of the amendments proposed by the Special Committee, or wished to make supplementary observations, those amendments and observations might be included in the report that the *Ad Hoc* Political Committee would adopt, and the draft resolution submitted by the latter to the General Assembly might mention the observations contained in that report.

84. Colonel GHALEB Bey (Egypt) supported the remarks of the Lebanese representative. The terms of the draft resolutions were too vague, since the word "observations" in the fourth paragraph might apply equally to the observations of the minority and to those of the majority. It would therefore be preferable to use the word "recommendations".

85. ABDUR RAHIM Khan (Pakistan) also supported the remarks of the Lebanese representative. He considered that the document proposed by that representative would be extremely useful and would enable delegations to make their decisions with a full knowledge of the facts.

86. The CHAIRMAN stated that the Secretariat would prepare a summary of the Special Committee's observations which, in the opinion of the Secretary-General, constituted modifications to his proposals.

The meeting rose at 1 p.m.

TWENTY-SECOND MEETING

Held at Lake Success, New York, on Wednesday, 26 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

United Nations Field Service: report of the Special Committee (A/959) (*continued*)

1. Mr. TSARAPKIN (Union of Soviet Socialist Republics) reminded the meeting that when the question of a guard was studied during the second part of the third session of the General Assembly[1] and, afterwards, by the Special Committee set up to consider the question, several delegations had shown that the Secretary-General's proposal was inconsistent with the Charter, since its effect would be to by-pass the Security Council. What was really proposed was the establishment of an armed force which would be used in the interests of the Anglo-American bloc, and more especially of the United States, to enable those Powers to interfere in the domestic affairs of States on whose territories there were United Nations missions.

2. In this connexion, he pointed out that on 1 June 1949 the panel of field observers attached to United Nations missions had numbered 221, more than half of them (112 to be precise) of American nationality. Many other facts showed the special interest of the United States in the establishment of a field service and panel of field observers, such as the decision taken by the Senate Foreign Relations Committee at Washington on 24 June 1949 (a month before the convening of the Special Committee), which authorized the United States Government to put 1,000 men drawn from the United States armed forces at the disposal of the United Nations to help its missions. By the terms of that same decision any necessary equipment and even arms might be supplied to the United Nations from United States arsenals.

3. Hence, it seemed to him that the United States had anticipated the United Nations in the field. As a matter of fact, the United Nations had never submitted a request of that kind to the United States and he therefore wondered on what grounds the United States Government had acted. In the circumstances, it was clear that the intention of the Uinted States decision was solely to strengthen its position in the United Nations.

4. After the Special Committee's study of the Secretary-General's revised proposals, the maximum figure for the panel of field observers, which had been fixed at 500 men in the original version, had risen to 2,000. It followed that if the United States Senate's decision to put 1,000 men at the disposal of the United Nations were taken into consideration, the field service and panel of field observers would be 50 per cent American.

5. From the moment when the question was first discussed at the third session of the General Assembly, the USSR delegation had opposed the placing of such an armed force at the Secretary-General's disposal. Later events had fully justified its attitude and it was less than ever permissible to set up a para-military service as part of the Secretariat, since it would simply represent a further scheme on the part of the United States and of the United Kingdom to by-pass the Security Council and to use the United Nations as a convenient instrument for attaining aims altogether foreign to those of the United Nations.

6. To do away with the difficulties and unpleasantness with which the United States was confronted whenever it desired to send its own observers to a State where a United Nations mission was functioning, that country was pressing for the adoption of a new procedure obviously incompatible with the terms of the Charter.

7. The field service was to be composed of men between twenty-two and thirty years of age, under the command of officers, subject to military discipline, provided with uniforms and armed. In any case, the proposal about arms seemed to disagree with the Secretary-General's statement that arms would not be issued to members of the field service. Moreover, members of the service would be housed in barracks and would receive military training.

8. To cloak its military character, the authors of the proposal had, on several occasions, changed the name of the service. The term "protective service" had first been substituted for the original "United Nations Guard Force"; finally, the terms "field service" and "panel of field observers" had been adopted, but the subterfuge would deceive no one.

9. Members of the panel of field observers would be armed and entrusted with such functions as the supervision of truces and plebiscites, besides many others concerned with the maintenance of international peace and security which, by the terms of the Charter, were the exclusive province of the Security Council.

10. His delegation considered that the Secretary-General had not the necessary authority for recruiting armed forces of the kind described. The Secretary-General himself must have had doubts on the subject—witness the fact that he had sought the authorization of the General Assembly for their establishment. For that reason Mr. Tsarapkin could not agree with the statement in the Special Committee's draft resolution that "the Secretary-General has authority to establish the United Nations Field Service, subject to budgetary limitations and the normal administrative controls of the General Assembly". The Secretary-General had no such authority under the terms of the Charter.

11. He drew the attention of the authors of the proposal to the fact that, by the provisions of the Charter, particularly of Article 43, the Security Council alone had the power to set up armed forces, whatever their size.

12. Further evidence of the military character of the proposed field service and panel of field observers was to be found in a pamphlet issued by the United Nations Department of Public Information, in which it was said, *inter alia*, that if the United Nations could agree on the setting up

[1] See *Official Records of the third session of the General Assembly, Part II*, 200th plenary meeting and *Ad Hoc* Political Committee, 30th, 31st and 32nd meetings.

of international armed forces in pursuance of the terms of the Charter, there would no longer be any need for the establishment of a field service and a panel of field observers. That statement was tantamount to an admission that to establish such services would be to usurp the authority of the Security Council.

13. The Secretary-General himself, in his speech to the Harvard Alumni at Cambridge, Massachusetts, on 10 June 1948, had said he did not know how rapidly it would be possible to compose the differences between Member States concerning the establishment of international armed forces; meanwhile, however, he thought it would be well to set up, within the Secretariat, a small force which could keep order in given areas.

14. The Secretary-General had not waited long before submitting a proposal to that effect; but neither the Secretary-General's proposal, nor the draft resolution of the Special Committee, made any mention of the Security Council.

15. Moreover, the sponsors of the proposal to establish a field service and a panel of field observers completely disregarded the relevant provisions of the Charter. Yet it could not be overlooked that the adoption of the Special Committee's proposals would cause confusion between the functions of the various United Nations organs and would undoubtedly lead other organs to deal with questions that came exclusively within the competence of the Security Council, an essential organ of the United Nations.

16. The use of such services might easily lead to friction or even to disputes between the members of those services, on the one hand, and parties to disputes or certain States on the other hand, and such an event could only undermine the prestige of the United Nations as a whole.

17. Questions of transport and communications and other similar questions were the exclusive responsibility of the States on whose territory the United Nations missions operated, and he saw no necessity for entrusting those duties to new services, especially if thereby the Charter was likely to be violated.

18. In support of his argument, he quoted Dr. Bunche, the Acting United Nations Mediator on Palestine, as having said that the responsibility of determining what forces were necessary for the protection of United Nations staff should be left to the host State as being the sole authority responsible for such questions.

19. It was therefore clear that the protection of United Nations staff could and should be ensured by the Government of the host State.

20. For the foregoing reasons, the USSR delegation would vote against the Special Committee's draft resolutions.

21. Mr. RAFAEL (Israel) noted that the proposal for the establishment of a United Nations field service had undergone important changes; its latest form was simpler and more modest, and he congratulated the Secretary-General on his revised proposal. It had helped considerably to overcome the apprehensions felt by various delegations concerning the original proposal.

22. He referred to his own country's experience; within the two previous years, various United Nations missions had worked extensively in Israel and other Middle-Eastern countries. United Nations guards had been employed on manifold duties, and field observers had served as truce supervisors.

23. His delegation appreciated the untiring personal efforts put forth in the service of the United Nations by the staff of these missions, and wished to point out that the observations it would submit should in no way be interpreted as a reflection upon the achievements hitherto attained by the United Nations field personnel.

24. The Special Committee had rightly said that there had to be equitable geographical distribution in the recruitment of the field service and the panel of observers. In the past, a sufficiently wide United Nations representation in the composition of the field personnel had not been attained. Lack of a fixed establishment for those missions had sometimes resulted in overstaffing and overlapping of activities.

25. His delegation fully supported the Pakistan representative's insistence on an oath of allegiance to be administered to field personnel entering the service of the United Nations. That oath would provide parties to a dispute with the assurance that they were being assisted by servants of the United Nations and not by representatives of national Governments.

26. His delegation agreed with the Secretary-General that the establishment of the services in question was necessary to avoid the haphazard recruitment of untrained staff for complex technical duties; experience had shown that inadequately qualified staff were not always able to cope with the situation. In some cases, the United Nations had even been obliged to appeal directly to Governments to place military personnel at the disposal of missions: that had tended to give the missions an unduly martial aspect.

27. Various members of the Special Committee had advocated the need for close co-operation between the United Nations missions and the governmental authorities of States on whose territory the missions operated. His delegation concurred in that opinion, and stressed the necessity of previous agreement in order to avoid any possibility of friction between a United Nations organ and a sovereign Government and to eliminate all possibility of interference by the United Nations in the internal affairs of a State.

28. Opposition had been voiced to the establishment of a field service on the grounds that such a unit would constitute an armed force; his delegation could not support the Secretary-General's proposal if it thought that argument well founded. His delegation was opposed to any limitation of the authority vested in the Security Council under the Charter. But the Secretary-General and the Special Committee had fortunately made every effort to remove any military character from the service they proposed to establish. It was clearly stipulated in the report that the field service should be unarmed and that only in isolated instances and with the permission of the local authorities would the staff of that service carry protective weapons, as laid down for the field service. It was obvious that before a unit could be called a military force it must first of all be armed. Still, in order to avoid any misunderstanding, his delegation would prefer that the same provisions concerning protective weapons should apply to the

panel of observers rather than, as the Secretary-General had proposed, that the question should be left to the discretion of the respective United Nations organs, without the stipulation that permission to carry protective weapons should be obtained from the local governmental authority.

29. Since some delegations had expressed apprehensions concerning the arbitrary use of the field service by the Secretary-General, without the authority of the General Assembly or the Security Council, his delegation proposed that the draft resolution recommended in paragraph 36 of the Special Committee's report should be amended by the addition of the following paragraph (A/AC. 31/L.8):

"Authorizes the Secretary-General to place personnel of the United Nations field service at the disposal of the United Nations missions only in response to a specific resolution by the Security Council or the General Assembly calling upon the Secretary-General to furnish this personnel."

30. He hoped that that amendment would dispel any doubts still felt by some of the Committee members and would thus secure a unanimous decision.

31. His delegation would support the draft resolution contained in the Special Committee's report if it were clearly understood that the establishment of a field service was an administrative measure to facilitate the supply of technical services to United Nations missions in close co-operation with the Governments of States on whose territory the missions were operating. It would also support the establishment of a field reserve panel if it were clearly understood that the list of observers would be drawn up on a basis of equitable geographical distribution and that they would not be called to service except in response to a specific resolution by the Security Council or the General Assembly.

32. Mr. DJERDJA (Yugoslavia) stated that his delegation was prepared to support every effort to increase the effectiveness of the organs of the United Nations, within the framework of the Charter, for the purpose of carrying out the great principles laid down therein. Neither the interests nor the sovereignty of States, whether small or large, could be adversely affected by strengthening the authority of the United Nations. On the contrary, if the authority of the Organization were increased, respect for the sovereignty and vital interests of the small nations could also be increased.

33. In the existing state of the world, the assistance of the United Nations, in which all Members had equal rights, would enable the peoples of the world, and more especially the small nations, to achieve, with the best prospects of success, their pacific aspirations and would safeguard their rights as sovereign and independent nations. Such were the fundamental principles on which the Yugoslav delegation based its attitude in regard to questions coming within the scope of the United Nations, and more particularly those relating to the increased effectiveness of the Organization.

34. The delegation of Yugoslavia was therefore prepared to support any action which would strengthen the authority of the United Nations in maintaining peace and developing international co-operation. It would, moreover, firmly resist any attempt to transform the United Nations into an instrument acting contrary to the provisions of the Charter and any attempt to prevent the improvement of the Organization.

35. He recalled that his delegation had vigorously opposed the Secretary-General's original proposal when that question was discussed during the second part of the third session of the General Assembly,[1] on the ground that the adoption of that proposal would to some extent have violated the provisions of the Charter and consequently would have ultimately injured the prestige and effectiveness of the United Nations.

36. On the other hand, the Secretary-General's revised proposal for the establishment of a field service and the Special Committee's proposal resulting from its exhaustive study of the question could be regarded as being in accordance with the provisions of the Charter. The Yugoslav delegation could therefore accept in principle the proposal relating to the field service.

37. Nevertheless, his delegation's final approval was subject to certain reservations and, to avoid any misunderstanding, it desired to make certain observations.

38. First, the draft resolution relating to the field service did not deal explicitly enough with all the questions that were generally set forth in resolutions of that kind; the references made to the Special Committee's observations only partially filled that gap. His delegation was of opinion that the legal status of the field service and the nature of its relations with the authorities of the State in whose territory it would be called upon to operate should be defined as clearly as possible. That question was not essentially a technical one.

39. Moreover, the Yugoslav delegation shared the view already expressed by certain delegations in the Special Committee that the Secretary-General should employ the field service only when, for serious reasons, recourse could not be had to the services of the State in whose territory the United Nations mission was to operate.

40. Lastly, the Yugoslav delegation thought there was nothing to prevent the proposed field service from being merged with the existing Secretariat Guard. It favoured that solution, not only in order to avoid any difference between those two services, but more especially because such a fusion would show that the new service was in reality only a development of the Guard which the Secretariat already had at its disposal. In that connexion he referred to the Secretary-General's statement that "The proposed Field Service is designed to render precisely the same services as are now rendered in a less systematic way by members of the Secretariat" (A/959).

41. Mr. Djerdja stated that, with the reservations he had just made, his delegation would support the Special Committee's draft resolution on the field service.

42. The Yugoslav delegation adopted a different attitude to the proposal for the establishment of a panel of field observers.

43. That question did not seem to have been studied thoroughly enough in the Special Committee and, as now submitted, could not form the subject of a resolution. He was unable to pass over

[1] See *Official Records of the third session of the General Assembly, Part II*, 200th plenary meeting.

in silence the vagueness of the proposal and its omissions.

44. The Yugoslav delegation would, for its part, favour a very different solution of the problem of the observers. The appointment of observers according to circumstances and needs would, if account were taken as far as possible both of the interests of the parties to the dispute and of the United Nations, provide a much more satisfactory arrangement than that envisaged in the draft resolution submitted by the Special Committee. Even after exhaustive study, the solution submitted by the Committee contained certain features likely to impede the activities of United Nations missions. It could not be denied that, although the observers were in the service of the United Nations, they remained subjects of a particular country and their impartiality was therefore likely to be regarded, whether rightly or not, with some suspicion, particularly where their country was directly or indirectly concerned in the situation which was the subject of the dispute.

45. For that reason, the Yugoslav delegation could not support the draft resolution for the establishment of a panel of field observers; and it would prefer that the problem of the observers should be solved in accordance with the needs of the moment, by agreement between the parties concerned and the United Nations in such a way as to offer all possible guarantees of their impartiality.

46. Mr. PITTALUGA (Uruguay) stated that his delegation had exhaustively studied the technical and budgetary aspects of the Special Committee's proposal, and that it had found nothing in those drafts which prevented it from supporting them.

47. The legal position was clear; under Article 97 of the Charter, the Secretary-General had the necessary power to organize the services in question. Moreover, the Field Service could not be considered as an armed force within the meaning of Article 43 and Chapter VII of the Charter.

48. The Uruguayan delegation was not opposed to the amendment submitted by the delegation of Israel, but it stated that the field service should remain a purely administrative service organized on a permanent basis by the Secretary-General.

49. With regard to the panel of field observers, his delegation pointed out that recourse would be had to the persons named on the list only after a decision had been taken by the General Assembly, the Security Council, or one of their subsidiary organs.

50. He was glad to note that the United Kingdom representative's pertinent remarks on the practical aspects of the question had been favourably received by the Secretary-General's representative.

51. Lastly, with regard to the budgetary implications, he thought the field service could be organized at no great cost, while the expenditure in connexion with the panel of field observers would be mainly nominal, as it would be included in the budgets of the various missions. Budgetary matters, however, were within the competence of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

52. For those various reasons the delegation of Uruguay would vote for the Special Committee's two draft resolutions.

53. Mr. DROHOJOWSKI (Poland) emphasized the fact that the problem before the *Ad Hoc* Political Committee was not really limited to the establishment of an armed guard within the Secretariat. What some delegations were endeavouring to present as an innocent scheme was really nothing more than a further attempt to violate the Charter and to by-pass the Security Council. That attempt was inspired by the United States and was an example, during the present session of the General Assembly, of various manifestations which were becoming more and more frequent.

54. Despite the slight changes made in the original scheme since July 1948, the problem resolved itself into two simple questions: first, whether the United Nations Guard or, under its new name, the field service, was or was not a military force; secondly, whether, under the Charter, such a unit could be legally established as part of the Secretariat.

55. As regards the first question, the Secretary-General's original proposal had at least the merits of clarity and sincerity. The proposed unit was to be called a "Guard"; it was to be provided with uniforms and military equipment and was to be subject to military training under the command of officers. During the second part of the third session of the General Assembly, many members of the *Ad Hoc* Political Committee had felt grave doubts as to the advisability and legality of such a unit. For that reason, the General Assembly had not taken any action in the matter apart from setting up a Special Committee to study the question in its various aspects. Some days before the first meeting of that Committee, the Secretary-General had put forward a revised proposal which made purely formal changes in the plan for creating a United Nations Guard, but did not alter its organization radically or do away with its military character. In practice, the proposed units would still be military and would be provided with uniforms and arms, be given special training and be placed under the command of officers.

56. Moreover, the functions laid down for the Guard in the original draft were divided between the two new bodies without change. Thus, the panel of field observers would be entrusted with the supervision of truce terms, the protection of demilitarized areas and of supply lines incidental to a truce, and with the supervision of plebiscites, while the protection and the security of United Nations staff and possessions were assigned to the field service.

57. The military character of the proposed bodies did not, obviously, arise from the quantity and nature of the arms which would be supplied to them, but from their essential functions. Those functions were clearly military in character and would have to be exercised by men subject to military training and thoroughly versed in military matters. The question whether those men would, or would not, carry automatic weapons was, therefore, only of secondary importance and should in no way influence the Committee's decision.

58. Another striking feature of the new proposal was the general and rather obscure duties to be entrusted to the proposed units. The field reserve panel would be called upon for service only as the result of a decision of the General Assembly or Security Council or any competent body authorized by them. Here, it was plain to see, the allu-

sion was to that illegal body, the Interim Committee. And yet it was an irrefutable fact that the only body authorized by the Charter to supervise truces was the Security Council.

59. Furthermore, the military character of the new units was in flagrant contradiction with the United Nations Charter. The United Nations was created as an association of sovereign and equal States and not as a new State to be added to the founder Member States of the Organization and still less as a super-State designed to deprive the Members of their sovereignty. The Member States had agreed to grant certain rights to the Organization, but they had never given it the right to recruit and maintain an armed force of its own. The right to have an army remained the exclusive right of States. Even Article 43 of the Charter made no mention of the United Nations right to form an army of its own. That Article dealt with the undertaking by Member States, in accordance with special arrangements, to make available to the Security Council contingents of their own armed forces. No international army and no international military unit could be founded on the basis of the Charter's provisions. No legal argument could be advanced on that score. The creation of a nucleus of an international army fundamentally changed the structure of the Charter and transformed the United Nations from a free association of sovereign States into a super-State with its own prerogatives and authority. It was in reality a veiled revision of the Charter and a further attempt to undermine the prestige of the Security Council.

60. The original proposal declared that the creation of the United Nations Guard would contribute to the strengthening of the Organization. But he himself thought that such a statement was born of a false idea of the nature of the Organization. The Organization was a free association of fully sovereign States and therefore any subsequent limitation of their sovereign rights was contrary to the basic principles of the Organization and could only weaken its structure.

61. The Polish delegation therefore urged the Committee to reject the proposal under consideration, for it saw no reason why the General Assembly should adopt a proposal of no constructive value, made in bad faith and designed essentially to by-pass the Charter.

62. Miss KLOMPÉ (Netherlands) said that, in the opinion of her delegation, the Secretary-General's proposal was in no way contrary to Article 97 of the Charter. The proposal was designed to increase the efficiency of United Nations missions and for that reason had the full support of the Netherlands delegation.

63. In order to dispel the misgivings which some delegations appeared to feel in regard to the constitutional nature of the organs proposed, she wished to remind the Committee that, as the Secretary-General had already emphasized, their services would be called upon only in response to a decision by a competent body of the United Nations.

64. She wished, however, to have fuller information on the composition of the panel of observers and, in particular, on the application to it of the principle of geographical distribution. She agreed with the United States representative on the undesirability of always calling upon the same countries to perform such duties as arose, and on the need to ensure that as many countries as possible took part in the work of the panel of observers. Practical difficulties would certainly arise; for example, the work of a small group of observers would be affected if its members expressed themselves in five different languages. Considering that the observers took their orders directly from the missions, it would be more sensible to adapt the composition of the group to that of the mission concerned and it should be a matter for the Secretary-General to decide, after consultation with the mission, it being clearly understood that he would not call upon observers, unless a competent organ of the United Nations had taken a decision to that effect. She would like to know whether the Secretary-General shared her opinion on that point.

65. With those reservations, the Netherlands delegation would support the draft resolution submitted by the Special Committee. It was, on the other hand, of the opinion that the amendment submitted by the delegation of Israel was redundant, as the last paragraph of the draft resolution concerning the panel of field observers submitted by the Special Committee served the same purpose. If, however, the amendment was acceptable to the Committee, the Netherlands delegation would not oppose its inclusion.

66. Mr. MÉNDEZ (Philippines) was glad to announce his delegation's support of the draft resolution submitted by the Special Committee. The legal aspect of the problem appeared to him to be quite clear. Under the terms of Article 97 of the Charter, the Secretary-General was authorized to recruit the staff which the Organization required. Furthermore, under the direction of the Secretary-General, who carried out no orders other than those of the Security Council, the field service would be in a position to carry out its duties with success. Those duties were in no way military. What was involved were merely police operations, which were a very different matter.

67. For that reason Mr. Méndez found it difficult to understand the objections raised by the minority, which appeared to him to result from an unwillingness to accept the idea of organizing the work of the General Assembly. The fundamental task of the United Nations was to bring order into the international situation, to resolve difficulties and to reconcile opposing points of view. It was essential to infuse the Charter with new strength and to make the United Nations an institution whose existence and influence was felt throughout the world. The Philippine delegation had always maintained that the guiding principle of the Organization should be expansion and not isolation. The Secretariat should give its assistance wherever needed and no organization was better fitted to achieve that end than a field service composed of highly qualified men, with a sense of their responsibility as members of the Organization's staff and prepared to give their services at any time to the cause of international peace.

68. Colonel GHALEB Bey (Egypt) said that the memorandum prepared by the Secretariat (A/AC. 31/L.7) did not provide a satisfactory answer to the questions raised at the previous meeting. The very fact that a delegation had submitted an amendment in the course of the meeting in progress served to show that the two draft resolutions before the Committee were drafted in

excessively vague terms. There appeared to be general agreement among delegations on the need to provide United Nations missions with the services they required, and that on an adequate scale. The Egyptian delegation fully supported that view, while reserving its opinion on the methods hitherto proposed for the attainment of that object. The report of the Special Committee made only a passing reference to some aspects of the problem, which, in the opinion of the Egyptian delegation, required closer study and the provision of fuller information on a number of points.

69. With reference to the establishment of a field service and especially to the recruitment of the personnel concerned, he referred to paragraph 19 of the report, which stated that the Secretary-General should recruit the field service in accordance with usual Secretariat practices; to paragraph 22, in which the Special Committee recommended that the Secretary-General should make a careful study of the practicability of merging as many as possible of the functions of the headquarters Guard Force in those of the field service; and to paragraph 24, in which the Committee recommended that the Secretary-General should continue to seek the co-operation of Governments in whose territory the field service might be called upon to operate, and that the service should be utilized only where the use of local services was not practicable.

70. Those were very important considerations, which could not be reconciled with the immediate establishment of the field service. His delegation considered that the practicability of merging as many as possible of the functions of the headquarters Guard Force in those of the field service should be studied. That was the more important since the new service was only to be utilized if the use of local services was not practicable. The figures in annex B of the working paper prepared by the Rapporteur of the Special Committee,[1] giving the number of men to be provided by local Governments and local authorities lent further weight to that argument.

71. The report of the Special Committee specified that the field service's duties would relate to transport, radio communications, the security of members of missions and the maintenance of order during hearings and investigations. His delegation felt that transport and radio communication services were matters for Governments or for the Secretariat and that those services could be provided without any difficulty. Furthermore, he could not accept the principle that security services should be performed by the field service, except in the case of demilitarized areas. Such an arrangement might give rise to incidents and might adversely affect the efficacy of the missions' efforts. His delegation believed that those functions should be performed by, and were under the exclusive jurisdiction of, the States in whose territory the missions were operating. The problem was all the more delicate since the term "security" was rather vague and might give rise to unnecessary complications. Accordingly, his delegation felt that the purposes aimed at by the Secretary-General should be achieved by the use of local services and the expansion of the existing services of the United Nations.

[1] Document A/AC.29/W.1.

72. His delegation saw no objection to the establishment of a panel of observers in accordance with the principle of equitable geographical distribution. But for the reasons stated those observers should not be concerned with anything beyond observation and supervision. In that connexion, he emphasized that the terms used to describe those functions were not sufficiently precise and might give rise to interminable juridical discussions, which might prevent the observers from beginning their work at a time when their presence was most necessary. Hence the observers' functions should be accurately defined; in that way the Secretary-General would be able to have the necessary number of observers at his disposal most promptly.

73. His delegation had whole-heartedly co-operated in the past to facilitate the task of United Nations missions, and it would continue to do so in the future. It would be obliged to abstain from voting on the two draft resolutions because, although it was anxious to give its full support to United Nations missions, it wished to reserve its rights regarding the questions he had raised.

74. Mr. GRAFSTRÖM (Sweden) said his delegation welcomed the initiative taken by the Secretary-General to improve the operation of field missions, and would therefore support the two draft resolutions.

75. He proceeded to analyse the practical and juridical criticisms that had been directed against the Secretary-General's proposals, as amended by the Special Committee. Some delegations questioned the efficacy of the proposed United Nations field service. They asserted that the field service could not ensure the absolute security of the staff of missions; nevertheless, even if the field service could save only a few lives, that would amply justify its establishment. Other delegations maintained that the establishment of a field service would be illegal under the terms of the Charter, but that argument was quite unfounded.

76. Mr. SHANAHAN (New Zealand) also regarded the juridical objections to the establishment of a United Nations field service as unfounded, especially in view of the Secretary-General's revised proposal. As the representative of Pakistan had so rightly pointed out, the establishment of a field service merely corresponded to a reorganization, on a more systematic and rational basis, of services that already existed in the Secretariat; there could be no doubt that the Charter gave the Secretary-General the necessary authority for such reorganization.

77. He also considered that the members of the field service should be recruited under the same conditions as the other members of the Secretariat and should swear an oath of allegiance, in order that their impartiality could never be doubted. He would not hesitate to vote in favour of the establishment of a field service.

78. He did not approve the amendment submitted by the delegation of Israel. As the establishment of the field service merely represented an extension and systemization of services already in being in the Secretariat, the Secretary-General should have full discretion to act as he saw fit in the matter. Whenever the General Assembly, the Security Council or any other competent organ decided to send a mission to any part of the

world, the Secretary-General was usually asked to provide that mission with the services and staff necessary for the execution of its work; the Secretary-General should be free to attach to the secretariat of the mission any member of the field service, if he thought that necessary; the decision was a purely administrative one, which should be left to the Secretary-General. The Israeli amendment was undesirable because it might, quite wrongly, convey the impression that the field service was not a service of the Secretariat, but an armed force.

79. He did not consider the proposal concerning the establishment of a United Nations panel of observers satisfactory. The new title given to that panel was preferable to the earlier one, since it was more accurate and precise, but he still had grave doubts as to the practical value of the plan. First, it would be extremely difficult to draw up the list concerned and keep it up to date, and that task would impose a heavy burden on the Secretariat; secondly, the persons chosen might not always be available when they were wanted. Persons nominated by a Government or chosen by the Secretary-General might no longer be available when their services were required by the United Nations, possibly some five or ten years after their appointment. Moreover, even if those persons were still available, there would inevitably be a delay between the time when the United Nations required their services and the time when they were actually available for missions. Hence it was preferable for the United Nations to apply to Governments when it required observers for a specific task; the selection by Governments would be much easier and could be made with greater confidence and effect. He recalled that his delegation had raised similar objections when it had been proposed to prepare a panel of persons to act as conciliators.

80. His delegation fully realized that United Nations missions had to have the services of observers chosen from among the most competent and best qualified persons, but it did not consider that the establishment of a panel of observers would make it possible to attain that purpose. It would therefore abstain from voting on the second draft resolution.

81. Mr. RAO (India) thought the Secretary-General's revised proposals on the establishment of a field service were a distinct improvement over the original draft. Under the new proposals, the field service would be responsible for providing United Nations missions with the technical services necessary for their smooth operation and for ensuring the protection of the staff of those missions. There could be no doubt that the field service, which would involve only modest expenditures, would contribute greatly to the success of United Nations missions. Naturally, the field service should be used only in cases where, owing to circumstances beyond their control, the local authorities could not give the missions the necessary protection and technical services; that was essential in order to avoid any superfluous expenditure and any friction with the authorities of the countries concerned. Furthermore, the field service should be recruited on the basis of the widest possible geographical distribution, so as to be really international.

82. On the subject of the panel of observers he shared to some extent the doubts expressed by the representative of the United Kingdom at the previous meeting. The proposed functions of the observers were admittedly rather vague and the choice of the members of the panel would be difficult. Quite probably, too, some of the observers would not be available when their services were required by the United Nations. That was inevitable, and resulted from the very nature of the scheme. Still, in spite of those reservations, the establishment of that panel of observers would be an experiment which, if it succeeded, would contribute notably to the success of United Nations missions.

83. But, if that experiment was to succeed, certain conditions had to be satisfied. In the first place, Governments should choose the persons to be nominated not only from the ranks of serving officials, but also from among retired officials and highly qualified volunteers. If the method of recruiting was thus enlarged, the risk that the observers might not be available at a given time would be reduced to a minimum.

84. Moreover, the Secretary-General would have to use the greatest care and circumspection in choosing among the persons nominated by Governments. He should only admit men and women of great experience, competence and proved integrity. The least indiscretion or sign of partiality on the part of a United Nations observer might not only endanger the success of the task, but also injure the prestige and authority of the whole organization. That was particularly true in the case of missions operating in remote and isolated regions, where the population, ill-informed of the world situation, was often apt to judge the United Nations by the conduct of one particular observer. A very heavy responsibility would therefore rest on the observers and hence they should be chosen by the Secretary-General with the greatest care. That was an indispensable condition for the success of the proposed experiment.

85. Mr. ORDONNEAU (France) said the Committee's difficulties were due to a misunderstanding which resulted from a more or less mistaken conception of the real nature of the proposals submitted to the *Ad Hoc* Political Committee. Neither the General Assembly, nor the Special Committee, nor the *Ad Hoc* Political Committee was responsible for that misunderstanding. Perhaps it might be traced back to certain statements or injudicious articles, which had been mentioned by the representative of the USSR.

86. In the first place, a very clear distinction should be drawn between the former proposals of the Secretary-General and his new proposals, so as to avoid any confusion. The Secretary-General's first proposal had been somewhat ambitious and costly since it provided for a guard of 500 men, with a reserve of 2,000 men. The new proposal called for a field service of only 300 men, the creation of a panel of observers being something entirely new, which bore no relation to the original proposal. In that respect, he wished to point out that the idea of such a panel had not been suggested by his delegation. The French delegation had proposed something entirely different: the establishment of a reserve panel to replace what was, in the first draft, to be the United Nations Guard, and had become the field service.

87. His delegation's attitude to the Secretary-General's revised proposals was very similar to that of the United Kingdom delegation. In the first

place, it supported without reservation the establishment of a United Nations field service. It did not regard the juridical objections raised by some delegations as well founded. The field service, whose members would be armed only in exceptional cases, would not be military in character. As a practical proposition, there had certainly to be a body of couriers, orderlies and so on for United Nations missions. Experience proved that. Moreover, it should be stressed that 190 members of the United Nations personnel were carrying out, in various missions in operation, the functions which the field service of 300 men (which would be recruited only according to needs) would be called upon to perform. In short, it was merely a question of reorganizing existing services, a purely administrative operation fully within the Secretary-General's powers.

88. His delegation, like the United Kingdom delegation, had the gravest doubts, and made the most explicit reservations, concerning the creation of a panel of observers. In the first place, governments would have the greatest difficulties in designating officers or officials whose availability they could guarantee at a given time, possibly years ahead. In the second place, it was doubtful whether it would be possible to choose highly qualified persons with any degree of certainty, without knowing exactly what their duties would be. To take a specific example, in the supervision of truces the qualifications and knowledge required of the observers would vary greatly according to the circumstances. In the circumstances, his delegation felt it was preferable to adhere to the existing practice which, although not perfect, at least ensured the United Nations of the services of men specially chosen for a definite task. Accordingly, his delegation would abstain from voting on the second draft resolution.

89. Mr. BURNS (Canada) said he would vote for the Secretary-General's new proposals as amended by the observations of the Special Committee. He considered that the Secretary-General's plan was conceived in a realistic spirit and possessed definite practical merit.

90. Still, he had listened carefully to the reservations entered by some delegations with regard to the establishment of a panel of observers. Those delegations had rightly pointed out that the observers on the Secretary-General's list would not always be available when their services were required by the United Nations.

91. To overcome those drawbacks, he proposed certain amendments to the Secretary-General's plan. In the opinion of the Canadian representative, it was a matter for Governments and not for the Secretariat to keep the list of observers up to date; that would be much easier for Governments to do since they could more readily communicate with the persons concerned. The Secretary-General would simply inform each Government of its contingent of observers and of their requisite qualifications, whereas the Governments, for their part, would draw up the lists, keep them up to date and, if necessary, transmit them to the Secretary-General. That solution might settle most of the administrative difficulties; his delegation therefore requested the Secretary-General to bear its suggestion in mind when establishing the panel of observers.

The meeting rose at 1 p.m.

TWENTY-THIRD MEETING

Held at Lake Success, New York, on Thursday, 27 October 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

United Nations Field Service: report of the Special Committee (A/959) (*continued*)

1. Mr. FOURIE (Union of South Africa) wished to make a few comments concerning the establishment of a United Nations field service. His delegation was pleased to note that the Secretary-General intended to continue to seek the co-operation of the local authorities and that the field service would only be used in cases where the local authorities were unable to provide the technical services and necessary protection for United Nations missions.

2. His delegation was particularly interested in the financial aspect of the plan submitted by the Secretary-General and had welcomed the assurance given by the Secretary-General's representative that the expenses incurred by the establishment of the field service would be accompanied by compensatory savings and that, in the long run, the new system would probably be less expensive than the old one. The statement by the Secretary-General's representative to that effect was given in paragraph 29 of the report of the Special Committee[1] and it would be extremely useful if the Fifth Committee's attention were drawn to that paragraph when it was considering the financial implications of the Secretary-General's proposals.

3. Although his delegation did not object in principle to the establishment of the panel of field observers, it had been greatly impressed by the reservations made by the delegations of the United Kingdom, New Zealand, India and Canada. Nevertheless, since his delegation attached great importance to the opinion of the Secretary-General, who was firmly convinced that the proposed panel would serve a useful purpose, he would not oppose the plan if it received the support of the majority.

4. Mr. GARCÍA (Guatemala) commented first on the proposed United Nations field service. The previous speakers had already amply stressed the need for such a service and the useful purpose it would serve, so he would not dwell on that aspect. Instead, he would consider in greater detail some of the gaps in the proposed plan, which seemed to him to be quite serious ones. It was essential that the field service should be basically civilian and technical in character if it was to remain within the scope of Chapter XV of the Charter and, more particularly, within that of Article 97, dealing with the Secretariat of the United Nations. That

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 13.

basic point had not been sufficiently clarified. The delegations which claimed that the field service was an armed force and, as such, could be established only under Article 43 of the Charter, had been told that the field service would not be in any way military but would carry out police duties. The fact remained that police duties could assume a certain military aspect at times. It should therefore be stated clearly that the field service would be purely civilian and technical; but the draft resolution submitted by the Special Committee did not even mention that basic twofold nature of the field service. Moreover, although the third paragraph of the draft resolution did mention budgetary limitations and the normal administrative controls of the General Assembly, it said nothing of the basic limitations imposed by Chapter XV of the Charter. Neither did it mention the security functions which, according to the Special Committee's report, seemed most rightly to be the fundamental duties of the Field Service. Finally, the fourth paragraph was inadequate and, as it stood, useless. Indeed, if the General Assembly intended to establish a United Nations field service, it could not simply "take note" of the fact. That was why his delegation, while supporting in principle the very useful idea of setting up a field service, could not vote for the draft resolution as it stood.

5. Furthermore, the delegation of Guatemala did not approve of the contents of the Israel amendment (A/AC.31/L.8). The amendment was not at all in keeping with Chapter XV of the Charter, which did not provide for any such procedure for cases of that kind. Nevertheless, his delegation fully understood the motives of the representative of Israel and recognized that it would be useful to reassure the delegations which had expressed anxiety concerning the implications of the draft resolution, and which feared that there might be some misuse of the field service.

6. Finally, his delegation shared the doubts expressed by the representative of France at the previous meeting concerning the proposed panel of field observers. The Secretary-General's intentions were perfectly clear and very praiseworthy, but it was to be feared that the plan might not be successful in practice. For one thing, it would be very difficult to select the observers in advance without knowing the exact nature of the missions they would be called upon to fulfil.

7. Mr. PEÓN DEL VALLE (Mexico) said that, after careful examination of the report of the Special Committee and after listening carefully to the various statements just made, his delegation had reached the conclusion that the proposed field service would in no way resemble an armed force within the meeting of Article 43 of the Charter. Nevertheless, to avoid any confusion or misunderstanding which might have serious consequences, the Secretary-General should exercise the greatest possible caution in the way he used the field service in practice. He should always take care not to go beyond the scope of Chapter XV of the Charter. The Secretary-General, however, had already shown his full awareness of the great complexity of the question, and it could be safely assumed that he would take all the necessary precautions and, in particular, would do his utmost to avoid any possible friction with the local authorities. It was essential, therefore, that he should apply for and obtain the permission of the authorities of the countries concerned before sending any units of the field service to their territory. The legislation of many countries provided that foreign armed units, wearing uniforms, could be allowed to enter the national territory with the agreement of the Government. The Mexican delegation would vote for the first draft resolution relating to the establishment of the United Nations field service.

8. The Mexican delegation would, on the other hand, abstain from voting on the second draft resolution relating to the establishment of a panel of field observers because of practical considerations which had already been outlined by various delegations. He had listened with sympathy to the Canadian representative, who had proposed to obviate some administrative difficulties by making Governments, instead of the Secretary-General, responsible for keeping the lists of observers up to date. Useful though it was, however, that suggestion would not solve the problem of choosing qualified persons without having exact information as to the duties they would be called upon to discharge in the future.

9. Mr. KOZIAKOV (Byelorussian Soviet Socialist Republic) stated that the "revised" proposals of the Secretary-General in the report of the Special Committee hardly differed from the first proposals (A/656) submitted to the General Assembly during the second part of the third session. Under the first proposals, a United Nations Guard would have been created, and there had been no attempt to hide the fact that it would have been an armed detachment of 800 men, with revolvers, machine guns, rifles and light arms. But the proposals thus submitted to the General Assembly had proved unacceptable because the military and police nature of the Guard was far too obvious. They had therefore been revised, but it was quite clear that the revision had affected only the form and the names, but in no way the substance. The new proposals were vague and indefinite, especially in regard to the functions and powers of the members of the panel of field observers, as some delegations, such as that of the United Kingdom, had pointed out. The only difference between the old proposals and the new that could be seen was an increase in numbers; originally the Guard was to have numbered 800 men, while there was now talk of 2,300 persons.

10. The essentially military character of the field service and of the panel of field observers was clearly seen in the Secretary-General's proposals and could be denied only by naïve persons or hypocrites. Indeed, under the proposals, the personnel of the field service, to speak only of that, would consist of men able to bear arms, who would be organized in military-type units under the command of officers, would receive military training, would wear uniforms, and would bear arms. Everyone knew that the expression "armed force" did not necessarily mean a formation supplied with armoured cars and bombers, but might also mean any formation provided with light arms.

11. As the essentially military nature of the new formations had thus been proved beyond a doubt, it might be asked why the Secretary-General was so anxious to have an armed force at his disposal, and why, after the General Assembly had considered his first proposals unacceptable, he had taken up again, in the form of a revised draft which differed from the first only in form, and that in disregard of the Security Council's authority, the

idea of creating a United Nations armed police force.

12. The real intentions of those who had instigated the plan to establish the field service and the panel of field observers could be better understood if the plan was compared with the proposal of a group of United States Congressmen who had requested Congress to work for the transformation of the United Nations into a world federation with armed police forces in sufficient numbers. The *New York Herald-Tribune* of 13 October 1949 had reported those United States plans for the militarization of the United Nations. The proposals for the creation of a field service and a panel of field observers thus fitted into the general framework of the policy of the United States and the United Kingdom, a policy which tended to make the United Nations an obedient tool in the service of Anglo-American interests.

13. Who required armed guards to protect the various missions and commissions which had to supervise elections or truces? Everyone knew that, generally speaking, the missions or commissions did not represent the United Nations as a whole, but were rather the instruments of the Anglo-American majority. There was proof enough of that in a few typical examples of the attitude taken by the United Kingdom and United States delegations in the Security Council, when it had been a question of sending missions or commissions to troubled parts of the globe. In the case of Indonesia, when the Committee of Good Offices was established, the majority in the Security Council had decided to reduce its membership to three States, Australia, the United States and Belgium, in spite of the opposition of the USSR, which had wanted all eleven members of the Security Council to be represented. A similar situation had arisen when the question of sending military observers to Palestine had come up; in accordance with the desires of the United States, only United States, French and Belgian nationals had been sent to that area, although the USSR had proposed that the observers should be chosen from among the representatives of the eleven States members of the Security Council. The proposal now was, in the interests of the United Kingdom and the United States, to attach armed guards to those missions and commissions, which had been turned into agents of the Anglo-American policy of interference in the domestic affairs of other countries. The fact that the missions and commissions needed so much protection proved that they hardly enjoyed the confidence of the populations of the territories in which they were operating. In any event, such protection should be provided by the local authorities and not by the United Nations itself.

14. It was obvious, of course, that during armistices, elections and referenda, the presence of observers wearing the uniform of the United Nations, carrying arms, and given certain rights by the Anglo-American majority, would meet the desires of the State Department of the United States. That did not mean, however, that such a step would help to strengthen the prestige of the Organization and assist in maintaining world peace and security.

15. The intention to by-pass the Security Council emerged clearly from the plan to establish a field service and a panel of United Nations observers. It had been said in certain quarters that the members of the panel of observers would be used to guarantee the conditions of a peaceful settlement. As to the Secretary-General's proposals, they provided that the members of the panel would observe, *inter alia*, the carrying out of the terms of truces. Such references clearly showed the intention to ignore the Security Council's authority, because under the terms of Chapter VI of the Charter, it was the Security Council which was called upon to investigate any dispute or situation, and to require the parties to it to settle their differences by negotiation, enquiry, conciliation and so on; it was also the Security Council which was called upon to establish procedures and methods of adjustment at any stage of the dispute.

16. The Secretary-General's proposal provided that the members of the panel would be called for service only in response to a specific decision by the General Assembly or Security Council, or an organ authorized by them, requiring such services to be performed and requesting the Secretary-General to make the necessary arrangements. The competent organ could lay down the precise functions to be performed in the particular case, the numbers of men to be utilized and any other necessary conditions, such as the provision of protective weapons, relations with the local authorities, wearing of uniforms, etc. Thus, according to the Secretary-General's proposals, it was not the Security Council alone that would be responsible, in accordance with the Charter, for establishing and utilizing armed forces. An unspecified "competent organ", which would have the right to settle questions of the equipment, training and utilization of armed forces, might do so. Thus, the Interim Committee, which was an illegal organ, or any other organ that the Anglo-American majority might set up in the future in disregard of the provisions of the Charter, might have the United Nations armed forces at its disposal.

17. The proposals were, therefore, contrary to the express provisions of the Charter which, with a view to protecting the rights of all States to sovereignty and territorial integrity, laid down specifically that only the Security Council, and not any other secondary or principal organ, nor the General Assembly or the Secretary-General, could establish and use the armed forces essential for the maintenance of international peace and security.

18. In view of all those considerations, the Byelorussian SSR could not but object to the establishment of the field service and the panel of observers; it would therefore vote against the two draft resolutions submitted by the Special Committee.

19. Mr. TRANOS (Greece) said that since the Secretary-General had revised his original proposals, his delegation was more than ever in favour of the establishment of a United Nations field service. It was, in his opinion, impossible to visualize that limited field service as a military force, or to regard its establishment as any danger to the sovereignty of the States in the territories of which it might be called upon to operate.

20. If proof were needed, it would be sufficient to study the number of men the field service would comprise, its type of equipment and the nature of its functions. The field service would, in fact, comprise a maximum of 300 men who would never be

concentrated in any one point, so that the presence in a country, however small, of a few dozen members of the field service could hardly constitute an infringement on that country's sovereignty. Moreover, those units would be armed only in exceptional cases, and then only with revolvers, not even with rifles.

21. Their functions, which were described in detail on page 6 of the Special Committee's report, were primarily technical and were not in the least political or military. Finally, and most important of all, the field service would be responsible directly to the Secretary-General of the United Nations and would, in a manner of speaking, be an extension of the Secretariat. That should surely be sufficient guarantee.

22. Finally, the usefulness of the proposal from a practical point of view should be emphasized: the presence of field service units with United Nations missions would not only contribute towards strengthening the prestige of the United Nations but would also give members of missions the protection which it was the duty of the United Nations to afford all its staff, as indicated in the advisory opinion given by the International Court of Justice with regard to the question of reparation for injuries incurred in the service of the United Nations.[1]

23. The Greek delegation was also in favour of the establishment of a panel of field observers. It was essential for the United Nations to be able to count on the services of observers who had been chosen from among the most competent and best qualified persons; that need which already existed might well become even more pressing in the future. It was imperative that the United Nations should be able to meet any contingency. Moreover, the observers would, by virtue of their closer association with the United Nations, have very high authority, provided, of course, that they always demonstrated the utmost integrity. If that were so, the evidence given by those highly qualified observers of the United Nations would be of the greatest historical importance.

24. Some delegations had thought that the observers should take an oath of allegiance to the United Nations; the United Kingdom delegation had pointed out that it would be difficult to ask officers who had already taken an oath of allegiance to their own country to take a second oath to the United Nations. The Greek delegation did not consider the oath to be indispensable if the observers were chosen from amongst persons of very high integrity.

25. Mr. AZKOUL (Lebanon) said that his delegation's stand was not based on reasons of principle. If it were agreed—and there could be no doubt in that respect—that the United Nations should send missions to certain parts of the world, it was a logical consequence that such missions should have at their disposal all the material means and technical services necessary to carry out their functions. Furthermore, that practice was already in force and what was being proposed was nothing more than a systemization of existing services.

26. Therefore, while recognizing the need for missions to be provided with the necessary services, the Lebanese delegation was concerned, first and foremost, with establishing the extent to which the proposal before the Committee would prove effective, and, secondly, with deciding to what extent the sovereignty of States would be respected if such a proposal were implemented.

27. The functions of the field service were set out on page 6 of the Special Committee's report and covered transport, radio communications, and —what was of great importance—the security of members and the protection of United Nations property, the guarding of supplies and the maintenance of order during meetings, hearings and investigations. In order to carry out successfully such functions of protection and maintenance of order, the United Nations staff would have to be armed. The Governments of certain States might refuse to allow armed aliens to carry out security duties in their territory. Should such a case arise, provision should be made for measures to meet that difficulty. The problem had not been neglected by members of the Special Committee, before whom the representatives of Colombia and Pakistan in particular had urged that the Secretary-General should, as far as possible, call upon the security services of States in the territory of which the missions would be required to operate.

28. Yet another problem arose in that connexion. First, it was impossible to call upon the local security services if the Governments of the States concerned refused to supply them. Secondly, even if the States concerned were prepared to supply their own security services, it might be preferable to use United Nations staff on grounds of efficiency and, above all, of impartiality; the Lebanese delegation recognized that in certain cases it was preferable to resort to that method. But then the problem would arise regarding which authority was to decide whether the local services should be employed or whether, on the contrary, United Nations staff should be called upon. The proposal as drafted left that decision to the Secretary-General. The Lebanese delegation thought that it would be preferable not to give the Secretary-General responsibilities which might place him in an extremely delicate position. It considered that it would be more expedient to let the competent body which appointed the mission also decide whether or not to call upon the security services of the States in the territory of which the mission would be required to operate. That appeared all the more sound since the competent body, which had studied the problem in all its aspects, was in a position to appreciate all the factors and would therefore be better placed than anyone to decide whether it would be expedient to call upon the services of the States in question.

29. The Lebanese delegation therefore proposed that paragraph 24 of the Special Committee's report should be amended by the addition of the following phrase at the end of the paragraph: "or where, in the view of the competent body, it would not be appropriate to use local services".

30. With regard to the panel of field observers, Mr. Azkoul agreed with many other representatives that the question had not yet been considered fully enough. He particularly stressed the fact that the functions of the panel of field observers were laid down in very vague terms, the obscureness and lack of precision of which were most troublesome.

[1] See *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion:* I.C.J. Reports 1949, page 174.

31. The Lebanese delegation, although it granted that it was for the competent organ to decide upon the details, would wish to know the general framework surrounding them. While duly acknowledging the praiseworthy attempt by the Secretary-General, it believed that it would be more advisable not to take any decision on that question at that stage and hoped that the Secretary-General would revise the text of his proposal in the light of the comments made in the Committee and alter it in such a way that that text would be assured of the unanimous support of the members.

32. If, however, the Committee decided to take a decision without delay, the Lebanese delegation would ask that the provisions relating to the establishment of the panel of field observers should be modified as follows:

33. First, with regard to the equipment of the panel of field observers, on which the text was not sufficiently precise, the provisions in question should include the paragraph headed "Equipment" in annex I of the report, modifying the third sentence of the paragraph by the addition of the words "by a decision of the competent organ" after the words "In certain isolated instances". The rest of the paragraph would remain unchanged.

34. Secondly, Mr. Azkoul quoted the text of paragraph 40 of the report dealing with the drawing up of lists of persons qualified to act as field observers. In view of the importance of the duties which those observers would be called upon to fulfil, their appointment should be approved by the State on the territory of which they would be called upon to carry out their functions. The following should therefore be added to the last sentence of paragraph 40: "and be submitted for approval to the State on the territory of which those persons were called upon to exercise their functions".

35. Such a provision appeared to be very important, as certain States might raise well-founded objections to the nationality or the personal character of observers.

36. Some delegations had rightly dwelt upon the necessity for the observers to swear allegiance to the United Nations. Others had opposed that proposal, on the grounds that officials in certain countries already took an oath of loyalty to their Government and would thus find it impossible to swear allegiance to another authority. The Lebanese delegation could not agree with that view. When an official entered the service of the United Nations, he was detached from the service of his Government for a definite period and therefore could take an oath of loyalty to the United Nations for the duration of that period. If the humblest clerk in the Secretariat was compelled to take that oath, it was logical to make a similar demand upon a staff called upon to exercise such important functions.

37. Finally, to allay the fears of delegations which had stressed the military nature of the field service, he suggested that that service should also include women who, in his opinion, were perfectly capable of discharging certain duties in connexion with that service, in particular duties relating to transport and radio communications.

38. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) stated that the Secretary-General's proposal was incompatible with Articles 97, 98, 99, 100, 101 and 43 of the Charter, and that by making that proposal the Secertary-General had exceeded the limits of the competence conferred upon him by the Charter. His delegation shared the views of the Soviet Union delegation on that problem, and it, too, would vote against the proposal. Adoption of the proposal would result in the overlapping of the functions of separate organs of the United Nations and would also be tantamount to by-passing the Security Council. None of the arguments which the supporters of the proposal had advanced in order to prove its legal basis had been able to shake the firm conviction of the delegation of the Ukrainian SSR, a conviction which the speeches of the representatives of the USSR, the Byelorussian SSR, Poland and Czechoslovakia had shown to be well grounded.

39. That the protection of the personnel and property of the United Nations missions must be ensured was, of course, undeniable. No representative who had the prestige and sovereignty of his country at heart could, however, deny that the best method of securing that protection was recourse to the security services of the States on the territory of which the missions would be called upon to operate. Any other method would be an infringement of the sovereignty of States.

40. In defense of the Secretary-General's proposal, the representatives of the United States and the United Kingdom had said that it was essential that the missions should be assured of the technical services requisite for the fulfilment of their functions and, furthermore, that Article 97 authorized the Secretary-General to supply such services. The delegation of the Ukrainian SSR admitted that contention, but it was unable to find any provision in Article 97 authorizing the Secretary-General to arm the personnel of such services and, moreover, it saw no reason why the personnel of purely technical services should be armed.

41. In fact, it was hardly a question of technical services; the representative of France had shown that clearly when he had characterized as inopportune and unfortunate the Secretary-General's statement in which he had defined the United Nations Guard as the nucleus for the armed force of the United Nations.

42. Furthermore, the true nature of the Secretary-General's proposal emerged clearly from the statement made by the Netherlands representative at the preceding meeting. Stressing alleged difficulties which would arise from the strict application of the principle of geographical distribution, that representative had proposed that the composition of the technical services of the missions should correspond to the composition of the missions themselves. It was common knowledge that it was the United States which for the most part supplied the personnel of the missions and the personnel of the technical services. The proposal of the Netherlands representative was therefore tantamount to the restriction of the composition of both the missions and their technical services to representatives of certain definite areas, particularly the United States, thus according that country an increased opportunity to augment its interference in the domestic affairs of the countries on the territory of which the United Nations missions operated.

43. The discussions in the Committee had clearly shown that the Secretary-General's pro-

posal had actually been inspired by the United States. If that proposal was adopted, the consequences for the prestige and the future of the United Nations might be very serious. That had been the feeling of a number of delegations, which had expressed the most explicit reservations about the expediency of setting up a panel of field observers.

44. Basing itself on the principles of the Charter, the integrity of which it was more than ever determined to defend, the delegation of the Ukrainian SSR would oppose any attempt to violate the Charter and would therefore vote against the Secretary-General's proposal.

45. Mr. SHANN (Australia) hoped that the *Ad Hoc* Political Committee would adhere to the procedure recommended in the report of the Special Committee, namely, that it would consider the two short draft resolutions instead of drafting a new one. The drafting of a long resolution would require much time and, moreover, would imply disagreement with the thesis of the Special Committee that the Secretary-General's authority in the matter was fairly wide. The whole purpose of the establishment of a Special Committee, which was to avoid a detailed debate in the *Ad Hoc* Committee and thus save time, would be lost.

46. Mr. Shann considered that the various amendments submitted were unnecessary. It would be preferable to leave the questions they covered to the discretion of the Secretary-General, who would not fail to take into account the observations made by the members of the Committee.

47. Some representatives had raised objections to the method proposed for the recruitment of observers. Mr. Shann hoped that the Canadian delegation's proposal (22nd meeting), which the Secretary-General would surely be able to accept, would contribute to the solution of these difficulties and enable certain delegations, including those of New Zealand and the Union of South Africa, to vote in favour of the resolution instead of abstaining as was their original intention.

48. Referring to the amendments submitted by the Lebanese delegation, Mr. Shann said he could not accept the amendment to paragraph 40 proposing that the list of observers selected should be submitted for approval to the States on the territory of which the missions were called upon to serve. The adoption of that amendment might create a precedent which certain States might eventually invoke to refuse admission into their territories, for political reasons or on grounds of nationality, to certain members of the United Nations staff. In order to preserve the neutrality and authority of the United Nations, the Secretary-General's right in such matters should be safeguarded.

49. Mr. Shann thought it unnecessary to insert a special paragraph on the equipment of the panel of observers. The provisions of the paragraph headed "Functions of the panel" in annex I of the report stipulated clearly that ". . . The members of the Panel would be called for service only in response to a specific decision by the General Assembly or Security Council, or an organ authorized by them . . ." and, further, that "The competent organ could lay down the precise functions to be performed in the particular case, the numbers of men to be utilized and any other necessary conditions, such as the provision of protective weapons, relations with the local authority, wearing of uniforms, etc." Mr. Shann thought that the terms of that paragraph adequately fulfilled the aims of the Lebanese amendment, and he hoped that that delegation would not insist on its amendment.

50. Mr. JABBAR (Saudi Arabia) said that his delegation had not been convinced by the arguments advanced in favour of the establishment of a field service and a panel of field observers. Its attitude, however, had not been primarily determined in the light of those arguments.

51. The Saudi Arabian delegation realized that the responsibilities of the United Nations were continually growing and required increasingly the services of specially qualified staff. That was undoubtedly the reason for which the Secretary-General had submitted the proposal that was before the Committee. Mr. Jabbar recalled, however, that the Secretary-General's original proposal had far exceeded the limits considered acceptable by many delegations, including his own. It appeared that, owing to the objections raised to the original proposal, the Secretary-General had modified it so that only 300 men would be recruited to provide the necessary technical services and to ensure the security of United Nations missions.

52. The Saudi Arabian delegation had no objection whatsoever to the employment of technicians whose services would facilitate and expedite the work of the United Nations; if such was the object of the proposal before the Committee, that proposal should be supported unreservedly. His delegation had, however, no intention of supporting any proposal to establish a field service which had any other than strictly technical purposes and whose protective functions would contravene the principle of the sovereignty of States.

53. The Saudi Arabian delegation strongly held that protective functions should be exercised by the individual States; enforcement of the law and the maintenance of order should remain the responsibility of the lawful Government of each country, whether a Member of the United Nations or not.

54. For those reasons, it seemed obvious that the Secretary-General's proposals might easily lead to armed conflict and regrettable international complications. Furthermore, the expense involved by such a project would be a heavy burden on the United Nations.

55. Mr. Jabbar wished to repeat, however, that his delegation would support all measures to facilitate the technical working of the United Nations, provided the increase of the technical staff was indispensable; on no account should such technical services be converted into a security force that might interfere in the domestic affairs of any country. In any event, all action should be in strict conformity with Article 43 of the Charter.

56. Mr. Jabbar held the opinion, together with many other representatives, that the proposal concerning the panel of observers was somewhat vague and impractical.

57. The Saudi Arabian delegation would be obliged to abstain from voting on the two proposals before the Committee; if, however, the amendments submitted by the Lebanese representative were adopted, his delegation would be able to support the two proposals.

58. Mr. COOPER (United States of America) said he did not think it would serve any useful purpose to engage in controversy concerning the reasons for which his delegation supported the draft resolutions before the Committee.

59. The United States had been glad to place at the disposal of United Nations missions numerous staff members and a large amount of equipment. It was clear that if the United States had intended to continue sending such numerous staff and so much equipment to serve these missions, it would not be supporting the draft resolutions, which were intended precisely to secure a more equitable distribution of the contributions of Member States in that field. The United States delegation was of the opinion that it would not be fair to continue a situation in which certain Member States were called upon to supply personnel for the United Nations to a disproportionate extent.

60. The representative of the USSR had raised the question whether certain legislation passed by the United States Congress had some connexion with the problem under discussion. Although the question had already been raised in the Special Committee, he would like to make it clear that the United States, having been requested, among other countries, to lend a number of individuals from its armed forces for observers' duty with United Nations missions, had responded to that request, in spite of the fact that there was no specific enabling legislation in the United States regarding such action. Consequently, the legislative decision of which the Soviet Union representative had spoken was simply an amendment to the United Nations Participation Act of 1945; and its purpose was to confirm the United States Government's right to lend the United Nations the services which had already been lent to it and those which might be lent to it in the future. Such staff would be made available to the United Nations only at the express request of the latter and, under the legislation involved, the personnel so furnished would be limited to non-combatant duty.

61. Mr. Cooper then read section 7 of the amended text of Public Law 341 of the 81st Congress of the United States. It appeared from that text that "the President" of the United States "upon the request by the United Nations for cooperative action . . . may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter—

(1) the detail to the United Nations of personnel of the armed forces of the United States to serve as observers, advisers, guards or in any non-combatant capacity". He drew attention to the words "upon the request by the United Nations" and "not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter".

62. He stated that his delegation supported the draft resolution on the field service. In his opinion, the Secretary-General already had the legal authority to furnish such services under Articles 97 and 98 of the Charter; and therefore, while admitting the value of the observations advanced by the representative of Israel, the United States delegation would vote against the amendment he had presented.

63. The United States delegation associated itself with the New Zealand delegation and thought it would not be wise to adopt amendments that might create the impression that the Secretary-General did not possess the necessary authority, or that might be likely to limit his authority.

64. The United States delegation also appreciated the way in which the Lebanese representative had examined the problem but, for the reasons just given, his delegation would not support any amendment which might make it more difficult for the Secretary-General to perform his duties.

65. With regard to the panel of field observers, Mr. Cooper admitted that its establishment presented practical difficulties and that, as had been pointed out, particularly by the representatives of India, Pakistan and some other countries, it was especially important to select the members of the panel very carefully.

66. It would not, however, be desirable to reject that proposal simply because of the difficulties that might be encountered, unless they were believed to be insurmountable. The real question was whether the contemplated system would be an improvement on the present system. After all, nothing was suggested but the compilation of a list of persons whose services would be available and who would be called upon to render them only in case of absolute necessity. Such a system would certainly facilitate the Secretary-General's task when he was requested to provide observers, and would make possible an equitable representation of the greatest possible number of Members of the United Nations. Lastly, that system would ensure the services of observers of unimpeachable integrity who would be responsible to the United Nations and not to their Governments.

67. The United States delegation believed that the experiment was worth the effort and would therefore support the Secretary-General in that field. It thought that the United Nations should be strengthened in every possible way, and that the duties of the Members towards the Organization were therefore positive rather than negative. It would therefore support the Secretary-General's proposals.

68. Mr. RAFAEL (Israel) said he would like to state that the main purpose of his amendment was to ensure that the field service would be used only in conformity with the wishes of the Organization. The two organs which had the necessary powers to establish United Nations missions were the General Assembly and the Security Council.

69. Some members of the Committee had expressed apprehension that the field service might possibly be used as a separate force without the authorization of the competent organ of the United Nations. He was convinced that the general desire was to avoid all possible violations of the Charter and any by-passing of the principal organ of the United Nations. That was the main idea behind his amendment.

70. As the New Zealand representative had pointed out, the General Assembly resolutions recommending the establishment of United Nations missions generally requested the Secretary-General to provide the necessary staff. The delegation of Israel shared the opinion that the establishment of a United Nations field service was more or less an administrative measure for the reorganization of existing services, but none the

less believed that to consider such reorganization as merely an increase in the existing staff would be to over-simplify the situation. It could not be denied that the field service would have a different structure from that of the regular Secretariat services and would constitute a special service. Consequently, it was important to act with caution. The delegation of Israel did not see why the appropriate organ of the United Nations could not, while adopting a resolution setting up a mission and requesting the Secretary-General to provide the necessary staff, also call upon the services of members of the field service.

71. Moreover, up to the present, and especially in the case of Palestine, when a mission desired to obtain the services of guards, it had applied to the organ on which it was dependent—in that particular case, the Security Council—and that organ had decided whether nor not to accede to the request.

72. The necessity for avoiding any intervention of United Nations missions in the domestic affairs of States had been emphasized very particularly by the delegations of States on the territories of which such missions had operated. The delegation of Israel shared that anxiety; the representatives of the United Nations were not entitled to disregard the sovereignty of any country whatsoever.

73. The delegation of Israel accordingly thought that the resolution concerning the field service should contain a provision precluding the possibility of any unregulated use of the field service.

74. The CHAIRMAN said that, as there were no more speakers, the observations of the Secretary-General on the comments of the various delegations would be submitted by his representative at the meeting.

75. Mr. FELLER (Secretariat) said that he would like to begin by clearing up certain points in connexion with observations made during the discussion.

76. The representative of the USSR had spoken of a pamphlet compiled by the Department of Public Information. A first draft of such a pamphlet had been compiled by one section of that Department and a very few copies distributed to senior officials of the Secretariat for observation and comment. It had not been given the necessary approval and had not been published, chiefly because of the erroneous statements it contained. The statements in question were those which the representative of the USSR had quoted at the previous meeting.

77. A sentence from the Secretary-General's revised proposal to the effect that the field reserve panel would be called for service in response to a specific decision of the General Assembly and of the Security Council, or of an organ authorized by them, and that that organ could only be the Interim Committee, had also been quoted at the previous meeting. Mr. Feller explained that the Secretary-General's wording was intended to mean that, in certain cases, the Security Council, for instance, when setting up a commission, might authorize it to request the services of observers instead of itself adopting a resolution for the purpose. The sentence simply represented a precautionary measure.

78. In reply to the statement made by the representative of France in reference to the Secretary-General's original proposal, to the effect that previous consultation with the delegations on that proposal would have been desirable, Mr. Feller wished to point out that the Secretary-General had consulted the leaders of various delegations before formally submitting his proposal. The consultations had done nothing to clarify the position, but had enabled the Secretary-General to learn the opinion of a great many delegations.

79. Dealing with the substance of the question, Mr. Feller said that, at first sight, the draft amendment of the delegation of Israel had seemed to him simply to restate the obvious. Though his powers were very wide, the Secretary-General did not believe that he had the right to send members of the staff anywhere he desired at his pleasure. He used his staff for the benefit of United Nations organs, wherever they functioned. After further reflection, however, Mr. Feller considered that the amendment involved restrictions which would make the administration of the Secretariat extremely difficult. He recalled the fact that some delegations had urged that the headquarters Guard Force should be merged with the field service, the Secretary-General's proposal specifically provided that one of the functions of the field service should be guard duties at headquarters. The Secretariat would examine the possibility of such a fusion from every possible angle and it seemed likely that it could be arranged, both for the sake of economy and for other reasons already explained to the Committee.

80. However, Mr. Feller wondered whether, in accordance with the terms of the amendment of the delegation of Israel, the Secretary-General must have the authorization provided by a specific resolution of the Security Council or the General Assembly before using members of the field service to perform the duties of headquarters guards. He believed it had been generally realized that, for reasons of economy and efficiency, the Secretary-General would do everything possible to make use of the field service staff at headquarters.

81. The amendment submitted by the delegation of Israel raised other difficulties. If, to take a hypothetical case, a visiting mission in East Africa were to ask the Secretary-General to lend it someone who could drive a "jeep", and the Secretary-General believed that a "jeep" driver was available in the field service, it was to be hoped that he would have the right to detach such a driver and send him to the visiting mission, even though the General Assembly had not adopted a specific resolution for the purpose.

82. The adoption of the amendment would also place the field service in an unfavourable position compared with the other services of the Secretariat.

83. Mr. Feller believed that the Australian representative had, in the main, replied to the remarks of the representative of Lebanon. He would point out, however, that dealing, in his revised proposal, with the equipment of field observers, the Secretary-General had been careful to state that, in his opinion, the question should be left to the discretion of the competent organ. The Secretary-General had contented himself with suggesting that a list of names should be drawn up and that the competent organ should be responsible for settling all questions relating to the calling into service of the observers, conditions of serv-

ice, etc. It was for the General Assembly to decide whether it wished to deal with the organization of the panel of observers.

84. Mr. Feller thought that the same observation might apply to the proposal of the representative of Lebanon for a specific provision to the effect that a State on the territory of which a United Nations mission was functioning should have the right to approve the observers sent there. It seemed to him, however, that it was dangerous to establish a precedent under which it would be necessary to obtain the approval of individual States in regard to the United Nations officials who might be sent into those States. The proposal raised an important question of principle which the Committee must decide.

85. On the actual question of the panel of field observers, Mr. Feller said that the Secretary-General's one desire was to improve the method of selection. He emphasized the fact that if the proposal to establish the panel were not adopted, the existing system would continue and every argument used against the setting up of the panel of field observers might be advanced, with equal force, against the existing system. That system took no account of the principle of fair geographical distribution. As matters stood, the Secretary-General, when asked for observers, could not consult fifty-nine countries, and thus had to apply to those which had available staff. The result was that the observers used in the past were too largely recruited from particular countries. He added that, in the previous two years, it had been possible to obtain observers from only ten Member States and that it would be expedient to remedy such disparity.

86. As the representative of the Netherlands had pointed out, the principle of geographical distribution need not be automatically applied in the case of every mission. It was, however, desirable that observers should be drawn from as many Member States as possible. Responsibility for seeing that observers were persons specially qualified to perform their duties in a particular territory obviously lay with the Secretary-General and the missions. It was precisely in order to ensure the competence and personal qualities of observers that the Secretary-General wished to know in advance whether such individuals were available.

87. In reply to the representative of Canada's suggestion, Mr. Feller said that the Secretary-General was in favour of Governments themselves assuming the responsibility for drawing up lists of observers from among their own nationals, for keeping those lists up to date and for providing him with copies. Such a course must be advantageous both from the point of view of choosing, as need arose, the most qualified persons available, and from that of lightening the administrative and financial responsibilities of the Secretariat. If his proposal were accepted, the Secretary-General would not fail, when negotiating with Governments, to ask them—if they so desired and were able—to assume responsibility for compiling the lists in question and sending him a copy.

88. Finally, on the matter of the oath to be taken by observers, Mr. Feller wished to state that the Secretary-General thought the observers should take an oath of allegiance to the United Nations similar to that which its officials now had to swear, though there might be some minor changes in wording occasioned by the temporary nature of observers' duties.

89. The Secretary-General further proposed that, if any objection should be raised either by a Government or by an observer to the taking of the oath, he should enter into negotiations with the Government concerned in an endeavour to overcome the difficulties. As a general principle and having regard to the sentiments expressed in the Committee, the Secretary-General believed that if the foregoing resolutions were adopted, all observers called in to service in the future should take the oath of allegiance to the United Nations.

90. The CHAIRMAN said that, at its next meeting, the Committee would give its decisions on the various draft resolutions and amendments.

91. In reply to a question by Mr. ORDONNEAU (France), the CHAIRMAN said that, in the event of the adoption of the Lebanese delegations' amendments, it would be necessary to change the wording of the draft resolutions so as to indicate that the General Assembly took into account the observations embodied in the report of the Special Committee and the report of the *Ad Hoc* Political Committee.

The meeting rose at 1.15 p.m.

TWENTY-FOURTH MEETING

Held at Lake Success, New York, on Thursday, 27 October 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

United Nations Field Service: report of the Special Committee (A/959) (*concluded*)

1. Mr. DROHOJOWSKI (Poland) observed that the discussion had revealed serious doubts in the minds of many members concerning the legal and practical implications of the proposals before the Committee. Some of the amendments which had been put forward deviated substantially from the text submitted by the Special Committee.[1] It seemed clear that the matter required further study. More time should be allowed for such study, especially in view of the fact that the General Assembly was faced with many other more urgent problems. For those reasons, Mr. Drohojowski submitted the following motion:

"*Considering* the serious differences of opinion in the *Ad Hoc* Political Committee regarding the United Nations field service and the United Nations panel of observers, and

"*Considering* that further study of the matter appears to be advisable,

"*The General Assembly*

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 13.

"*Defers* such further study to its fifth regular session."

2. Mr. Drohojowski emphasized that his motion did not preclude any of the solutions which had been offered in the course of the debate.

3. The CHAIRMAN said that he appreciated some of the reasons underlying the Polish proposal, but felt that the Committee should be free to decide whether or not it wished to take a decision on it at that juncture.

The Committee decided not to consider the Polish motion by 28 votes to 10, with 9 abstentions.

4. Mr. RAFAEL (Israel) said that the amendment presented by his delegation (A/AC.31/L.8) had been intended to dispel certain apprehensions expressed concerning the arbitrary use of the field service, and to secure unanimity on the draft resolution contained in the Special Committee's report. Since, however, the amendment would not serve that purpose, the Israel delegation withdrew the amendment.

5. Mr. AZKOUL (Lebanon) indicated certain modifications which he wished to propose to the amendments he had put forward at the 23rd meeting.

6. In light of the remarks made by certain representatives, he had formulated in greater detail his proposed amendment to paragraph 24 of the report of the Special Committee, which would henceforth read:

"The *Ad Hoc* Political Committee recommends that the Secretary-General should continue to seek the co-operation of Governments, in the territory of which the field service might be called upon to operate, and that *those functions of the* service *necessitating the carrying of side-arms* should be utilized only where the use of local services is not practicable, *or if, in the opinion of the competent organ, it is not desirable to utilize local services.*"

7. The purpose of those modifications was to give assurance that the functions of the field service involving the carrying of side-arms and connected with the protection of missions should not be placed entirely at the discretion of the Secretary-General.

8. In connexion with the amendment to paragraph 40 of the report of the Special Committee, he had slightly modified it as well in order to make it certain that the approval of the Government concerned would be sought not for the whole panel but only for the persons to be sent to a specific area. The last sentence of paragraph 40 would read:

"The selection should be based upon the principle of equitable geographical distribution *and should be submitted for approval by the State upon the territory of which these persons will be called upon to serve.*"

9. Colonel GHALEB Bey (Egypt) stated that his delegation would abstain from voting on the Lebanese amendments because, first, they did not cover the points raised by the Egyptian delegation; secondly, certain parts of the amendments were not acceptable to his delegation; and, thirdly, they would not affect the terms of the draft resolutions to be submitted for the approval of the General Assembly.

10. Mr. DJERDJA (Yugoslavia) would vote against the first amendment of the Lebanese delegation because he felt that the points made were adequately covered by the Special Committee's report under the paragraph headed "Equipment" on page 6.

11. The CHAIRMAN pointed out that the Committee was called upon to vote only on the *italicized* passages in the Lebanese text as they represented amendments proposed by the delegation of Lebanon to certain paragraphs of the Special Committee's report.

12. He put to the vote the amendment to paragraph 24.

The amendment was rejected by 23 votes to 10, with 15 abstentions.

13. The CHAIRMAN then put to the vote the draft resolution contained in paragraph 36 of the Special Committee's report.

The draft resolution was adopted by 38 votes to 5, with 8 abstentions.

14. Mr. SOTO (Chile) explained that he had abstained in the vote because his delegation considered it unnecessary for the General Assembly to authorize the Secretary-General to exercise powers which he already possessed.

15. In reply to a request for clarification from ABDUR RAHIM Khan (Pakistan), the CHAIRMAN said that there was no objection to mentioning in the Committee's report to the General Assembly that it had been almost unanimously agreed that members of the panel of observers should take the United Nations oath.

16. The Chairman then put to the vote the amendment to paragraph 40 of the report of the Special Committee proposed by the delegation of Lebanon.

The amendment was rejected by 20 votes to 10, with 22 abstentions.

17. The PRESIDENT put to the vote the Lebanese amendment to the proposals concerning the functions of the field reserve panel set forth on page 6 of the report of the Special Committee. The amendment called for the deletion, in the last sentence of the paragraph, of the words "the provision of protective weapons" and for adding, at the end of the same paragraph, the following sentence:

"In isolated instances, at the decision of the competent organ or where required by a mission and when permitted by the law or authority of the locality, individual members of the panel assigned to observation duties will be authorized to carry side-arms."

The amendment was rejected by 24 votes to 10, with 16 abstentions.

18. Mr. AZKOUL (Lebanon) proposed that in the paragraph on page 6 of the report concerning the composition of the field service, the words "300 men" should be replaced by "300 persons", thus extending to women an opportunity for participation in the service.

It was so decided.

19. The CHAIRMAN put to the vote the second draft resolution contained in paragraph 47 of the Special Committee's report.

The second draft resolution was adopted by 28 votes to 7, with 18 abstentions.

20. Mr. LASKY (United Kingdom) said that his delegation had abstained in the vote not because it had any legal or political objections to the draft resolution, but because it continued to doubt the workability of a panel of observers, and, more particularly, because an affirmative vote might be held to commit the United Kingdom Government to action which it might be unable to carry out. The Government of the United Kingdom could not at the moment produce a list of qualified men in government service who would be available at some uncertain date in the future. The suggestion of the representative of Canada would not altogether meet his delegation's difficulty. If and when the need arose, his Government would make every effort to furnish the Secretary-General with a specific number of men from people in its government service to act as observers. The Government would have no objection to recruitment of individuals in the United Kingdom on a voluntary basis, and would be prepared to assist the Secretary-General to assess their qualifications in cases in which it was in a position to do so. The Secretary-General should be responsible for keeping the list of voluntary recruits up to date.

21. Mr. SHANAHAN (New Zealand) had abstained because his delegation did not consider the method of organizing a panel of observers an effective way of securing the desired result, and not for any political or legal reasons. It would be more practical for the Secretary-General to consult Member States and secure qualified observers whenever they were required. However, the New Zealand Government would, with a certain freedom of action as to procedure, make every effort to co-operate with the Secretary-General in the spirit of the draft resolution.

22. The CHAIRMAN reminded the Committee that the financial implications contained in the draft resolutions would have to be discussed by the Fifth Committee. In transmitting them to that Committee, he would draw special attention to paragraph 29 of the Special Committee's report. He hoped that that would meet the point raised by the representative of the Union of South Africa at the 23rd meeting.

The meeting rose at 4.05 p.m.

TWENTY-FIFTH MEETING

Held at Lake Success, New York, on Monday, 31 October 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Admission of new Members: reports of the Security Council (A/968, A/974, A/982)

1. Mr. SANDLER (Sweden) said that his delegation had always favoured efforts designed to make the United Nations a universal body. It had put forward proposals to that end at the second[1] and third[2] sessions of the General Assembly. It had been gratified by the adoption at the third session of resolution 197 (III), expressing the desire of the majority of the Members for a more liberal attitude toward the question of the admission of new Members. While the Security Council had failed to act upon the applications still pending, some of its permanent members had expressed their willingness to refrain from exercising their veto in respect of the admission of new Members. Although the USSR had not shared that view, it had been prepared to vote favourably on all the applications provided that the other permanent members of the Council did likewise. Yet, despite an apparent improvement in the general atmosphere, no positive result had been achieved.

2. As requested by the General Assembly in resolution 113 (II) A, the International Court of Justice had given an advisory opinion concerning the interpretation of Article 4 of the Charter,[3] which stated the prerequisites for the admission of new Members. The Security Council had failed, however, to accept the Court's opinion and the Soviet Union had continued to make its approval of certain applications dependent upon the acceptance of other applications by the other permanent members of the Security Council.

3. The Swedish delegation did not wish to criticize on legal grounds the arguments advanced by certain delegations concerning the interpretation of Article 4. It was clear that the members of the Security Council were free to exercise their discretionary powers in connexion with the application of that Article to the admission of new Members. They were not, however, entitled to take arbitrary decisions in that respect. There was nothing in Article 4, for example, to support the view that applicant States could be excluded from membership on the grounds of failure to respect human rights. The Charter did not formally prescribe that all States desiring membership in the Organization must first have attained the stage of full and perfect respect for human rights and fundamental freedoms. It would be unfair to impose such a condition upon aspiring Members when all that was actually required of States already Members was that they encourage and promote respect and observance of human rights. Thus, full respect for human rights remained the goal of all Member States of the United Nations and did not lose in value or importance.

4. The Swedish delegation maintained the position that the United Nations should become a universal body uniting countries of varying political, economic and social structures for the maintenance of peace. A liberal attitude toward applications for membership would enable it to fulfil that objective. As soon as a State had become a Member, it assumed the obligations set forth in

[1] See *Official Records of the second session of the General Assembly*, First Committee, annex 14a.

[2] See *Official Records of the third session of the General Assembly, Part I, Ad Hoc* Political Committee, annexes, document A/AC.24/17.

[3] See *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion:* I.C.J. Reports 1948, page 57.

the Charter. If, therefore, there were any doubts concerning the observance of human rights in a given country, they could be more easily resolved when that country had become a Member of the Organization, bound by the Charter to respect those rights. The Swedish delegation had noted with satisfaction that the Secretary-General in his annual report[1] had expressed the opinion that there should be no more delay in approving the applications for membership pending before the Assembly and in fulfilling the provisions of the resolution adopted at the third session.

5. Mr. TSARAPKIN (Union of Soviet Socialist Republics) pointed out that, of the thirteen States applying for admission to membership in the United Nations, two—Albania and the Mongolian People's Republic—had first applied in 1946, while Hungary, Romania and Bulgaria had been waiting for admission since 1947. All the thirteen applications had been considered, jointly and severally, on many occasions by both the Security Council and the General Assembly. However, none of the thirteen applicants had been granted admission.

6. The explanation of that situation was that the United States and the United Kingdom were guided in the matter of the admission of new Members not by the provisions of Article 4 of the Charter but by their feelings, favourable or adverse, towards the political régimes of the various applicants. While opposing the admission of peace-loving States such as Albania and the Mongolian People's Republic, which had fought heroically and at the cost of heavy sacrifices on the side of the Allies during the Second World War, they insisted on the admission of such countries as Portugal and Ireland, whose favourable attitude towards the common enemy during the War was well known. They also favoured the admission of Jordan, whose status as a peace-loving country was highly dubious and whose very existence as an independent sovereign State was by no means beyond dispute.

7. The United States and the United Kingdom were resorting to all possible methods to prevent the admission of Albania, the Mongolian People's Republic, Bulgaria, Hungary and Romania. The slanderous and nonsensical character of their accusations against those countries was obvious to any impartial observer. Thus, the United Kingdom had first based its charges against Albania on alleged difficulties encountered in Albania by the British Graves Registration Commission; then on a case when British warships had been fired upon by Albanian coastal batteries; and after that on the Corfu incident. The United States, for its part, had accused Albania of failure to observe certain agreements which had been forced upon former Albanian Governments in detriment to the sovereign rights of Albania. The Greek Government, which did not make a secret of its intention to seize a considerable part, if not the whole, of Albanian territory, had accused that country of being responsible for a number of frontier incidents. Lastly, Albania had been charged with aiding the Greek guerrillas. Despite the fact that the Soviet Union delegation had on repeated occasions refuted all those accusations, the United States and the United Kingdom continued to oppose Albania's admission to the United Nations.

8. Because the geographical position of the Mongolian People's Republic did not favour the fabrication of similar unfounded charges against it, a different pretext had been found for opposing its admission: its position as a sovereign State had been contested. Mr. Tsarapkin quoted a statement made by the United States representative in the Security Council on 11 July 1949[2] to the effect that time and evidence were needed to determine whether or not the Mongolian People's Republic was a State. That statement contrasted sharply with the words of another United States representative in the Council who, on 28 August 1946,[3] had proposed the admission of eight States including Albania and the Mongolian People's Republic, and had specified that his delegation believed that all those countries were States within the international meaning of that word. The United States delegation's position in respect of the Mongolian People's Republic was thus obviously inconsistent and illogical.

9. While supporting the applications of former allies of Germany such as Italy and Finland, the United States and the United Kingdom were practising discrimination in respect of Bulgaria, Hungary and Romania. By so doing, they were flouting the solemn obligation they had assumed at Potsdam to promote the admission of those three States to membership in the United Nations after the conclusion of the relevant treaties of peace. They were also violating the treaties of peace themselves by disregarding the provisions on that subject contained in the preamble to each treaty.

10. In order to disguise their own position, reactionary circles in the United States and the United Kingdom were encouraging the spread of a slanderous rumour to the effect that the Soviet Union opposed the admission of Italy and Finland. That was absolutely untrue. The Soviet Union had no objection to the admission of Italy and Finland together with all other applicants for membership in the United Nations; but it did protest against attempts to give preferential treatment to those two countries while discriminating against Bulgaria, Hungary and Romania.

11. Mr. Tsarapkin pointed out that the General Assembly resolutions 113 (II) and 197 (III) on the admission of new Members showed obvious preference for the applicants favoured by the United States and the United Kingdom, and made no reference to the five people's democracies applying for membership.

12. The United States was openly using the matter of the admission of new Members as a weapon of political pressure and blackmail against the people's democracies, and was trying to employ the United Nations as its agent in the policy of interference in the internal affairs of those States. In that connexion, Mr. Tsarapkin quoted a statement by the United States representative at a meeting of the Security Council on 24 June 1949,[4] to the effect that the United States

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 1.

[2] See *Official Records of the Security Council*, Fourth Year, No. 33.

[3] *Ibid.*, First Year, Second Series, No. 4, 54th meeting.

[4] See *Ibid.*, Fourth Year, No. 32.

would be glad to support the applications of Albania, the Mongolian People's Republic, Hungary, Romania and Bulgaria if those countries changed their policies. He also quoted a statement by Mr. Vyshinsky at a plenary meeting of the General Assembly,[1] to the effect that the reactionary circles of the capitalist countries were hoping to change the economic and political structure of the people's republics. That desire was the main reason for the persistent refusal by the United States and the United Kingdom to admit the five countries concerned; it also underlay the issue of the observance of human rights in Bulgaria, Hungary and Romania.

13. Referring to the claim that Albania, the Mongolian People's Republic, Hungary, Bulgaria and Romania did not meet the requirements of Article 4 of the Charter, Mr. Tsarapkin pointed out that the provisions of that Article were intended to exclude from membership all agressive fascist States, while opening the doors of the United Nations wide to all peace-loving democratic countries. The five States concerned fully met all the conditions set forth in Article 4; in alleging the contrary, the United States delegation was distorting the terms of the Article.

14. The United Nations was not an organization run by the United States for its own political purposes. More than fifty States with widely differing political, economic and social systems and conceptions of law had participated in the drafting of the Charter. Yet the United States was zealously promoting the idea that its narrow selfish interests were identical with the principles and purposes of the United Nations. On that concept, politically and legally unfounded as it was, the United States was basing its determined opposition to the admission to membership of Albania, the Mongolian People's Republic, Hungary, Romania and Bulgaria.

15. The USSR position in the matter was entirely fair, impartial and objective. Guided strictly by the interests of the United Nations as a whole, the USSR delegation insisted that the question should be solved without delay by the admission of all thirteen applicants to membership in the United Nations.

16. All attempts to solve the question on an individual basis having failed, a positive solution was possible only on the lines proposed by the delegation of the Soviet Union. The USSR delegation hoped that its proposal would meet with support in the Committee and that a positive solution of the question of the admission of new Members would be reached at the current session.

17. Sir Alexander CADOGAN (United Kingdom, regretted that the question of the admission of thirteen new Members to the United Nations remained unresolved. He deplored the fact that action by the Security Council on the matter had been hampered by the arbitrary use of the veto by one of the permanent members.

18. Replying to Mr. Tsarapkin's reference to the Potsdam Declaration, Sir Alexander pointed out that the text of that document merely stated that the signature of treaties of peace with the ex-enemy countries of Hungary, Bulgaria and Romania would enable those countries to be elected to the United Nations. Conclusion of those treaties had therefore removed only one disqualification; it did not mean that all other qualification had thereby been automatically fulfilled.

19. The United Kingdom representative went on to show that the Soviet Union had used the veto arbitrarily in connexion with the applications of certain States for membership in the Organization. Unlike the United Kingdom, which had always submitted good reasons for its opinion that an applicant State failed to comply with the conditions prescribed in Article 4, the USSR had in the past exercised its veto in some cases without giving adequate reasons. In others, it had withheld its favourable vote failing an affirmative decision of the Council on certain candidates of its own choice; and in the case of Italy, for example, it had explicitly admitted that the applicant State fulfilled the necessary conditions, but had vetoed the application solely because certain other applicants had failed to obtain the required affirmative majority.

20. During the third session of the Assembly, the representative of the Soviet Union on the Security Council had propounded the principle that if all candidates were not to be admitted, none of them would be admitted. Yet, he had departed from that principle by casting a favourable vote in the isolated case of Israel. That discrepancy seemed to indicate that the USSR delegation was not in fact guided by principle in the question of the admission of new Members.

21. Furthermore, the position of the USSR delegation was not compatible with the decision of the International Court of Justice respecting the interpretation of Article 4 of the Charter. Sir Alexander quoted the terms of the Court's advisory opinion to support that view. While it was patently unfair to bar well-qualified States from admission, it would be equally unfair to follow the suggestion of the USSR and to admit States which had been judged unsuitable by a majority of Member States. In effect, the Soviet Union proposal for blanket approval of all thirteen applications before the Assembly would mean that the arbitrary ban of the veto would be removed from certain countries which the USSR found suitable for admission if, in exchange, admission were granted to other countries which the majority considered unsuitable for membership.

22. Such a proposal could only be characterized as blackmail. The United Kingdom could not accept the procedure of bloc voting which it would entail. It continued to adhere to the view that each application for membership should be judged separately on its merits, by reference to the conditions laid down in Article 4. The principle of universality of the United Nations could not be distorted to mean the automatic admission of States to membership in the Organization. That membership could not be granted to States which did not meet the standards set forth in the Charter.

23. In the circumstances, there was nothing left for the General Assembly but to register disapproval of the action taken by the USSR delegation and to request the Security Council to reconsider once again the applications pending in an effort to reach decisions compatible with the Charter and the interests of the United Nations.

[1] See *Official Records of the fourth session of the General Assembly*, 234th plenary meeting.

24. The United Kingdom delegation would therefore vote in favour of the draft resolutions laid before the Committee by the delegation of Australia (A/AC.31/L.9, A/AC.31/L.10, A/AC. 31/L.11, A/AC.31/L.12, A/AC.31/L.13, A/AC. 31/L.14, A/AC.31/L.15, A/AC.31/L.16, A/AC. 31/L.17).

25. Mahmoud FAWZI Bey (Egypt) stated that the question of the admission of new Members had been discussed at such length that it was impossible to present any new arguments on the subject.

26. He recalled that the Egyptian delegation had taken a consistently keen interest in the matter of membership and had supported the position that the General Assembly was fully entitled to discuss the contents of the report of the Security Council in the matter of new Members.

27. The relevant resolutions of the General Assembly and the advisory opinion of the International Court of Justice showed unequivocally that the consensus of opinion of the General Assembly and of world jurisprudence was that applications for membership in the United Nations should be considered exclusively in the light of the provisions of the Charter, in particular of Article 4. Failure to adhere to that procedure had resulted in violations of the fundamental principle of universality.

28. While the standards set in Article 4 must be applied as a yardstick for the admission of new Members, it should be remembered that perfection could not be expected and that, consequently, excessively stringent criteria were undesirable. The United Nations should seek a policy which represented a happy medium between strict and mechanical application of the requirements of Article 4 and the principle of the universality of the Organization.

29. That position should not, however, be interpreted as condoning wholesale acceptance of a bloc of applicants. Each application must be considered on its own merits. Considerations of logic and decorum militated against voting for groups of applicants. Moreover, the procedure of wholesale admissions had in it an element of bargaining which was unworthy of the United Nations, particularly in view of the advisory opinion of the International Court of Justice.

30. The representative of Egypt expressed the hope that the opinion of the great majority of the Members of the United Nations, supported by the advisory opinion of the International Court of Justice, would prevail, with the result that a more harmonious and conciliatory spirit would reign in international affairs and that many deserving applicants would no longer be barred from membership in the United Nations.

The meeting rose at 12 noon.

TWENTY-SIXTH MEETING

Held at Lake Success, New York, on Tuesday, 1 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Admission of new Members: reports of the Security Council (A/968, A/974, A/982) (*continued*)

1. Mr. KATZ-SUCHY (Poland) was of the opinion that the expression "admission of new Members" appearing as an item on the agenda was misleading. The General Assembly was not discussing the admission of any new Member because no new Members had been recommended for admission by the Security Council.

2. The present discussion had been arranged for the purpose of approving the attitude of the majority of the Security Council, which persisted in refusing admission to certain countries for political reasons and, by so doing, was preventing the application of the principle of universality in the United Nations. The discussion would clearly provide an opportunity for new attacks against the USSR and the minority in the Security Council which had championed the principles of the Charter. New slanders would also be directed against the candidates because their political system was not pleasing to a Power which claimed to be the absolute judge of the virtues and defects of the entire universe. The new discussion did not change the situation in the slightest: no new factor had appeared, and the attitude of the majority of the Council had not changed. The item on the agenda ought therefore rather to be called "refusal to admit new Members".

3. Since the discussion of the matter at the first part of the third session of the General Assembly, the attitude of certain Powers and of the majority of the Security Council had not changed. The situation remained as it had been at the second session of the General Assembly in 1947, when it had clearly appeared for the first time that the conditions of admission of new Members, as laid down in the Charter, were dependent on the view taken regarding the tactical needs of the cold war by the majority of the Security Council, under the leadership of the United States.

4. The Security Council's special report (A/982) which the *Ad Hoc* Political Committee had before it, stated that the applications of thirteen States had been reconsidered. The Council had taken into consideration resolution 197 (III) adopted by the General Assembly at its third session and also the renewed applications of Bulgaria, Hungary, Albania, the Mongolian People's Republic and Romania. The Council had not reached any conclusion on those matters.

5. It appeared therefore that thirteen States had for some time been vainly expressing the desire to enter the United Nations. Why was the Organization opposed to their admission? Various representatives on the Security Council had reiterated their view that the principle of universality should be applied in the United Nations. One of them had stated that the admssion of new Members would be a substantial contribution to a

more helpful and constructive international atmosphere. Nevertheless, the applications of five States had been rejected, and the majority in the Security Council had urged acceptance of the Argentine draft resolutions, which referred to only seven of the candidates. It was clear that if those various applications were to be dealt with by different criteria, it would not be possible to reach any positive solution. That was why the situation had not changed since 1947.

6. Mr. Katz-Suchy recalled that the draft resolution submitted to the Security Council by the USSR, proposing the admission of thirteen new members, had not been adopted. On that occasion, the same accusations and recriminations had been heard. That was not surprising.

7. It had long been claimed that Article 4 of the Charter should be strictly applied and that no extraneous factor should be considered when applications were being considered. That insistence on the terms of Article 4 and their strict interpretation, however, did not go very far back. Political arguments had been used from the beginning when the applications of certain States were considered by the Security Council in 1946. What was more, certain Member States of the Organization could be accused of having used, during the discussion of the matter, different and often conflicting criteria in judging the ability and willingness of certain candidates to carry out the obligations prescribed by the Charter. What moral and legal basis could there be for the United Kingdom representative's statement on the application of the Mongolian People's Republic to the effect that Mongolia had not gained sufficient experience in international affairs to equip it to play a proper part in the international work of the United Nations? That statement had been made at the 56th meeting of the Security Council on 29 August 1946.[1] Nevertheless, it had not prevented the United Kingdom representative from supporting the application of a State which was much less qualified to become a new Member, inasmuch as its supposed independence was of much more recent origin than that of the Mongolian People's Republic, the Constitution of which dated back to 1924.

8. In the case of Albania's application, the United States and United Kingdom representatives had expressed doubts as to whether admission was desirable. No charge of interference in the domestic affairs of Greece being possible at the time, the case of the Corfu Channel incident had been invoked. Meanwhile, Albania had agreed that that question should be submitted to the International Court of Justice, which was currently dealing with it. That was clear proof of Albania's desire for co-operation, and its ability in that respect could not be doubted.

9. While Albania's application was being refused—and Mr. Katz-Suchy recalled that country's sufferings under Italian occupation and its considerable contribution to the Allied war effort in southern Europe—the application of a country under the control of an Allied commission and subject to certain restrictions in international relations was being supported. Such an attitude could not be justified. It showed that those who were claiming that strictly juridical arguments should be decisive were far from practising the principles they were preaching to others.

10. When it was felt that those political considerations would not carry their promoters very far, it was decided, through resolution 113 B (II), to refer the matter to the International Court of Justice for an advisory opinion so as to buttress political manoeuvres with legal authority. What the majority of the General Assembly intended was to strengthen the position of the majority in the Security Council by additional arguments. That was the reason for the discussion on the advisory opinion of the International Court of Justice at the third session of the General Assembly.

11. He recalled that the advisory opinion[2] said that, in considering applications, Member States should confine themselves to the provisions of Article 4, paragraph 1. He also recalled, however, that a very large minority of the Court had been of the opinion that a Member State was legally entitled to put forward considerations alien to the qualifications specified in Article 4 of the Charter. They had stressed the importance of the political factors which might in some cases be involved in the question of admission. That minority of judges in fact represented all schools of thought and all major forms of civilization. What was more, even some of the judges who had voted with the majority had referred to exceptional circumstances in which consideration of political factors might be justified. Thus, eight of the fifteen judges had held that there were serious considerations in favour of political factors being taken into account. That attitude was fully justified. The judges could not detach themselves from the general atmosphere created around the issue. Moreover, once political factors had been considered, they could no longer be ignored, and the question could not be decided on a purely theoretical and legal basis.

12. On the other hand, the so-called majority opinion had claimed that the Court had not been called upon to decide on a concrete case and to ascertain whether the necessary conditions had been fulfilled. It had been of the opinion that the question was abstract, and that the reply was also of an abstract character. Thus there were, on the one hand, legal opinions linked with political considerations and justifying the use of political criteria; and, on the other hand, an abstract legal opinion not at all related to the question under discussion.

13. It appeared clear from those considerations that the Court's advisory opinion could in no way help those who had tried to use it as an argument to justify their negative attitude to the applications of certain States for membership. And yet they were using that opinion to support their attitude.

14. Mr. Katz-Suchy thought that the reasons for the opposition of the United States to the admission of certain States to membership in the Organization were clear. It felt that the applicant States should be divided into two groups, one comprising States which enjoyed the favour of the United States, and the other comprising States which did not enjoy its favour because of their

[1] See *Official Records of the Security Council*, First Year, Second Series, No. 5.

[2] See *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion: I.C.J. Reports* 1948, page 57.

political structure and their social and economic order. There was no need to show that a clear discrimination was practised between States; the discussions in the Security Council and in the General Assembly gave ample evidence of that fact. The United States and the United Kingdom were determined to block the admission of five States to the United Nations. That was the crux of the matter. The position of the United States and the United Kingdom was not so much intended to facilitate the admission of their favourites as to prevent the admission of another group of States so as to show them and the world that final decisions in international affairs were in the hands of the United States and the United Kingdom.

15. Mr. Katz-Suchy had already shown that there was absolutely no justification for refusing to admit the Mongolian People's Republic. His remarks were equally applicable to Albania, which had been designated as an Associated Power in article 88 of the Treaty of Peace with Italy. In that Treaty, the Allied Powers had pledged themselves to guarantee the sovereignty and independence of Albania by inserting a clause compelling Italy to do so. Meanwhile, another Member of the United Nations was constantly threatening Albania and refusing to recognize its territorial integrity. Instead of protecting Albania, the United Nations was refusing to admit it to membership. Some Members had even gone so far as to encourage Greece in its threatening attitude to Albania. He therefore could not understand why the United States and the United Kingdom felt that Albania was not worthy of admission to the United Nations.

16. In the case of Bulgaria, Hungary and Romania, the United Kingdom and the United States, as well as the other signatories of the treaties of peace, had violated the provisions of those treaties under which they pledged themselves to support the requests for admission to the United Nations submitted by Bulgaria, Hungary and Romania. That was a flagrant contravention of binding rules of international law. The provisions of the peace treaties left no doubt concerning that obligation; the same pledge had also been made at Potsdam.

17. The representative of the United States had tried to evade the issue when he had stated in the First Committee on 10 November 1947[1] that the provisions of the peace treaties had merely authorized the signatory States to support applications for admission. Mr. Katz-Suchy considered that interpretation logically and grammatically untenable and designed merely to serve the political aims of its authors. He did not think a State had to be authorized to support an application for admission. Consequently, by voting against the admission of those countries, the United States and the United Kingdom had not honoured their pledges.

18. Recently, however, they had adopted another tactic; they had abstained, knowing in advance that the Security Council, owing to the large number of abstentions, would be powerless to adopt any resolution whatsoever. That strategy could not deceive those who were conversant with the provisions of the Charter and were perfectly well aware that those abstentions actually constituted a negative vote equivalent to the notorious veto.

19. He then recalled how Canada had respected solemnly signed and ratified treaties. At the 445th meeting of the Security Council[2] Canada had voted against the admission of Bulgaria, Romania and Hungary despite the fact that Canada was among the signatories of the treaties of peace with Romania and Hungary.

20. Utilizing the opinion of the International Court of Justice, the United States and the United Kingdom had maintained their opposition to applicant States which they did not wish to admit to membership. It was clear that the matter of alleged violation of human rights in Bulgaria, Hungary and Romania, which had recently been discussed in the Committee, had been intended to discredit those countries before the United Nations and to add still another obstacle to their admission to the Organization. The United States and the United Kingdom could not expect the members of the Committee to be so naive as to give credence to the legal arguments they had advanced, particularly with regard to observance of the provisions of the Charter. If that had been their real purpose, those two States would have taken the necessary steps to see that those provisions were observed in their own countries.

21. Mr. Katz-Suchy found those two States guilty of flagrant hypocrisy; first, they refused to admit Bulgaria, Hungary and Romania to the United Nations and then they accused them of violating the principles of the Organization to which they had not been admitted.

22. Admission to the United Nations seemed to be a prize which could be won only by becoming one of the favourites of the majority leader. He wondered whether a point might not be reached where that prize would be awarded by a jury of the Economic Co-operation Administration, or of the North Atlantic Treaty, or perhaps of the Committee on Un-American Activities of the United States House of Representatives.

23. It was unfair to accuse one great Power of blocking the admission of several States. If three or four permanent members of the Security Council, acting under the leadership of one of their number, refused to admit certain States and if the fifth permanent member gave evidence of a conciliatory position and stated that the applicants should be admitted, how could that latter position be characterized as negative? Rather the position of those members which blocked the admission of certain States should be described as negative, and should be condemned, because it had been adopted for reasons which had nothing to do with the qualifications of the States concerned, and which were contrary to the Charter.

24. The USSR could not be blamed for having cast a negative vote on some applications which had been submitted solely for the purpose of accumulating as many negative votes as possible before the meeting of the General Assembly. However, by casting that negative vote, the representative of the Soviet Union had rendered a service to the United Nations, for he had thus prevented the application of discriminatory methods. If he had acted otherwise, he would have had to share the responsibility for that discrimination. Whatever

[1] See *Official Records of the second session of the General Assembly*, First Committee, 103rd meeting.

[2] See *Official Records of the Security Council*, Fourth Year, No. 42.

might be said by various representatives regarding that position, nothing would alter the fact that, for political reasons and despite the qualifications of certain States under the Charter, a group of States under the leadership of the United States was blocking the admission of five applicant States and attempting to lay down a discriminatory yard-stick for the selection of new Members of the United Nations.

25. Mr. Katz-Suchy noted that the delegation of the USSR had demonstrated a strong spirit of compromise in the matter, although some of the applicant States were not fully qualified; it had, in fact, requested that all applicants should be admitted in accordance with the principle of the universality of the United Nations. That compromise had been rejected because it did not conform to the United States interpretation of compromise, which amounted to complete abdication to the wishes of the United States.

26. He thought that if the United Nations was to become a fully representative body, all the States which had applied for admission should be admitted. Some States, however, which were concerned with collecting majority votes and securing a political bulwark within the United Nations, held a different view of the matter. He recalled that on 28 August 1946, at the 54th meeting of the Security Council,[1] the United States representative had said that if the United Nations was to be successful, no State should be excluded from it longer than was absolutely necessary. Since 1946, the United States had acted exactly to the contrary, by persisting in the determination to admit to the United Nations only those States which were likely to share its views.

27. Mr. Katz-Suchy considered that the question of the admission of new Members should be decided on the merits of each case and not be made dependent upon the favour of the United States. He also did not see the value of constant reference to the advisory opinion of the International Court of Justice or to previous resolutions of the General Assembly. If the majority of Member States honestly and sincerely wished to settle the problem of the admission of new Members, it should be settled equitably for all concerned. All thirteen States should be admitted; that was also the view expressed by the Secretary-General in his report to the fourth session of the General Assembly.[2] The admission of the thirteen States to membership in the United Nations would represent a compromise and would contribute greatly to creating a more helpful and a more constructive political atmosphere.

28. Mr. Katz-Suchy thought that those States which had so far opposed the admission of certain States should honour their pledges and assume the obligations incumbent upon them under the treaties to which they had subscribed. Then only would those States be entitled to call the attention of other States to the fact that the provisions of treaties must be carried out.

29. The Assembly must state firmly that international treaties should be respected and that the Organization should be fully representative of all countries regardless of their social, political or economic structure. Any other attitude would imply a continuation of political manoeuvres to marshal majorities, and also a disregard for the vital functions of the United Nations. Moreover, any other attitude would implicate the Organization in co-responsible partnership in a policy of discrimination which was only part of a general policy of seeking world power and world domination and of forcing nations to bow to the will of the United States. In other words, that would be another form of interference in the internal affairs of those nations.

30. On behalf of the Polish delegation, Mr. Katz-Suchy wished to issue a warning to the General Assembly against such a situation.

31. Mr. ARCE (Argentina) felt that the position of the Argentine delegation was well known; moreover, his delegation wished to participate as little as possible in the struggle of the great Powers to protect their political interests.

32. He considered that the statements which had been made earlier were irrelevant to the question under discussion. He believed that the General Assembly had reached an impasse because it had so far refused to change its attitude and apply the provisions of the Charter strictly. That situation could not be continued without jeopardizing the vital interests of the United Nations.

33. Mr. Arce recalled that some of the applications for admission dated back two years; some applications had even been resubmitted. In the absence of a definitive resolution of the General Assembly which, in that field, represented the will of the United Nations, the Secretary-General had been unable to communicate with the applicants and advise them whether their requests for admission had been approved, rejected, or deferred. Accordingly, the Organization maintained no contact with fourteen sovereign States. Obviously that conduct on the part of the United Nations, which had as its primary objective the promotion of peace and international security, was not likely to facilitate the attainment of that objective.

34. The Argentine delegation felt that it was essential to recommend that the General Assembly adopt the procedure which was most appropriate for getting out of that impasse. Positive resolutions, even if they were inadequate, would be preferable to the indifferent and even contemptuous silence which the Organization maintained towards those fourteen sovereign States.

35. He believed that the United Nations should admit, if not all peace-loving nations in the world, at least the greatest possible number of such nations. That was the best method of ensuring international peace. In those circumstances, no Power outside the United Nations would dare to defy it and, if a Member State embarked on aggression, it would do so in the knowledge that it would have to fight all of the United Nations. Consequently, the possibility of such a contingency would be greatly reduced.

36. He recalled that in the peace treaties concluded at the end of the Second World War, the victorious Powers had inserted provisions authorizing the admission of the former enemy States to the United Nations. It was therefore all the more important to secure the collaboration of those States which were not former enemies.

37. During its third session, the General Assembly had for the second time requested the Security Council to reconsider that question. The

[1] See *Official Records of the Security Council*, First Year, Second Series, No. 4.

[2] See *Official Records of the fourth session of the General Assembly*, Supplement No. 1, page xv.

Security Council had complied with that request and had again refused to reach any decision; its position was neither positive nor negative, and it made no recommendation for deferring the consideration of applications for admission.

38. Under the pretext that the rule of unanimity of the permanent members of the Security Council governed the application of Article 4 of the Charter, the President of the Security Council had stated that there had been no recommendation by the Council, even in the case of those countries which had received more than seven affirmative votes, in view of the fact that the concurring votes of all of the five permanent members of the Council had not been recorded in their favour.

39. He felt compelled to repeat that, under the terms of the Charter, that requirement was unnecessary. Actually, Article 27, paragraph 3, applied only in cases in which the Security Council exercised its specific powers. Those powers, as laid down in Article 24 of the Charter, were set forth in Chapters VI, VII, VIII, and XII.

40. The recommendation of the Security Council was certainly a question of substance for the General Assembly, which had the responsibility for a decision in the matter, but it was not such for the Security Council, which had the duty rather than the right to make a recommendation, with regard to applications for admission, during the interval between the submission of the applications and the decision of the General Assembly.

41. Since the question was one of procedure, the Security Council should apply the provisions of Article 27, paragraph 2, of the Charter. Nevertheless he recalled that the majority of Member States had not yet used their rights as Members of the General Assembly in order to settle the question. That was why there was still a deadlock.

42. The majority had presumably acted for political reasons, and particularly in order to avoid increasing the differences of opinion which were hampering effective working of the Organization. In Mr. Arce's opinion, that was a mistaken attitude, but he had no choice save to accept the will of the majority.

43. He believed he had proved, under Article 4 of the Charter and on the basis of an analysis of the context of the Charter and of an excerpt from a resolution adopted by the San Francisco Conference, that the General Assembly was the sole master of its decisions with regard to the admission of new Members.[1]

44. He further recalled his statement that the General Assembly was entitled to interpret the provisions of the Charter which dealt with its own powers, just as the Security Council interpreted its powers, and that the time had come to do so.

45. For those reasons his delegation was submitting a draft resolution (A/AC.31/L.18) requesting an advisory opinion from the International Court of Justice. Such a step would provide new data which should make it possible to reach a definitive solution.

46. The President of the Security Council had interpreted the Charter as meaning that, even if more than seven members voted in favour of an application for membership, the Council could not recommend the admission of the State concerned without the concurring votes of the five permanent members. In Mr. Arce's opinion that interpretation would have been correct if Article 27, paragraph 3, had been applicable. That paragraph read: "Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members . . ." It was common knowledge that there were five permanent members. Consequently, if that paragraph were applicable to requests for admission to membership of the Organization, the Council could recommend the admission of a new State only with the concurring votes of the five permanent members.

47. Nevertheless, during the second part of the General Assembly's third session, the President of the Security Council had informed the Assembly that the Council had recommended the admission of the State of Israel, a recommendation which had received the affirmative votes of only four of the permanent members of the Council.[2] Acting upon that recommendation, the General Assembly had decided to admit that new State.

48. He recalled that his delegation had voted for the admission of Israel. He was simply using that case as an example to show that, in spite of the provisions of Article 27, paragraph 3, of the Charter, the Security Council had taken the liberty of recommending the admission of a new Member without the concurring votes of all the permanent members of the Council.

49. It was thus apparent that the Security Council interpreted its powers in a very far-reaching way and that, in consequence, the General Assembly should itself take the necessary steps to break the present deadlock.

50. He recalled that, during the General Assembly's third session, his delegation had asked that the Assembly should take a decision that any application for admission which received at least seven affirmative votes in the Security Council should be regarded as a recommendation for admission.[3] At the request of the representative of Iran the Argentine delegation had agreed to withdraw its proposal.

51. During the current session, the Argentine delegation would have liked to propose the admission of all the countries which fulfilled the requirements of the Charter. Such countries would have the same rights and duties as all other Member States except that they would not be eligible for membership of the Security Council. The Argentine delegation felt, however, that it would be better first of all to request an advisory opinion from the International Court of Justice.

52. Mr. Arce believed that if the draft resolution submitted by his delegation were adopted, the General Assembly would obtain additional information, from the highest international legal authority, regarding the question of the admission of new Members.

53. In conclusion, he expressed the hope that his delegation's draft resolution would be adopted.

[1] See *Official Records of the third session of the General Assembly, Part I, Ad Hoc* Political Committee, 6th and 11th meetings.

[2] See document A/818.

[3] See *Official Records of the third session of the General Assembly, Part I, Ad Hoc* Political Committee, Annexes, document A/AC.24/15.

54. Mr. HOOD (Australia) said that, irrespective of whatever other means the Committee might contemplate using, in order to arrive at a solution of the question of the admission of new Members, it should give its support to the nine draft resolutions submitted by the Australian delegation (A/AC.31/L.9 to A/AC.31/L.17), because those draft resolutions provided a valuable reassertion of the view which the General Assembly had taken in the past and, even if that view aroused objections on the part of certain delegations, it still remained entirely valid and retained its full force. In accordance with those nine draft resolutions, the General Assembly was requesting the Security Council to examine anew the applications for admission submitted by Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal in the light of the view expressed by the General Assembly that each of those States fulfilled the conditions laid down by the Charter for membership in the United Nations.

55. Setting out the reasons which had led his delegation to submit those draft resolutions, the Australian representative emphasized that the United Nations had reached a stalemate with regard to the admission of new Members. That regrettable situation was likely to frustrate the fundamental objectives of the United Nations. Analysing the outstanding events in the evolution of that question in 1948 and 1949, he referred to the advisory opinion given by the International Court of Justice at the request of the General Assembly, which stated that a Member of the United Nations called upon to decide by vote on the admission of a State as a Member of the United Nations, was not juridically entitled to make its consent to such an admission dependent on conditions not expressly provided for in Article 4, paragraph 1, of the Charter.

56. Furthermore, he reminded the Committee that the General Assembly, after having discussed and ratified that opinion at its third session, had adopted a whole series of resolutions on the admission of new Members. It had recommended through its resolution 197A (III) that each of the Members of the Security Council and the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the opinion of the International Court of Justice. It had further reaffirmed through its resolution 197 C (III) that, in its opinion, the opposition to the applications of Portugal, Jordan, Italy, Finland, Ireland and Austria was based on grounds not contained in Article 4 of the Charter; had reaffirmed that those countries were peace-loving in accordance with the terms of Article 4 of the Charter, and able and willing to carry out the obligations contained in the Charter; and had therefore requested the Security Council to reconsider the applications submitted by those countries in the light of its own views and of the advisory opinion of the International Court of Justice. Finally, the General Assembly had at the same time through its resolution 197 I (III) invited the Security Council to reconsider the application of Ceylon, since the discussion in the *Ad Hoc* Political Committee on that question had shown that that country possessed, in the opinion of the majority of that Committee, the requisite qualifications under the Charter to become a Member of the United Nations.

57. Following that resolution by the General Assembly, the Security Council had reconsidered those applications and also that submitted by Nepal.[1] Nine members of the Security Council had voted in favour of those candidatures; only two members had voted against them. Since, however, the applications had not obtained the support of the five permanent members of the Security Council, it had been impossible for them to be the subject of a favourable recommendation by the Council. It was noteworthy that the two members which had voted against those applications had done so, not so much with the purpose of opposing the admission of those countries, as with the desire to make their affirmative vote conditional on the admission of other States, despite the opinion formally expressed on that subject by the highest legal authority of the United Nations, the International Court of Justice. That was the great value of the draft resolutions submitted by Australia, in which the General Assembly recalled that, in a previous resolution, it had recommended that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new Members, act in accordance with the advisory opinion of the International Court of Justice.

58. The representative of Australia then enumerated some of the principles defined by his delegation two years previously with regard to the admission of new Members. Those principles were the following: every application should be considered individually on its own merits; in accordance with Article 4, paragraph 2, of the Charter, it was for the General Assembly to decide on the matter, the Security Council confining itself to making recommendations. The Security Council was bound to make a favourable recommendation if the conditions laid down in Article 4, paragraph 1, were fulfilled by the applicant State and ought not to reject an application for reasons extraneous to the provisions of that Article. A favourable recommendation by the Security Council was indispensable, but that body must take into account the point of view expressed by the General Assembly.

59. The representative of Australia observed that those principles still stood intact and were in accordance with the opinion of the International Court of Justice. Those principles, which enjoyed the support of the great majority of the Member States and had received the approval of the highest legal authority of the United Nations, should be reaffirmed once again, and most emphatically, by the General Assembly. That was precisely the objective of the Australian draft resolutions.

60. He then referred to the qualifications of the applicant States. He recalled that the nine applications, with the exception of two, Nepal and the Republic of Korea,[2] had already obtained the support of the majority of the General Assembly, and that those two States had, however, been approved by nine votes out of eleven in the Security Council. Furthermore, it should be recalled that the General Assembly, at its third session, had adopted resolution 195 (III) recognizing that the Government of the Republic of Korea was a lawful Government. Thus, States the applications of

[1] See document A/974.

[2] See document A/968.

which had been approved by a large majority of the Members of the United Nations were nevertheless unjustly debarred from membership in the Organization.

61. He appreciated the views of those delegations which, like the Swedish delegation, had spoken in favour of the principle of universality. However, the qualifications of the other countries listed in the report of the Security Council (A/982), became doubtful when viewed in the light of the debates in the First Committee on the question of the threats to the political independence and the territorial integrity of Greece and the discussions in the *Ad Hoc* Political Committee on the violations of human rights in Bulgaria, Hungary and Romania. In those circumstances, universality should be a guiding but not a determining principle for the General Assembly.

62. Finally, he wished to say that his delegation reserved the right to comment at a later stage on the Argentine draft resolution (A/AC.31/L.18), which would certainly be carefully examined by the members of the Committee. For the time being he would only urge that, without prejudice to any later decision, the Assembly should reaffirm its conviction that the nine applicant States fulfilled the conditions laid down by Article 4 of the Charter and that it should request the Security Council to reconsider the applications in the light of that view and of the advisory opinion of the International Court of Justice. Indeed, it would be most regrettable if the United Nations drifted into accepting certain policies and acquiescing in certain attitudes which were quite inconsistent with the spirit of the Charter.

63. Mr. COOPER (United States of America) said his delegation was convinced that the United Nations ought to become a universal organization as soon as possible. The United States had made considerable efforts in that direction.

64. He recalled the statement made by President Truman a few days previously[1] that the United States looked forward to a continuing growth and evolution of the United Nations to meet the changing needs of the peoples of the world and that it hoped that eventually every nation on earth would be a fully qualified Member of the United Nations.

65. In considering that objective, however, it should be remembered that the attitude of the General Assembly was governed by Article 4 of the Charter. That Article did not require all nations to become Members, nor did it provide that any State might become a Member simply of its own free will, as if it were a matter of acceding to an international convention. The Article prescribed definite qualifications for admission. Consequently, the process of admission was essentially one of considering whether each applicant might be reasonably deemed to possess those qualifications. The United Nations could achieve universality only when all applicants met the standards prescribed by the Charter.

66. In its advisory opinion of 28 May 1948, the International Court of Justice had stated that the provisions of Article 4 necessarily implied that every application for admission should be examined and voted on separately and on its own merits; otherwise it would be impossible to determine whether a particular applicant fulfilled the necessary conditions. It would be improper, therefore, either for the General Assembly or the Security Council to judge the qualifications of a number of different candidates by a single vote.

67. Considering the qualifications of the different applicants in the light of those principles, the United States had consistently supported, and continued to support, the applications of Jordan, Ireland, Portugal, Italy, Austria, Finland, Ceylon, the Republic of Korea and Nepal. The United States believed that those applicants fulfilled the prescribed conditions and should be admitted to membership.

68. Regarding the other applicants—Albania, the People's Republic of Mongolia, Hungary, Romania and Bulgaria—the attitude of the United States had been stated on various occasions in the Security Council and in the General Assembly. The United States could not support those applicants at the existing juncture because it believed that they did not satisfy the requirements of the Charter.

69. Mr. Cooper did not think it necessary to restate the grounds for the position of his delegation; he thought that the criteria of Article 4 should be applied in a fair, equitable and tolerant manner. Such an approach, however, could not justify the admission of the five applicants at the time of speaking. It was clear from the resolutions adopted by the General Assembly itself that the conduct of those countries stood in the way of their admission. The United States delegation hoped that the countries in question would take the necessary steps to qualify themselves in the near future. Mr. Cooper believed, moreover, that the best service the USSR could render those applicants would be to persuade them to conduct themselves so as to meet the qualifications required for admission to the United Nations.

70. The United States delegation recognized that Governments might hold different opinions regarding the qualifications of candidates; the General Assembly should endeavour to develop a procedure which would eliminate arbitrary judgments and provide assurance of a fair and objective decision in each case. To that end, the United States delegation had proposed in 1947[2] the elimination of the use of the veto in the Security Council when voting on membership applications. He recalled that the General Assembly, the permanent members of the Security Council and the Interim Committee had made numerous efforts in that direction and he thought that the recent agreement for consultation among the five permanent members as to the use of the veto might be of assistance in that field.

71. Mr. Cooper recalled that his Government had declared that it had no intention of preventing, by its vote, the admission to the United Nations of any applicant which received at least seven affirmative votes in the Security Council, which meant that the United States would not use its right of veto in the Security Council on any membership application.

72. In conclusion, he stated that his delegation supported the draft resolutions submitted by the Australian delegation; they were a reaffirmation of the past findings of the General Assembly on

[1] See *Official Records of the fourth session of the General Assembly*, 237th plenary meeting.

[2] See *Official Records of the second session of the General Assembly*, 82nd plenary meeting.

seven applications for admission, and a statement of findings on two new applications. The United States delegation would also support a recommendation that all applications—whether or not the applicants were thought fully qualified for admission at the time—should be kept under consideration by the Security Council, so as to allow the admission of such States whenever they fulfilled the conditions laid down by the Charter.

73. Finally, he said that the United States would be glad to join in a reconsideration by the Security Council of any application whenever further developments cast a new light on the qualifications of the applicants. The United States delegation hoped that such a time would not be long delayed.

74. Mr. HOUDEK (Czechoslovakia) regretted that, through the fault of certain Members, problems as fundamental as the admission of new Members had not yet been satisfactorily solved.

75. He defined the position of his delegation and said that it regarded the admission of new Members as an essentially political act. His delegation thought that the conditions laid down in Article 4, paragraph 1, of the Charter were a necessary prerequisite for the applicant State, the application of which then had to be considered and decided upon, on its merits, by the competent organ of the United Nations. To claim, as some did, that the admission of new Members was a purely legal act and that Article 4, paragraph 1, of the Charter laid down all the necessary and exhaustive conditions for admission was to adopt an unrealistic attitude and one in contradiction with actual practice in the matter.

76. The United States, the United Kingdom and certain other delegations were defending that last point of view; they had done so at the third session of the General Assembly. They had relied, then as now, on the advisory opinion received from the International Court of Justice in reply to the question whether the admission of new Members could be made to depend on political considerations. It would be remembered that only nine judges out of fifteen had given a negative reply to the question, while two of the nine had made certain reservations which brought their standpoint singularly close to that of the minority. It was interesting to note that on page 85 of the International Court's opinion there was one paragraph in which it was said that members of political organs were naturally led to examine questions in their political aspect and were legally entitled to base their vote upon political considerations and that such was the position of a member of the Security Council or of the General Assembly which raised an objection based upon reasons other than the provisions of paragraph 1 of Article 4 of the Charter. Thus it was apparent that the question of the admission of new Members could under no circumstances be considered as a purely legal question. Its political character was undeniable.

77. Moreover, the position taken up by the United States and the United Kingdom in certain cases amply proved that fact. Nothing but political considerations could explain the opposition shown by those two countries to the applications submitted by the people's democracies, countries which, concentrating all their efforts on their economic reconstruction, were pursuing a peace policy both at home and abroad, and which could be reproached only with punishing, as they were bound to do, traitors and enemies of the State.

78. Proceeding to analyse the policy pursued by the USSR in the Security Council and in the General Assembly, he affirmed that the USSR could not honestly be accused of systematically opposing the admission of certain States to membership of the United Nations. The fact was that every time the Soviet Union had voted against the admission of a particular State, it had done so for the purpose of preventing discrimination against the people's democracies. By so doing, it had demonstrated to the world its attachment to the principle of equality of rights for all sovereign nations and its firm intention not to yield to sympathies or preferences for any given political, economic or social system. Actuated by a desire for equity and conciliation, it had submitted a draft resolution proposing the simultaneous admission of all the States which had expressed a wish to become Members of the United Nations. It had done so in spite of the fact that among those countries there were some regarding which certain reservations might be made.

79. On the other hand, the United States and the United Kingdom, and with them the majority of the Security Council, had declared themselves against the principle of the simultaneous admission of all States applying for membership. Once more, those countries had demonstrated their firm intention to favour certain States, which enjoyed their support, and systematically to bar entry into the Organization to States which had adopted the socialist system. Such an attitude was very regrettable; and it was clearly in conflict with the spirit of the Charter.

80. It was, however, encouraging to note that the idea of the simultaneous admission of all States desiring membership, which had been advanced by the USSR, had met with the support of an increasing number of representatives. Moreover, that same idea had been adopted by the Secretary-General of the United Nations, who had dealt with it at length in his annual report. On that subject, the Czechoslovak representative referred the Committee to page xv of the annual report.

81. Lastly, the Czechoslovak delegation would continue, as in the past, to oppose all discrimination and all favouritism. It would therefore vote against all proposals advocating the admission of certain States, because of their particular political shades of opinion, and denying membership systematically to others, although they satisfied the preliminary conditions laid down in the Charter. It would, on the other hand, support the idea of the simultaneous admission of candidates fulfilling the preliminary conditions laid down in Article 4, paragraph 1, of the Charter.

82. Miss KLOMPÉ (Netherlands) sought to establish the reasons for the deadlock with which the Security Council was now faced with regard to the admission of new Members. It was to be noted that the majority and the minority of the Council had adopted completely opposed attitudes on that particular matter. The majority was of the opinion that each candidature should be considered on its own merits, and in the process of such consideration, it had reached the conclusion that some of those candidatures were not admissible, the States concerned having failed to satisfy the conditions laid down in the Charter. The minority, on the other hand, attached importance to

political considerations and, while admitting that certain States possessed all the necessary qualifications, was opposed to their admission for reasons unconnected with the relevant provisions of the Charter. They thus engaged in what might be called bargaining.

83. Much had been said of the universality at the attainment of which the United Nations should aim. The question had often arisen in the past as to whether, on the one hand, it was better to have an international organization limited in membership but strong, with the consequent danger of the establishment of alliances and a system of power politics or, on the other hand, whether it was better to aim first and foremost at universality, perhaps at the expense of the moral prestige and the efficient functioning of the Organization.

84. With regard more particularly to the United Nations, the representative of Sweden had eloquently defended the principle of universality. He had said that the Charter did not require from all States that they should, as from the moment of their entry into the Organization, absolutely guarantee respect for human rights and fundamental freedoms. In the view of the Netherlands delegation, that interpretation was not altogether correct, for Articles 1 and 2 of the Charter, on the contrary, imposed precise obligations upon Member States and did not merely require an expression of their good intentions.

85. Moreover, Article 4, paragraph 1, of the Charter imposed upon Member States the duty to distinguish between States which were able and willing to fulfil the obligations of the Charter and those which were not. In carrying out that duty, Members should not be content with theoretical declarations and promises, but should consider facts and the attitude adopted in practice by the States which were candidates for membership. The United Nations should certainly welcome representatives of different economic and social systems and of various ideologies, but it should not compromise on the fundamental principles which were at the very basis of its existence. In the field of human rights and also in the political and economic fields, there were criteria which the United Nations could not renounce without incurring danger to itself. The Organization had been recently established and it was encountering obstacles which would take much time to overcome; its success demanded sacrifices on the part of all nations, an evolution of political thought from narrow nationalism to internationalism; all that needed time. Meanwhile, however, the moral prestige of the Organization must be strengthened and all Member States should be called upon to give proof of their earnest desire to achieve co-operation within the Organization. While, naturally, the Netherlands delegation also supported the principle of universality and regretted the absence of a number of countries the presence of which would increase the Organization's prestige and authority, it considered that the principles of the Charter must not be sacrificed for the sake of universality.

86. The Swedish representative had said that it would not be fair to demand more from an applicant than from a Member State. The answer to that was that legally there was a very great difference between the position of Member States which were founders of the United Nations and that of States which were currently applying for membership. The former, in signing the San Francisco Charter, had been the judges of their own qualifications and had taken it upon themselves to reply to the question whether their Governments were able and willing to fulfil the obligations of the Charter. In other words, they had accepted their responsibilities. The applicant States, on the other hand, had to accept the judgment of the Organization and its Members, as required by Article 4, paragraph 1, of the Charter.

87. There could obviously be no doubt that certain Member States had violated the Charter. Article 6 provided for the possible expulsion of Members which did not carry out their obligations, but it should be borne in mind that such action was subject to the unanimity rule. That, of course, was a weakness of the Organization which had to be recognized. True, no State could guarantee complete compliance with all the obligations of the Charter; the Member States could not demand that of applicant States, but they were entitled to demand that such States should show proof of their desire to co-operate within the United Nations and of their will to fulfil the obligations laid down in Article 2, paragraphs 1 to 7, of the Charter. Certain States, however, did not fulfil those conditions and to admit them to the Organization on the grounds that certain Member States had violated the Charter would be unwise. For that reason the Netherlands delegation would vote against the USSR draft resolution (A/AC. 31/L.19).

88. The Netherlands delegation would, on the other hand, vote for the Australian draft resolution. Although a reaffirmation by the General Assembly of its previous resolutions might seem to be a sign of the Assembly's impotence, it would at least have the merit of showing clearly who was responsible for the actual state of affairs. Furthermore, it was to be hoped that one day the great Powers would manage to agree on the question of the voting procedure in the Security Council, and that all those States which, as things stood, appeared to be undesirable, would change their position so as to meet the requirements of the Charter.

89. Finally, the Netherlands delegation saw certain difficulties in the Argentine draft resolution, although it fully appreciated its author's intentions. From a procedural point of view, it did not seem fitting to ask the International Court of Justice for an interpretation on an interpretation of an Article of the Charter. As to the substance of the question, the arguments put forward by the Argentine representative were not sufficiently convincing. She wished to complete the quotation cited by the Argentine representative by another quotation. *Charter of the United Nations,* by Goodrich and Hambro, contained the following paragraph on page 135:

"In his report, the Rapporteur of Committee II/1 explained that in supporting the provision, 'several delegations emphasized that the purpose of the Charter is primarily to provide security against a repetition of the present war and that, therefore, the Security Council should assume the initial responsibility of suggesting new participating States.' "

90. The authors of that work added that there was nothing to indicate that the delegates did not intend to make the recommendation by the Security Council a necessary condition for the

admission of an applicant State by the General Assembly.

91. The Netherlands delegation was therefore unable to support the Argentine draft resolution in its existing form, but reserved the right to modify its attitude in case other purely juridical and more suitably phrased questions should be suggested for answer by the International Court of Justice.

92. Mr. RIFAI (Syria) stressed the importance and seriousness of the question of the admission of new Members. That question, which seemed to raise the very principle of international co-operation, deserved the closest attention.

93. It might, no doubt, be possible to analyse the deep underlying causes of the difficulties encountered and of the deadlock which had hampered the Security Council for the last three years. Those causes were, however, well known to the members of the Committee. Everyone knew that the fault did not lie with the pertinent Articles of the Charter which, if interpreted in good faith, could not give rise to such difficulties.

94. The representative of Syria then reviewed the development of the problem. The representative of the USSR had originally opposed the admission of Ireland, Portugal and Jordan on the grounds that his country had no diplomatic relations with those three States, that he had questioned the independence of Jordan, and that Portugal and Ireland had shown sympathy for the Axis Powers and Franco Spain. Again, the majority of the Security Council had opposed the admission of Albania, primarily owing to its attitude in connexion with the Corfu Channel incidents and the part it played in the Greek question. That same majority had also objected to the admission of the People's Republic of Mongolia on the ground that it did not possess adequate information regarding the political independence of that country, the application of which had been supported by the Soviet Union because of its participation in the war against Japan. With regard to the applications for admission submitted by the ex-enemy States, the USSR had contended that all those countries should be admitted in a group.

95. Since that time, there had been a deadlock in the Security Council. It had not been broken by the opinion of the International Court of Justice that a State was not juridically entitled to make its consent to the admission of a State to the United Nations dependent on conditions not expressly provided by paragraph 1 of Article 4 of the Charter. The answer to the question whether or not a State was a peace-loving State was necessarily influenced by political considerations. Thus, the advisory opinion had not opened the way to a solution of the difficulties that had arisen owing to the absence of good faith and sincerity on the part of Member States.

96. Generally speaking, the following conclusions could be drawn from a historical review of the question. The Soviet Union had not always taken a consistent position in the matter. Furthermore, the position of many other Member States also had been contradictory. Finally, the recent admission of the latest Member State showed clearly that the most laudable considerations were not always the decisive considerations.

97. In conclusion, the Syrian delegation could not support any proposal to exclude any one of the thirteen applicant States. Its position was determined by its belief in the principle of the universality of the United Nations and by considerations similar to those mentioned by the Secretary-General in the part of his annual report relating to that question. Of course that did not mean that Syria favoured the automatic admission of all applicant States; on the contrary, it thought that each case should be considered on its merits.

98. The Syrian delegation firmly hoped that the Members of the United Nations would combine their efforts and their good will to find a solution of the difficulties before them and to welcome the States which were sincerely seeking their co-operation and their assistance.

99. Mr. AL-JAMALI (Iraq) held the view that if the United Nations was really to deserve its name, it should have as wide a membership as possible. Therefore any obstacles to the admission of new Members were to be regretted.

100. The delegation of Iraq was convinced that the rule of unanimity was not applicable to the admission of new Members. If it were, there could be no grounds for the admission of Israel, which had been supported by only four out of the five permanent members of the Security Council.

101. Moreover, his delegation was no less convinced that the political differences between the great Powers should not preclude the admission of States desiring membership in the United Nations, irrespective of their economic, social and political structure or the ideology which they represented. Even assuming that some of the applicant States did not fulfil all the conditions prescribed by the Charter, it was better to admit them to the United Nations, for one of the basic functions of the Organization was precisely to harmonize all differences of opinion and to resolve all political and other difficulties.

102. Iraq therefore favoured the admission of all the applicant States without exception. After admitting Israel, it saw no valid reason for barring those States from membership. Such a position would not be logical and would seem unfair and incomprehensible to world public opinion.

103. In conclusion, the Iraqi delegation emphasized that the United Nations could not, without weakening its authority, let its decisions be guided by prejudice and favouritism. In the interest of the prestige of the United Nations all obstacles to the admission of countries which desired to become Members should be removed.

104. Mr. VASQUEZ (Uruguay) wished to state clearly the position of his delegation on a question of which the legal and political significance was obvious to everyone. It was a matter closely related to the basic principles of the United Nations and its efficient functioning and success.

105. In the first place, the delegation of Uruguay was convinced that the conditions laid down in Article 4, paragraph 1, of the Charter were both necessary and sufficient. All applicant States fulfilling those conditions, which were clearly set forth in the Charter, should be admitted to membership in the United Nations. The principle of universality was the very foundation of the United Nations.

106. Further, the delegation of Uruguay thought that Article 4, paragraph 2, should be interpreted as referring only to a positive recommendation by the Security Council. Only that interpretation explained the principle of joint decisions by the Security Council and the General Assembly. A recommendation which was not affirmative would not be a recommendation. Without an affirmative recommendation from the Security Council, the General Assembly could do nothing. That was undeniable. The Uruguayan delegation, however, saw no objection to consulting the International Court of Justice on the origins of that provision of the Charter.

107. While there was no doubt that the Security Council had the right to make recommendations, that right was nevertheless subject to certain restrictions laid down in the Charter itself. When members of the Security Council were asked to decide on the admission of a new Member, their decision was not to be dependent on anything but the conditions prescribed by the Charter. Members should decide, in as objective a fashion as possible and in the light of known facts, whether or not the State in question fulfilled the requirements laid down in Article 4, paragraph 1. In no case could they make their vote dependent on conditions extraneous to the Charter or upon political considerations without running the risk of violating the Charter.

108. But even if some votes had in effect been inspired by considerations extraneous to the pertinent provisions of the Charter, it nevertheless remained a fact that, as matters stood, the decisions of the Security Council retained all their validity and force. It was naturally most regrettable that some members of the Security Council had chosen to act in that fashion, but in the absence of a positive recommendation from the Council, the General Assembly could not decide on the admission of new Members. Such was the rule and in the absence of any amendment thereto it would be advisable to conform to its provisions.

109. Since it could not envisage a more satisfactory solution the Uruguayan delegation would, therefore, vote for the Australian draft resolutions. It had no objections to the Argentine draft resolution, which appeared to it to supplement those of Australia.

110. Mr. ICHASO (Cuba) said that, as a member of the Security Council, his delegation wished to recall to the *Ad Hoc* Political Committee the position it had already taken in the Council on the delicate question confronting the Organization when States deserving to be admitted to the Organization, because of their democratic organization, their love of peace and their respect for fundamental human freedoms, were nevertheless denied membership. The Organization was thus deprived of their collaboration because some Members of the United Nations insisted on a capricious and partial interpretation of the provisions of Article 4 of the Charter, which clearly stipulated the conditions which should be fulfilled by a country applying for membership.

111. During June 1949, when the Security Council had examined the applications of the countries mentioned in the Australian draft resolutions before the Committee, the representative of Cuba had stressed that the United Nations should be guided essentially by the principle of universality and had said, moreover, that his delegation was greatly influenced by the opinion of the International Court of Justice.[1] In May 1948 the International Court of Justice had stated that the Charter did not authorize any of the Member States to make its consent to admission dependent on conditions or obligations not expressly provided by Article 4 of the Charter. It was inadmissible and even anti-constitutional to make the admission of one State dependent on that of another, or to oppose the admission of some States in order to permit others to be admitted. None the less, that was the attitude of the USSR delegation.

112. It would be regrettable if the United Nations were not enabled to develop as it had the right to do, because of the arbitrary interpretation of an Article, the text of which was, nevertheless, perfectly clear, and because of the abuse of the right of the veto, an abuse against which the Cuban delegation had often justly protested. In the case now before the Committee, the right of veto revealed all its inherent evil consequences.

113. Some delegations had transgressed both the spirit and the letter of the Charter and the United Nations should proceed to settle the case of certain countries which, having obtained nine favourable votes out of eleven, were nevertheless refused membership in the Organization because of the insurmountable obstacles which a minority of only two Members raised in their path. That situation was all the more inadmissible because the Soviet Union, which had voted negatively, had previously declared that it was prepared to vote in favour of the admission of those applicants on condition that other applicants would also be admitted. The USSR therefore had no objection to the admission of those States. It had not expressed an unfavourable opinion on the intrinsic merits of each of the applicants. It was purely and simply a question of political bargaining, which Mr. Ichaso felt was unworthy of a Member of the United Nations. The Cuban delegation protested against such an attitude and against a method which consisted in trading one vote for another in a question as delicate and complex as that of the admission of new Members.

114. As far as possible the United Nations should be a faithful and constant mirror of world public opinion, and it was therefore advisable that it should be as representative as possible. If, however, it was deemed appropriate to apply the principle of universality, it should nevertheless be limited to a certain extent and supplemented by certain guarantees so that the Organization would really constitute a meeting of free democratic peoples prepared to seek a universal basis for international peace and security. For that reason the Cuban delegation felt that it was advisable to consider each application for membership separately, studying them thoroughly and objectively, and taking into account nothing more than the past attitude of the applicant State and the information available on that State's present position. Basing itself on those principles, the Cuban delegation would vote in favour of the applications of peace-loving States which it considered capable of fulfilling the obligations laid down by the Charter. For its part, it would refuse to participate in bartering votes and would not agree to allow countries to be admitted to the Organization

[1] See *Official Records of the Security Council*, Fourth Year, No. 31.

which had been proved guilty of violations of human rights and which had demonstrated themselves incapable of participating in an international organization.

115. In conclusion, the representative of Cuba stated that his delegation would vote for the Australian draft resolutions proposing that the applications of States which had previously obtained a large majority in the Security Council should be reconsidered. Mr. Ichaso hoped in the future that an end would be put to the pernicious practice which made it possible to bar from membership in the United Nations States which were fully prepared to co-operate with it and which had shown themselves capable of giving the United Nations loyal and effective assistance.

116. The Cuban delegation also saw no objection to the Argentine proposal requesting an advisory opinion from the International Court of Justice. It would therefore vote in favour of that proposal, after having studied it thoroughly in the light of the explanations given during the previous meeting by the representative of Argentina.

117. Mr. JORDAAN (Union of South Africa) recalled that, in its advisory opinion, the International Court of Justice had declared that a State had no legal grounds for making its consent to the admission of another State dependent on conditions which were not expressly laid down in the Charter. That opinion had confirmed the views of many delegations, including the delegation of the Union of South Africa. Although the delegation of the Union of South Africa considered that the United Nations should be as representative as possible and should endeavour eventually to become universal, it was none the less convinced that the conditions stated in Article 4 of the Charter should be strictly applied and that, before admitting a new Member State, the United Nations should be sure that that State was peace-loving, ready to accept the obligations contained in the Charter and able and willing to carry them out.

118. The majority of the Members of the Security Council and the General Assembly had considered that certain States fulfilled the required conditions for admission. It was therefore regrettable to have to note that one permanent member continued to oppose their admission, contrary to the will of the great majority of Member States. The USSR, which had not accepted the advisory opinion of the International Court of Justice, was at the moment willing to accept the admission of certain States on condition that others were also admitted. The delegation of the Union of South Africa felt that each application for admission should be examined on its own merits and that the agreement of Member States to the admission of a particular State should not be a subject for bargaining. The delegation of the Union of South Africa, which had always declared itself in favour of unity and harmony among the great Powers upon which world peace and security depended to so great an extent, had given its support to the principle of the unanimity rule at the San Francisco Conference only with a certain reluctance, and had always considered that the rule should be invoked only with the greatest wisdom and moderation. The delegation of the Union of South Africa, which was forced to note the abuse of the unanimity rule, regretted that, in the particular case before the Committee, no action could be taken on the admission of new Members and the only path which remained open was to refer requests for admission to the Security Council. In those circumstances, the delegation of the Union of South Africa would support the majority of the draft resolutions submitted by the Australian delegation.

119. From the legal point of view, the Government of the Union of South Africa considered that support for a State's request for admission implied recognition of the Government of that State. But, so far as the Republic of Korea was concerned, the Government of the Union of South Africa, like other Governments of Member States, had not yet taken a decision on whether to recognize that country's Government. The Government of the Union of South Africa had not yet decided whether the Government of the Republic of Korea should be recognized as representing the whole of Korea, when in reality its authority extended only south of the thirty-eighth parallel and had never been exercised north of that parallel. For those reasons, although the delegation of the Union of South Africa saw no objection to the Security Council re-examining the request for admission of the Republic of Korea, it nevertheless found it difficult to support that request by an affirmative vote until its Government had given *de jure* recognition to the Government of the Republic of Korea. Since the delegation of the Union of South Africa had not so far received precise instructions from its Government concerning either the Government of Korea or the Government of Nepal, the case of which had just been placed before the Government of the Union of South Africa, it would be obliged to abstain in the voting on the Australian draft resolutions which dealt with those two cases (A/AC.31/L.17 and A/AC.31/L.15). The delegation of the Union of South Africa would, of course, alter its attitude if its representative received precise instructions from its Government before the General Assembly took a decision on the recommendations of the *Ad Hoc* Political Committee.

120. So far as the Argentine proposal was concerned, Mr. Jordaan, who had listened to the intervention of that country's representative with great attention, stated that his delegation, after studying very carefully the documents of the San Francisco Conference, considered that the Argentine representative's interpretation of Article 4 of the Charter, although it contained certain contradications and although the logical sequence of steps leading to it was still somewhat obscure, was none the less based on official documents, and should therefore be taken into account, since it was a valuable indication of the intentions of the authors of the Charter.

121. Committee 1 of Commission II at the San Francisco Conference had given its opinion on an essential point in stating that it considered that the new text did not weaken the General Assembly's right to accept or reject a recommendation for the admission of a new Member, or a recommendation for the non-admission of a State.[1] For that reason, although the proposals of the Argentine delegation might give a detailed presentation of the problems on which a more con-

[1] See *Documents of the United Nations Conference on International Organization*, Volume VIII, document 1092, II/1/39.

cise opinion of the International Court of Justice should be requested, the delegation of the Union of South Africa, while reserving its position, could not but express the strongest sympathy with the aims of the draft resolution.

122. Mr. DENDRAMIS (Greece) thought that the question before the Committee had been amply discussed both in the Security Council and the General Assembly, and wished, therefore, merely to define his delegation's position. Although his delegation considered that the United Nations should become universal, it nevertheless believed that each application for membership should be considered separately and on its merits. It was unjust and contrary to the Charter and the advisory opinion of the International Court of Justice to make the admission of some countries, which fulfilled the requirements of the Charter, depend on that of other States which failed to fulfil those requirements, merely because of the stubborn position adopted by a permanent member of the Security Council in the face of the overwhelming majority of the Security Council and the General Assembly. His delegation would therefore vote for the draft resolutions submitted by the Australian delegation.

123. On the other hand, believing that certain States mentioned in the USSR draft resolution were not peace-loving States, and were neither able nor willing to fulfil the obligations laid down in the Charter since they were violating their obligations under the peace treaties which they had themselves signed, and were threatening international peace, his delegation would vote against the Soviet Union draft resolution.

124. Mr. DE SOUZA GOMES (Brazil) pointed out that the problem of the admission of new Members, and in particular the way in which that matter had been approached, had been and still was one of those which had done most harm to the prestige of the United Nations. It had given rise to frequent violations of the Charter, and certain Powers had, in that connexion, disregarded both the General Assembly's authority and the advisory opinion of the International Court of Justice.

125. As the Security Council had not made any concrete recommendation on the admission of certain States since 1946, the General Assembly had requested the Council to reconsider the applications of those States for admission, taking into account the extent to which each State had fulfilled the requirements of Article 4 of the Charter. In 1947 the General Assembly, in resolution 113 (II), had recommended the permanent members of the Council to hold consultations with a view to reaching an agreement on the applications of States which had applied for membership in the United Nations and which had not been recommended for admission; it had also requested the Council to reconsider the applications of certain States which, in the General Assembly's opinion, fulfilled the requirements of the Charter. In 1948, acting on an advisory opinion of the International Court of Justice, the General Assembly had again appealed to the Security Council. Unfortunately, no noteworthy results had been obtained. In the circumstances, he wondered whether the General Assembly should continue to make recommendations to the Security Council which were totally disregarded.

126. Although his delegation had always upheld the principle of the universality of the United Nations, it nevertheless wished to stress that that principle in no way amounted to a rule governing the admission of new Members. Article 4 of the Charter itself limited to some extent the principle of universality by laying down conditions for admission and by establishing a balance between the powers of the Security Council and those of the General Assembly. Those limitations showed clearly that the authors of the Charter had not wished to establish the principle of automatic universality, and had been primarily anxious to apply it rationally. Until the application of a particular State had been accepted by the main organs of the United Nations, that State could only express a wish which the United Nations could grant when satisfied that it was justified and when there was proof that the conditions laid down in the Charter had been fulfilled.

127. Although those principles were most clear, they had been unfortunately misrepresented by the USSR which, by a succession of negative votes, was preventing the admission of States the experience of which would undoubtedly be beneficial to the United Nations. The same could not be said of other countries which had also applied for membership, but which were currently accused of committing acts contrary to the fundamental principles of the Charter. Until those charges had been disproved, the United Nations could not, without damaging its prestige, declare that those States were prepared to fulfil their obligations under the Charter; to date, however, those States had refused even to appear before a committee of the General Assembly to examine information received by the United Nations, according to which they were guilty of certain acts in violation of the Charter.

128. In the circumstances, further discussion of the problem was useless and quite incapable of producing any constructive result. The General Assembly would gain nothing by reaffirming, at each of its sessions, statements which were disregarded. The General Assembly resolutions on the admission of new Members remained in force. The fact that some of the permanent members of the Security Council had refused to comply with them had not made them invalid. Indeed, they represented the views of the large majority in the General Assembly. The Brazilian delegation would not refuse to vote for the Australian draft resolutions if that vote was needed to show, once again, the dissatisfaction felt in the General Assembly regarding the admission of new Members.

129. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) recalled that in July 1949 the Security Council, in accordance with General Assembly resolution 197 B (III) of 8 December 1948, had reconsidered the applications submitted by certain States which had requested to be admitted to membership in the United Nations. The discussion which had taken place in the Security Council, as well as the report prepared by the Council and the statements by the representatives of the United Kingdom and the United States which the *Ad Hoc* Political Committee had heard, clearly showed that in regard to the admission of new Members, the United States and the United Kingdom were, on the one hand, continuing their policy of discrimination against certain peace-loving States, such as Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic, and, on the other hand, were favouring the appli-

cations of States which did not fulfil the conditions set forth in Article 4 of the Charter, such as Portugal and Ireland, which, as was well known, had aided Germany during the war, or States like Ceylon, Nepal and Jordan, the sovereignty and independence of which were highly questionable. Thus, if the United States and the United Kingdom were prepared to admit certain States to membership in the United Nations, they were endeavouring, on the other hand, to prevent the new democratic States from participating in the solution of international problems.

130. Moreover, the United States and the United Kingdom often used the admission of a new Member to exert political pressure on the Governments of the States which they wished to draw into their political orbit. It was not in vain that, in the Security Council, the representatives of France, the United Kingdom and the United States had requested that the Council should examine the application of Italy only ten days before the date of the elections in that country.

131. Furthermore, the purpose of the United States and the United Kingdom in requesting, on several different occasions, reconsideration of the applications of certain countries, was to obtain from the representative of the Soviet Union a series of negative votes which they used, on the one hand, to furnish new arguments for the opponents of the rule of unanimity and, on the other hand, to heap on the USSR the responsibility for the failure of the activities of the United Nations, a failure which was in fact due to their own policy of aggression, which was contrary to the principles of the Charter. Thus, through the efforts of the United States and the United Kingdom, the application of Italy had been considered four times by the Security Council and those of Portugal, Jordan and Ireland three times.

132. The United States and the United Kingdom, which had at their disposal a majority sufficient to reject the applications of various countries, even without having to cast a negative vote themselves, had actually used a "concealed veto", thus preventing the admission to membership in the United Nations of peace-loving States which fulfilled all the conditions laid down in the Charter, such as Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic. The Governments of those countries, which had been submitting to the Security Council their applications for admission to membership since 1946 and 1947, had so far, received no positive reply, as the Security Council had made no recommendations in regard to them. Thus, the policy of the United States and the United Kingdom had placed the Security Council in a deadlock from which it had not been able to escape for several years.

133. Such a situation was abnormal. In June 1949 the representative of the Soviet Union had stressed, in the Security Council, that it was intolerable and had made concrete proposals[1] to get the Security Council out of the impasse in which the attitude of the United States and the United Kingdom had placed it. In a spirit of compromise and, above all, desirous of finding a positive solution of the question, the USSR delegation had withdrawn the objections which it had previously expressed against the admission of certain countries and had proposed that the Security Council should recommend the admission of the thirteen States which had submitted their applications. It would have seemed that such a proposal must command the approval of all countries which were sincerely desirous of finding a positive solution of the problem. The representatives of the Anglo-American bloc had opposed that proposal, stating, moreover, that in the future they would continue to oppose the admission of Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic, thus violating both the Charter and the treaties of peace which they had signed with Bulgaria, Hungary and Romania, and making it impossible for those countries to participate in the work of the current session of the General Assembly.

134. Mr. Udovichenko emphasized the fact that the responsibility for that state of affairs fell entirely on the United States and the United Kingdom. Moreover, the countries, the admission of which they had rejected, were well aware of the fact. The United States and the United Kingdom had not been able to base their opposition on any valid reason. The argument that the internal régimes of Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic were not viewed with favour by the Governments of the United States and the United Kingdom, could not be considered a valid reason. Furthermore, such a statement was incompatible with the principles of the Charter.

135. Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic were peace-loving States, able and willing to carry out the obligations set forth in the Charter; their respective Governments were based on the freely expressed will of the people. Those countries therefore deserved to be admitted to membership in the United Nations and, in considering their applications, the Members of the United Nations should not concern themselves about whether or not the internal régimes of the applicant countries pleased them; they should consider only one thing: the extent to which the applicant countries fulfilled the conditions laid down in the Charter.

136. Considering successively the cases of Albania, the Mongolian People's Republic, Bulgaria, Romania and Hungary, Mr. Udovichenko pointed out the reasons why those countries deserved to be admitted to membership in the United Nations.

137. No one could deny that Albania had played an important part in the struggle against fascism; the army of liberation, which had driven five German divisions from Albanian territory, had liberated the country. In 1946, the Albanian people had freely chosen its form of government, that of a people's republic; that Government had broken up the fascist organizations, punished traitors and carried out a series of domestic reforms. The policy which it had followed, both in regard to domestic affairs and in the international field, was a peace policy, which was designed to strengthen world peace.

138. As the United States and the United Kingdom had been unable to find any legally valid reason to oppose Albania's admission, they had resorted to slanderous accusations and had claimed that the Government of Albania was committing acts threatening the security and territorial integrity of Greece. Such allegations were entirely

[1] See *Official Records of the Security Council*, Fourth Year, No. 31.

unfounded and their true intention was to disguise the designs on Albania of the United States and the United Kingdom, designs which received the full support of the monarcho-fascist Government of Greece. He stressed that, in the period from 1 January to 1 September 1949 alone, the Government of Greece had committed three hundred aggressive acts violating the integrity and sovereignty of Albania. Consequently, Albania was not threatening the security of Greece; but Greece, following the orders of Washington, was threatening the integrity of Albania.

139. In spite of those facts and all the reasons why Albania fully deserved admission to the United Nations—only one of which was the courage it had shown during the war and to which the Ministers of the United States and the United Kingdom had paid a tribute—the United States and the United Kingdom representatives had brought about the rejection of Albania, while on the other hand supporting the candidacy of such a country as Portugal, which during the Second World War had not concealed its sympathy for, or for that matter, been niggardly in its support of, the fascist countries.

140. Turning to the case of the Mongolian People's Republic, Mr. Udovichenko recalled that some representatives had attempted to cast doubt on that country's sovereignty. There was no justification for such an attempt; the fact was that Mongolia, which was an independent and sovereign State, able and willing to carry out the obligations laid down in the Charter, possessed all the attributes of a sovereign State. The Mongolian People's Republic had a constitution, a parliament, a regularly constituted Government and its own armed forces. Finally, that country had played an important part in the struggle against imperialist Japan. The sovereignty of the Mongolian People's Republic could not be denied; moreover, it had been established in a much more definite manner than that of a country like Ceylon, the candidacy of which was supported by the United States and the United Kingdom. In spite of all those facts, the United States and the United Kingdom had impeded the admission of the Mongolian People's Republic to the United Nations.

141. With regard to Bulgaria, Hungary and Romania, he pointed out that, by opposing their admission, the United States and the United Kingdom were violating the peace treaties they had signed with those countries. The respective Governments of Bulgaria, Hungary and Romania, for their part, lived up to those treaties and scrupulously carried out their clauses. As provided for, they had punished traitors, set up a democratic régime, guaranteed all their citizens human rights and fundamental freedoms and reduced their armed forces in the proportion laid down in the peace treaties. Moreover, their foreign policy had been a peaceful one. In spite of that, the United States and the United Kingdom had opposed their admission to the United Nations, thus violating the peace treaties.

142. In order to conceal from the general public their policy of interference in the domestic affairs of the Balkan countries, the United States and the United Kingdom had made slanderous accusations claiming that the Governments of Bulgaria, Hungary and Romania had violated human rights and fundamental freedoms within their respective borders. The USSR representative had submitted factual evidence to disprove those charges and the delegation of the Ukrainian SSR had done likewise. The records of the trials of the traitors and reactionaries who had been plotting the overthrow of the legitimate Governments of those countries left no doubt regarding the real value of such charges. It was plain from those facts that, in the case under consideration, the United States and the United Kingdom were themselves violating the peace treaties they had signed. Furthermore, it was common knowledge that they were protecting reactionaries and warmongers.

143. Bulgaria, Hungary and Romania, which met all the requirements of Article 4 of the Charter, which scrupulously fulfilled their obligations under the peace treaties and which were able and willing to carry out the obligations contained in the Charter, deserved to be admitted to the United Nations. The discriminatory policy of the United States and the United Kingdom towards those countries had weakend both the prestige of the United Nations and its value as an instrument for universal peace. The delegation of the Ukrainian SSR, being opposed to such an attitude and considering the existing situation impossible, was determined to put an end to the deadlock. With that aim in view, it had upheld in the Security Council the proposal of the Soviet Union to admit to membership in the United Nations the thirteen States who had applied for admission; it would continue to do so in the General Assembly and in the *Ad Hoc* Political Committee. In conclusion, Mr. Udovichenko emphasized once more that only that proposal (A/AC.31/L.19) would supply a positive solution to the problem of the admission of new Members.

The meeting rose at 6.25 p.m.

TWENTY-SEVENTH MEETING

Held at Lake Success, New York, on Wednesday, 2 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Admission of new Members: reports of the Security Council (A/968, A/974, A/982) (*continued*)

1. Mr. WOLD (Norway) said that all the Member States were agreed that the aim of the United Nations was to achieve universality of membership, with the participation of all peace-loving countries which accepted the obligations contained in the Charter and were able and willing to carry out those obligations. That did not mean, however, that any country which applied for membership should be automatically admitted. In its resolution 197 B (III) of 8 December 1948, the General Assembly had taken note of the general sentiment in favour of the principle of universality; at

the same time, however, it had asked the Security Council to re-examine the applications, taking into account the circumstances in each particular case. That meant that no State could be admitted unless it fulfilled all the conditions laid down in Article 4 of the Charter. Similarly, in his annual report,[1] the Secretary-General, who was also in favour of re-examining the applications of the fourteen applicant States, nevertheless stressed that his attitude on the matter was founded on the assumption that these States could reasonably be considered to fulfil the requirements of the Charter. It was therefore perfectly clear that the principle of universality could not serve as a justification for the automatic admission of every State applying for membership The Norwegian delegation had said at the preceding session of the General Assembly, and wished to repeat, that the United Nations should be as universal in membership as possible; but it felt that the provisions of the Charter should be strictly applied, and that each case should be examined separately. That was also the view of the International Court of Justice, as expressed in its advisory opinion of 28 May 1948.[2] The advisory opinion also stated that to subject an affirmative vote for the admission of an applicant State to the condition that other States be admitted with that State was incompatible with the letter and spirit of Article 4 of the Charter. Resolution 197 A (III) of 8 December 1948 recommended that each member of the Security Council should act in accordance with that opinion of the International Court.

2. His delegation had consistently maintained that the United Nations should observe considerable caution in requesting advisory opinions of the International Court of Justice, especially in regard to questions with possible political implications, and had for that reason voted against the General Assembly resolution asking for the Court's advice. It considered, however, that once the Court had given its opinion, all delegations should abide by it. It had therefore voted, at the third session, in favour of the General Assembly resolution recommending that the members of the Security Council should act in accordance with the Court's opinion. Unfortunately, not all delegations had adopted a similar attitude; in particular, some members of the Security Council had refused to comply either with the General Assembly's recommendation or with the advisory opinion of the International Court.

3. There might be divergencies of opinion as to whether an applicant State met the requirements of the Charter, but there could be no disagreement on the fact that all applications for admission should be examined separately and decided solely on their own merits. The General Assembly had always followed that procedure; the same should apply to the Security Council.

4. The Norwegian representative emphasized that in the Security Council the proposal recommending the wholesale admission of all the applicant States had led to a deadlock, from which there was very little hope of escaping. His delegation regretted that several countries of western Europe, which could make valuable contributions to the work of the United Nations, were still excluded from membership. It was also regrettable that all the resolutions adopted on various occasions by the General Assembly in the attempt to solve the problem of the admission of new Members had produced only negative results.

5. That being so, and as the General Assembly was dealing with the problem for the fourth time, his delegation wondered whether it would not be more advisable to drop the matter for the time being and leave it to the applicant countries themselves to make new applications when the political atmosphere was more favourable. The applicant States would surely not misunderstand the spirit in which the proposal was made. Other delegations, in particular those of Sweden and Brazil, had expressed a similar view at the preceding meeting. The General Assembly should, then, adopt a resolution regretting that its resolutions had achieved no positive results and taking note of the fact that not all the members of the Security Council had acted in accordance with the advisory opinion of the International Court. The resolution should also indicate that, in the prevailing circumstances, the General Assembly considered it unnecessary to repeat the recommendation it had already made on several occasions. The Swedish delegation's suggestion was one which the Committee might accept as a suitable solution of the problem; it was not a formal proposal.

6. His delegation fully appreciated the motives behind the Australian draft resolutions (A/AC. 31/L.9 to A/AC.31/L.17); if those resolutions were put to the vote, his delegation would vote for them.

7. As regards the Argentine proposal (A/AC. 31/L.18), his delegation had always held that the United Nations should exercise great caution in calling for the legal opinion of the International Court of Justice on matters with political implications or connected with an interpretation of the Charter; it would therefore be unable to support the proposal.

8. Lastly, his delegation would vote against the USSR draft resolution (A/AC.31/L.19) which merely repeated the terms of the proposal submitted by the Soviet Union to the Security Council. The discussion in the *Ad Hoc* Political Committee had shown that the purpose of the draft resolution was that thirteen applicant States should be admitted *en bloc* without separate consideration being given to each application.

9. Mr. GARCÍA (Guatemala) said the problem of the admission of new Members was of primary importance to the United Nations since it was related to the Organization's fundamental purpose: to bind together the peace-loving States which were worthy to make their contribution to its work. That was why there should be no regrets for having devoted so much time to the consideration of the question, for in the end the prevailing confusion would give way to the light which was sought by all.

10. He noted, however, that the discussion was going round in a vicious circle; apparently the political aspect of the question was seen as being more important than its legal aspect. Yet, the representatives of each of the two opposing schools of thought which had emerged in the Assembly had emphasized the danger to the Organization arising from that deadlock, and the conse-

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 1, page xv.

[2] See *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion: I.C.J. Reports* 1948, page 57.

quent failure to achieve constructive results. The steps taken had produced only negative results and even if the draft resolutions now before the Committee were adopted, the Security Council would reconsider the applications and then the General Assembly would reopen the discussion at the stage where it had left it several years before, without any likelihood of obtaining better results. The only effect of such a method would be to injure and detract from the prestige of the United Nations in the eyes of world public opinion, which could see that the political game in which certain Members were indulging was unworthy of an international organization.

11. His delegation, convinced that the Organization should be open to all countries genuinely anxious to co-operate in the task prescribed by the Charter, had always argued for the principle of universality. Admission to membership of the United Nations should not be subject to any bargaining, and any delegations taking part in such bargaining were not conforming to the obligations to which they had subscribed in accepting the Charter.

12. He thought the problem had been raised prematurely; the speed with which it had been considered was the cause of the negative results produced. The United Nations should learn from the experience of the League of Nations and not make the same mistakes.

13. The root of all the trouble was the voting system in the Security Council. Hence the General Assembly should take steps to decide once for all whether the admission of new Members should be subject to the affirmative vote of the permanent members of the Security Council and, if so, whether the negative decision of the Security Council prevailed against a contrary decision by the main organ. Not till then would it be possible to find a solution to the problem. In the past, the General Assembly had accepted the established precedent that the negative decision of the Security Council prevailed against the positive decision of the Assembly. Some delegations thought the voting system in the Security Council should be changed.

14. On the other hand, and that was a very important point, the great Powers were in favour of the established precedent, feeling that the exercise of the privileged vote was legally justified in connexion with the admission of new Members, a matter which in their view was a question of substance and not of procedure. At the previous meeting, however, the representative of the United States had declared that his delegation was prepared not to make use of its privileged vote when a State applying for membership had obtained at least seven favourable votes in the Security Council. By that declaration, the representative of the United States implicitly conceded that the admission of new Members was not subject to the affirmative vote of the permanent members of the Security Council. If the representative of the United States did not use his privileged vote, that did not mean that he was ignorant of or denied the value of such a vote. Such an interpretation would have to be treated with caution. It was sometimes difficult to define exactly what were questions of substance and what were questions of procedure. At San Francisco, the permanent members of the Security Council had adopted a definition which the delegations of some small States had been unable to accept unreservedly. Experience had shown that those reservations were fully justified. As one representative had said at the previous meeting, the specific limitations implied in that definition had paralysed the work of the United Nations.

15. Experience had shown that it was pointless to advise the Security Council to review its rules of procedure. There could be no solution unless there was agreement among the great Powers which were responsible for that situation. He hoped that the permanent members of the Security Council, having been able at San Francisco to reach agreement on a voting procedure, would also be able to agree to free certain questions from the restrictions imposed by the unanimity rule. He doubted, however, whether in the existing state of the world, the great Powers could achieve such an agreement. The Charter could not be revised either, since such revision required a special procedure which, under the Charter itself, was also subject to the unanimity rule.

16. In those circumstances, his delegation felt that the General Assembly ought to have the power to make a decision which would prevail against a negative decision of the Security Council. In that connexion, he would like to consider the Argentine draft resolution, which his delegation supported in principle without, however, being able to accept it as it stood.

17. The Argentine draft resolution introduced a new element, for it aimed at something beyond mere consultation of the International Court of Justice, which, as had been said at the previous meeting, had failed to produce any positive result. An essential point to be settled in that resolution was whether, in cases where the Security Council had adopted a negative attitude with regard to the admission of a new Member and failed to make a decision, the General Assembly could act independently. The provisions of Article 4 of the Charter did not help in resolving that problem, for that Article did not provide that, in the absence of recommendations from the Security Council, the General Assembly could act on its own account. Hence the General Assembly's decision was subordinate to that of the Security Council, as the Charter did not provide for the possibility of the General Assembly's taking positive action after a negative decision by the Security Council.

18. Moreover, when the opinion of Committee 1 of Commission II was requested at San Francisco, it was not asked whether the General Assembly could go against the Security Council when the latter refused to admit a new Member. Consequently, the first part of the question enunciated in the Argentine draft resolution was relevant.

19. The same could not be said of the second part of the first question, which contained the following question: "Does this mean that the Security Council can make a recommendation against admission?" The answer to that question was clear: a recommendation might be either favourable or unfavourable. The question ought to read differently, for example: "Can the General Assembly make a decision after a negative recommendation of the Security Council?" If the question were put in that form, it might be discovered if the jurists at San Francisco were right when, in considering the case of the General Assembly's

adopting an attitude in conflict with the Security Council's, they had decided that it could not act favourably on a negative decision by the Council.

20. Question IV set forth in the draft resolution dealt with the same problem when it asked whether the General Assembly could make its decision in complete freedom. His delegation felt that the wording of that question was not happy, for the word "decision", which appeared in Article 4 of the Charter, left no doubt as to the answer. For that reason, his delegation would prefer the question to read: "Can the General Assembly make a decision in the absence of any recommendation by the Security Council?"

21. It was regrettable that it had not yet been possible to find a solution to the problem of the admission of new Members. The *Ad Hoc* Political Committee was merely hearing over again, without obtaining better results, remarks which had often been heard both in the Security Council and in the General Assembly. Accordingly his delegation believed it would be preferable provisionally to discontinue consideration of the problem of the admission of new Members pending an opinion from the International Court of Justice. That opinion would make it possible for the Security Council to escape from the deadlock and make it possible for the States awaiting admission to be able to join the United Nations. Mr. García felt that any method different from that broadly outlined by him would be in conflict with the honesty and integrity which had always inspired the attitude of his delegation.

22. Mr. NISOT (Belgium) said that his delegation had on earlier occasions expressed its views at length on the entire question of the admission of new Members. Its attitude towards the substance of that question had not changed and hence he regarded it as unnecessary to explain that position again.

23. Still, he wished to say a few words about the Argentine draft resolution since it introduced a new element. It suggested that the General Assembly should consult the International Court of Justice regarding the interpretation of certain provisions of Article 4 of the Charter. Although he personally was quite clear as to the meaning and scope of those provisions, he felt unable, in the particular instance, to depart from his delegation's point of view which was that when a State faced with a juridical difficulty expressed the desire to submit the question to an impartial court, it was in accord with the spirit of the Charter that, to the fullest extent permitted by the circumstances, the organs of the United Nations should accede to this request. There was no reason why the Argentine delegation should not receive the satisfaction it was asking for. There would be nothing inconsistent in consulting the Court and at the same time adopting the resolutions submitted by the Australian delegation. Moreover, any juridical doubts still subsisting in connexion with a question of fundamental interest to the United Nations should be settled by the Court.

24. Accordingly his delegation was, in principle, in favour of the Argentine draft resolution for which it would vote if certain amendments, which it reserved the right to discuss with delegations sharing its view and with the Argentine delegation, were introduced into the text. He proposed that the *Ad Hoc* Political Committee should appoint a small drafting sub-committee intstructed to work out the final form of the Argentine draft resolution.

25. The CHAIRMAN said that, if the Argentine representative agreed to the Belgian delegation's proposal, an exchange of views and consultations between the various delegations which had expressed approval in principle of the Argentine draft resolution, subject to certain changes, might be helpful. Still, rather than appoint a drafting sub-committee, he considered it preferable to leave it to the representatives of Belgium and Argentina to consult with other delegations and present a revised text of the Argentine draft resolution to the Committee.

26. Mr. ARCE (Argentina) agreed to the Belgian representative's suggestion. What was wanted was that the Committee should be able to propose to the General Assembly a procedure which would break the existing deadlock in the Security Council. He was confident that the co-operation of the various members of the Committee would be most helpful for that purpose.

27. Mr. ASTAPENKO (Byelorussian Soviet Socialist Republic) said the question before the Committee had been under discussion for three years in both the Security Council and the General Assembly without a final solution being found. In reality, that situation was due to the polity of the countries of the Anglo-American bloc which, far from seeking a solution of the problem in conformity with the Charter and in the higher interest of international co-operation, tried instead to find a solution which would serve their own interests, which were in conflict with the Charter as well as with the development of international co-operation. It was common knowledge that in the question of the admission of new Members, the countries of the Anglo-American bloc, particularly the United States and the United Kingdom, were pursuing a policy of discrimination against Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic and thus were violating Article 4 of the Charter which said that "membership in the United Nations is open to all other peace-loving States which accept the obligation contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations". There could be no doubt that Albania, the Mongolian People's Republic, Bulgaria, Hungary and Romania fulfilled those requirements.

28. As to the first of those conditions, all the said countries were peace-loving, democratic States which were ardently working for the advancement of their people and for universal peace. As to the second condition, all those States had, in submitting their applications for admission, specifically expressed acceptance of all the obligations contained in the Charter and their desire to carry out those obligations. Accordingly, if the provisions of the Charter and the interests of international co-operation were taken as a basis, there was no reason for excluding those States from the United Nations. The United States and the United Kingdom, however, were relying on entirely different principles which had nothing to do with the provisions of the Charter or the higher interests of international co-operation. They tried to justify their opposition by expressing disapproval of the

domestic régime or foreign policy of those applicants. At the same time they supported the applications of countries such as Portugal, Jordan and Ireland.

29. Yet during the Second World War, Portugal and Ireland had not only maintained friendly relations with fascist Germany but had liberally aided it in its war against the Allies. Moreover, Portugal still continued to maintain very close political, economic and military relations with Franco Spain, a country for which the United Nations had indicated strong disapproval.[1] Finally, in the case of Jordan, it was noteworthy that only a small number of delegations had dared to speak of the independence or the peace-loving spirit of that country.

30. In denying membership in the United Nations to certain States, the countries of the Anglo-American bloc were endeavouring to limit participation in the Organization to those countries which were dependent on them, and thus sought to make the Organization an instrument of their policy. The USSR delegation and all delegations which were truly anxious to strengthen and develop the United Nations had protested against such an attempt and had said that the problem could be solved only in accordance with the principles of the Charter. The United States and the United Kingdom had repeatedly tried to circumvent the rule of unanimity to obtain the admission of countries which would serve their own interest. Moreover, at the very moment when they were opposing the admission of the democratic countries supported by the Soviet Union and other delegations, the United States and the United Kingdom had demanded a vote in the Security Council on the admission of Portugal, Ireland and Jordan in order to obtain a series of negative votes by the USSR which they could use to slander that country and to accuse it of abusing its voting privilege in the Security Council.

31. Actually, it was the United States and the United Kingdom which had abused their voting privilege by opposing the admission of democratic countries. The representative of the United States said in the Security Council on 21 June 1948[2] that the United States delegation would not vote in favour of the admission of Albania, the Mongolian People's Republic, Bulgaria, Hungary and Romania; surely a statement like that was a hidden veto, since the United States was a permanent member of the Security Council.

32. Reviewing the current situation in the Security Council, he recalled that in resolution 197 B (III) of 8 December 1948 the General Assembly had asked the Security Council to reconsider the applications of countries which the Security Council had not yet recommended for admission. That included the following countries: Albania, the Mongolian People's Republic, Bulgaria, Hungary, Romania, Portugal, Jordan, Italy, Finland, Ireland, Austria and Ceylon. The Council had then considered the applications and on 21 June the delegation of the Soviet Union proposed[2] that the twelve States which had applied for admission should be admitted *en bloc*. Since the case of each of the twelve States had been considered separately by the Security Council and as each member of the Council therefore had a basis for reaching a decision, it would have seemed that the USSR proposal was bound to receive unanimous approval. Such a decision would have had the advantage of extricating the Security Council from its impasse and would also have helped to assert the authority of the United Nations. The representatives of the countries in the Anglo-American bloc had, however, opposed that proposal. That circumstance, and the discussion in the *Ad Hoc* Political Committee, proved that if States wishing to become Members of the United Nations were excluded, the whole blame rested on the countries of the Anglo-American bloc.

33. The delegation of the Byelorussian SSR considered that it was the duty of the United Nations to find an immediate solution to that problem and to extricate the Security Council from the impasse to which it had been brought because of the attitude of the United States and the United Kingdom. The Soviet Union proposal was the only one which made the achievement of that purpose possible and his delegation therefore wholeheartedly supported it. He hoped that the USSR proposal would be fully supported by all delegations which were sincerly concerned with the interest and the development of the United Nations.

34. Mr. STOLK (Venezuela) regretted that many applicants fulfilling the requirements of the Charter for admission to membership in the United Nations, were excluded because no solution for the problem under discussion had yet been found.

35. He had said before that the disagreement between the great Powers complicated the task of the United Nations and interfered with the application of certain provisions of the Charter, among them the unanimity rule. That situation was in particular an obstacle to the admission of new Members.

36. The use of the veto was unjustified when prompted by considerations alien to those set forth in Article 4 of the Charter; such an attitude was inconsistent with those provisions and with the advisory opinion of the International Court of Justice.

37. The permanent members of the Security Council should waive their right of veto in discussions concerning the admission of new Members; his delegation had been gratified to hear certain permanent members of the Council speak along those lines.

38. Article 4 of the Charter should be interpreted as liberally as possible in order that the United Nations might become universal; if the conditions prescribed in Article 4 were satisfied by an applicant, nothing should stand in the way of that applicant's admission to the United Nations.

39. It had to be carefully considered how far the applicant fulfilled the requisite conditions since the final decision on that point would be the basis for the general opinion on the applicant's merits from every point of view.

40. He hoped that the existing difficulties would be overcome, for the authority and prestige of the United Nations were at stake; the existing situation barred the United Nations from the progress it could achieve with the help of many of the applicants.

[1] See General Assembly, resolutions 32 (I) and 39 (I).

[2] See *Official Records of the Security Council*, Fourth Year, No. 31.

41. Still, the solution should be sought within the framework of the Charter and in the light of the advisory opinion of the International Court of Justice; purely political considerations should not sway opinions.

42. His delegation considered that none of the draft resolutions submitted offered any hope of a solution; nor could it imagine any formula by which the problem could be solved.

43. The Australian proposals merely requested the Security Council to re-examine each of the applications in question; they were very similar to the proposals approved by the General Assembly during its third session.

44. The USSR draft resolution (A/AC.31/L.19) introduced a new idea in that it recommended that the Security Council should base its action on the favourable general opinion expressed in the case of thirteen applicant States; moreover, that proposal appeared to preclude any possibility of re-examining the application of the Korean Republic. Such discrimination was inadmissible.

45. It would appear from the discussion that neither of those two formulae was likely to change the existing situation; nor could it be claimed, in the light of the discussion, that the fourteen applicants had met with general approval.

46. Accordingly, it seemed preferable for the General Assembly to adhere strictly to the Security Council's report and, in a single resolution, to request the Council to re-examine all the applications for membership.

47. It might perhaps be preferable to follow the Norwegian representative's suggestion that, without taking any decision, the General Assembly should allow States to press their application for membership.

48. The Argentine proposal reiterated the idea advocated by the Argentine delegation during earlier debates, which was that it was a matter for the United Nations to consider whether applicants fulfilled the requirements of the Charter. The final decision would be a matter for the General Assembly, which would thus be free to accept or reject the Security Council's recommendations, whether favourable to the applicants or not.

49. He mentioned, in that connexion, that the proposals put forward at Dumbarton Oaks had been criticized for not giving the General Assembly sufficient power and he also quoted the opinion, given by Committee 1 of Commission II at San Francisco, that the General Assembly had the right to accept or reject the Security Council's recommendations concerning the admission of new Members or concerning applications for membership.[1]

50. The Argentine argument was that, if the General Assembly had not the right to accept an application for membership against an unfavourable opinion by the Security Council, its decision would be inconsistent with Article 4, paragraph 2, of the Charter. His own delegation was in no doubt as to the meaning of that provision: it meant that approval by both the Security Council and the General Assembly was necessary before an application for membership could be granted. In other words, the Security Council gave its opinion and the General Assembly took a decision thereon, and could accept or reject the Council's opinion.

51. Naturally, the Council's recommendation could be either favourable or unfavourable to the applicant, but it should be remembered that when something was required to be done in the case in question, prior recommendation by the Security Council, which meant positive action, was needed; otherwise, it would be unnecessary to make such a stipulation.

52. The interpretation given by Committee 1 of Commission II at San Francisco did not provide that an applicant whose admission had not been recommended by the Security Council, or had been recommended unfavourably, could be admitted to the United Nations by the General Assembly, but rather that the General Assembly could in each case accept or reject the Council's recommendation, whether favourable or unfavourable.

53. The need for joint approval by the Security Council and the General Assembly of the admission of new Members was also confirmed by the balance, prescribed by the Charter, between the authority of the Security Council and that of the General Assembly in matters of paramount importance. Thus for example, the General Assembly was unable to suspend or expel a Member of the United Nations except on the recommendation of the Security Council; nor could it appoint a Secretary-General except on a similar recommendation, the Security Council being the body qualified to propose the candidate, and the General Assembly could not appoint a person not recommended by the Council. The election of members of the International Court of Justice and the Security Council's prerogatives in the restitution of the exercise of the rights and privileges inherent in membership in the case of the suspension of a Member of the United Nations, were further examples.

54. The Security Council had very important functions in connexion with the admission of new Members; for example, the Charter prescribed that a decision on a question of substance, such as a decision on the admission of new Members, required the affirmative vote of at least seven members of the Council, including the five permanent members, thus inappropriately, reserving to each of the permanent members the right to stultify by its negative vote any recommendation for admission.

55. Nevertheless, his delegation was not opposed to the Argentine representative's proposal that the International Court of Justice should be consulted, if there were still any doubt on the interpretation of Article 4, paragraph 2, of the Charter. But if the General Assembly requested an advisory opinion of the International Court of Justice, he felt the case should be stated in a more concrete manner, on the following lines: "The General Assembly wishes to know the opinion of the International Court of Justice on the following point: is the General Assembly entitled, under the provisions of the Charter, particularly Article 4, paragraph 2 thereof, and in the light of the construction placed on that paragraph by Committee 1 of Commission II of the San Francisco Con-

[1] See *Documents of the United Nations Conference on International Organization*, Volume VIII, document 1092, II/1/39.

ference, to decide on the admission to the United Nations of an applicant State, even though the Security Council, after considering the application, made no recommendation or made an adverse recommendation?"

56. Mr. DJERDJA (Yugoslavia) remarked that the difficulties which had arisen in that field were due partly to divergencies of opinion concerning the conditions for the admission of new Members and partly to disagreements regarding the procedure to be followed in regard to admission, namely, the question whether applicants should be admitted individually or collectively.

57. It seemed that all the delegations regarded the matter as an essentially political one. The Yugoslav delegation had nothing against such an attitude, since its own conclusions on the matter would be formed in that light.

58. During the attempts to establish a criterion for deciding whether an applicant fulfilled the necessary conditions for admission to the United Nations, the applications of certain States had been opposed on the basis of their attitude towards the Allied cause during the Second World War, an attitude which could not be overlooked.

59. Other equally serious doubts had been expressed concerning the independence of other applicant States, based on the existence of special ties between those States and certain others. The Yugoslav delegation felt that those objections were also not unfounded and should not be disregarded.

60. The Yugoslav delegation thought, however, that such objections should not be limited to mere statements; it should be determined whether the applicants in question met the conditions provided in the Charter and were willing and anxious to participate in the development of international co-operation and in the maintenance of world peace. That, it would seem, was the criterion which might provide the most satisfactory solution of the question of the admission of new Members.

61. As regards the States in respect of which reservations had been made on the grounds of their connexion with other States, the Yugoslav delegation believed that, while those reservations were to some extent justified, the admission of those States to the United Nations would unquestionably strengthen their independence and would thus represent a constructive step on the part of the Organization.

62. Serious consideration should also be given to the question whether an applicant State was pursuing a policy of peace and whether its attitude, both within and outside its frontiers, was based on principles of peace and international co-operation with its neighbours and with other States. Under Article 4 of the Charter, only a State which fulfilled those conditions could be considered worthy of entering the United Nations; indeed, the main objective of the Organization itself was the development of international co-operation for the maintenance and strengthening of peace.

63. In connexion with the conditions specified above, Mr. Djerdja called particular attention to the cases of Albania, Bulgaria, Hungary and Romania, applicants for admission and neighbours of Yugoslavia, the present attitude of which towards that country was closely connected with the matter under discussion.

64. He believed that those countries could not be regarded as in any way fulfilling the conditions laid down in paragraph 1 of Article 4 of the Charter. Indeed, following a resolution of the Cominform and acting under orders from the organizers of the campaign against Yugoslavia, those States had, since June 1948, abandoned their policy of alliance and friendship with Yugoslavia and had taken up a diametrically opposite attitude; they had unleashed a violent campaign with the object of overthrowing the lawful Government of Yugoslavia and imposing upon that country a régime it could not accept. To that end, those States were giving asylum to a small group of emigrés, traitors and renegades and were encouraging their activities. He drew attention to the economic and political blockade of Yugoslavia imposed by those States, as well as to the slanderous accusations constantly levelled by them against his country. Hungary and Bulgaria were also violating their obligations towards Yugoslavia under the terms of the peace treaties. He recalled, moreover, that all those States, with the exception of Albania, had unilaterally given notice to terminate their friendship and mutual assistance pacts with Yugoslavia.

65. Since the hostile actions of those States had not yielded the expected results, they had organized a series of provocations and incidents along the Yugoslav frontiers and had even gone so far as to violate Yugoslav territorial integrity. At the same time they were carrying out movements and concentrations of troops, both national and foreign, within their own frontiers for the obvious purpose of intimidating and blackmailing Yugoslavia.

66. In view of present relations between Hungary, Romania, Bulgaria and Albania on one hand and Yugoslavia on the other, it might seem paradoxical that Yugoslavia should not consider the attitude of those countries to be an insurmountable obstacle to their admission to the United Nations. The Yugoslav delegation was convinced, however, that in the case of those countries, as of others, admission to membership in the United Nations would have a more favourable effect on their policies than their continued exclusion from the Organization.

67. To be a Member of the United Nations was, of course, an honour and a privilege; but it also entailed definite obligations both towards the United Nations itself and towards other States, whether or not they were Members of the Organization. It was therefore logical to assume that the admission of Hungary, Bulgaria, Romania and Albania to the United Nations could not but further their observance of international obligations. The authority of the United Nations was a factor which had to be taken into account. Consequently, by admitting the largest possible number of new Members, the General Assembly would merely emphasize the universal character of the Organization and strengthen its power and influence, which were of great importance for the development of international co-operation and the consolidation of peace.

68. For those reasons, the Yugoslav delegation considered that all the applicant States should be

admitted despite the serious objections that could be raised concerning some of them.

69. As regards the procedure for admission, he considered that while it seemed more correct to examine each case separately, it would be more appropriate in the circumstances to examine all the applications *en bloc*.

70. If the intention was to stress the universality of the United Nations, it would be preferable to act on those lines in spite of the fact that some of the applicants did not meet the requirements of the Charter except in a rudimentary manner. Such a course, though it was not strictly in conformity with the letter of the Charter, would make it possible to break the deadlock to the greater advantage of the United Nations, and would be entirely in keeping with the spirit of the Charter.

71. If the opposite course were adopted, the Yugoslav delegation feared that the question might remain unsolved. The prestige of the United Nations would thus be damaged, and the efforts of the Organization and of individual States towards the maintenance of world peace would be frustrated.

72 Mr. JABBAR (Saudi Arabia) regretted that States which fulfilled the required conditions had not been admitted to membership in the United Nations for political reasons; in particular, he deplored the fact that countries such as Jordan, Italy, Ceylon, Ireland, Portugal and others had been subjected to discrimination.

73. The delegation of Saudi Arabia felt that nothing could justify the use of the right of veto against the applications for admission made by those States; those among the great Powers which assumed the role of champions of the principles of the Charter should have used their negative vote in the Security Council against the application of that spurious State which had recently received their immediate support. Such inconsistencies on the part of certain great Powers made it plain that they were not guided in those matters by the Charter or by the principles of justice.

74. The delegation of Saudi Arabia would support the Australian draft resolutions. With regard to Korea, however, Mr. Jabbar said his delegation had always emphasized the necessity of achieving the complete unity and independence of that country as soon as possible. Accordingly, although the attitude of his delegation could not be regarded as hostile to the Republic of Korea, it felt obliged to abstain from voting on the request for the admission of that State.

75. The USSR draft resolution, in its present form, could not receive the support of his delegation. If the Soviet Union had followed the same procedure as Australia, each application could have been considered separately, on its merits.

76. The Saudi Arabian delegation believed that some of the States of eastern Europe mentioned in the USSR draft resolution possessed the qualifications required under Article 4 of the Charter. However, it had no desire, by considering a group of applications together, to create a dangerous precedent which would violate the Charter and be contrary to the advisory opinion of the International Court of Justice. For that reason his delegation would have to abstain from voting on the proposal of the Soviet Union. That abstention, however, should not be regarded as in any way reflecting on the qualifications and abilities of the States mentioned in that proposal.

77. Finally, the delegation of Saudi Arabia supported the Argentine draft resolution in principle, as it believed it to be wise to seek an advisory opinion from the International Court of Justice when the need arose. The suggestion made by the Netherlands representative at the previous meeting was, however, worthy of attention. Mr. Jabbar welcomed the Chairman's suggestion regarding consultation between the representatives of Belgium and Argentina in order to recast the latter's draft resolution. His delegation therefore reserved its position in that respect until the new draft of the Argentine resolution had been submitted.

78. Mr. SANDLER (Sweden) said that his delegation did not intend to submit any proposals; it would maintain the position it had taken up in previous debates and wished to adhere, in particular, to the general resolution 197 B (III) in favour of the principle of the universality of the United Nations which had been adopted by the General Assembly at its third session. It would merely express the hope that that resolution might be applied as soon as possible.

79. He shared the view of the representatives of Brazil and Norway that the usefulness of a resolution dealing with the substance of the question appeared at present to be doubtful.

80. With regard to the Argentine draft resolution, Mr. Sandler thought that as the advisory opinion of the International Court of Justice had not shown the way out of the deadlock in the United Nations, it would seem to be useless to renew the effort made in that direction. The delegation of Sweden had, however, followed with interest the argument of the Netherlands delegation. Although this argument had not caused the Swedish delegation to modify its own thesis, it had been convinced of the advisability of submitting to the International Court of Justice the series of questions which the Argentine delegation proposed to lay before the Court with a view to elucidating the situation.

81. With regard to the question of procedure, his delegation preferred a separate decision on each individual case to a collective decision covering all the applications. For that reason it welcomed the procedure suggested by the delegation of Australia, and regretted the method chosen by the USSR.

82. The Swedish delegation would wish to vote for each application for admission contained in the various draft resolutions, although it was not convinced that it would be possible to escape from the deadlock by following that procedure.

83. The Soviet Union draft resolution did not wholly respect the principle of universality, since it did not include the application by the Republic of Korea.

84. As regards the Australian draft resolutions, he recalled that the General Assembly, at its third session, had adopted a more flexible formula; its resolution 197 I (III) relating to the admission of Ceylon had not included any reference to the advisory opinion of the International Court of Justice. Moreover, it had not contained the last phrase of the first paragraph of the Australian draft resolutions now before the Committee,

namely: ". . . but that no recommendation was made to the Assembly because of the opposition of one permanent member". The Swedish delegation thought it would have been preferable to follow the example given by the General Assembly itself.

85. Mr. Sandler said, in conclusion, that his delegation would be guided, when voting, by its ardent desire to contribute as far as possible to giving effect to the principle of universality in the United Nations.

86. Mr. HSIA (China) observed that several speakers had subscribed to the principle of universality; his delegation also supported that principle. In his view, it should signify that the same treatment should be accorded to all States which fulfilled the conditions laid down by the Charter, but not that every applicant State should be automatically admitted to the United Nations. The Charter did not permit such an interpretation and in Article 4 it clearly stipulated the conditions for admission.

87. Furthermore, his delegation accepted the advisory opinion given by the International Court of Justice on 28 May 1948. As a member of the Security Council, his delegation emphasized that it would examine all applications on their merits in a fair and generous spirit and taking due account of the principle of universality.

88. He pointed out that his delegation had never used its right of veto in regard to an application for membership; he believed that it was in the best interests of the Organization that the veto should be exercised very sparingly, if at all, in connexion with the admission of new Members. He hoped that before long the five permanent members of the Security Council would agree not to use their right of veto in that connexion. In that way the whole problem of the admission of new Members might be solved.

89. As to the procedure relating to the admission of new Members, the delegation of China had always held the view that Article 4 of the Charter required joint action by the Security Council and the General Assembly. In the absence of a favourable recommendation by the Security Council, the General Assembly could only pronounce its opinion on the Security Council's report.

90. His delegation believed that the delegation of Australia had adopted the correct procedure in submitting its draft resolutions. Having voted in the Security Council for those applications for admission, the Chinese delegation would support the Australian draft resolutions.

91. Mr. LOURIE (Israel) said that his delegation had refrained until then from taking part in the discussion of the question, since Israel was the newest Member of the United Nations. Nevertheless, the delegation of Israel was perhaps by that very fact in a better position to appreciate the situation of the applicants.

92. The United Kingdom representative had on two occasions pointed out that the USSR had been in agreement with the United States and the majority of the other Members in supporting Israel's application for admission; the United Kingdom representative had also pointed out that his delegation would prefer each application to be considered separately, on its merits; Mr. Lourie inferred, therefore, that the United Kingdom delegation had rejoiced when such a procedure was followed in the case of Israel.

93. The delegation of Israel thought that the spirit of Article 4 of the Charter required the United Nations to be as universal in character as possible; it was deplorable that the greater part of the European continent was not represented in the United Nations at all and that old established States were still excluded from the Organization

94. The spirit of the founders of the Organization was that different régimes and political systems should be represented within it. To refuse membership to a State because of its political régime or its current policy was unjustifiable, so long as no intention of a breach of the peace could be attributed to it.

95. He wanted the United Nations to be a democratic society to which all who could comply with certain elementary requirements would be admitted with the full rights and duties of citizenship. The delegation of Israel, therefore, favoured a universalist approach and would vote accordingly.

96. It could not, however, at the time of speaking, vote for the Soviet Union draft resolution, because to do so would involve at the same time a voting in favour of a country which had embarked upon hostilities against Israel. It was true that the situation had since improved, but his delegation still felt it necessary to abstain for some time before making a final decision on such a serious subject.

97. As regards the application of Korea, the delegation of Israel, like that of the Union of South Africa, was waiting for instructions from its Government, and would have to abstain in the meantime.

98. In short, the delegation of Israel reserved the right further to express its opinion regarding the USSR draft resolution and the draft resolution on Korea when the questions came before the plenary session.

99. Mr. CISNEROS (Peru) regretted that the question had remained unsolved because of political difficulties arising at the end of the Second World War. The United Nations had been set up in order to maintain the peace, and the success of that endeavour depended on the conduct of its Members. It was clear that the Organization ought to move in the direction of universality, since the principles on which it was founded implied the defence of the interests of all States, great and small.

100. It was not enough, however, for applicants for admission to proclaim their desire for peace and their determination to fulfil the obligations laid down in the Charter, for them to be automatically admitted to the United Nations. It had to be decided whether the applicants really were peace-loving and in a position to fulfil those obligations. The standards to be applied should be based, not on fortuitous circumstances, but on historical, geographical and moral considerations in the case of each State and the present conduct of the Governments of those States should not be the only factor taken into account.

101. The United Nations, in deciding to what extent a State was peace-loving, did not possess very exact standards which it could apply for the

purpose. That was to be explained on political rather than on legal grounds. Nevertheless the political element entering into the case should be such as to allow a fair and impartial judgment to be given.

102. In the course of the debates on the question in the Security Council, the use of the right of veto had been discussed at great length. It might be granted that the use of the veto was perfectly in order in those circumstances, since a question of substance was involved. The right of veto was, however, specially important in that case since the exercise of that right could affect the entry into the United Nations of all States which fulfilled the conditions laid down in the Charter. Such States, therefore, should not be classed from the outset according to their relations with certain great Powers.

103. Obviously the right of veto was not essentially and in itself an evil thing; it might contribute to the effective working of the United Nations. But the fact that it was in conformity with the provisions of the Charter must not be taken to mean that its use was always just or necessary. When the provisions of the Charter were applied, the interests of peace and security alone should be considered.

104. Mr. Cisneros thought that the Security Council should act carefully and wisely, since it was a representative organ, and particularly since five of its members possessed important privileges. The General Assembly, for its part, was a tribunal for all the nations, before which the smaller States could submit their protests and vindicate their rights.

105. His delegation would vote for the Australian draft resolutions, since he hoped that the Security Council would in the end change its attitude.

106. Finally, the Peruvian delegation welcomed the Argentine proposal and approved it in principle.

107. Mr. PEÓN DEL VALLE (Mexico) recalled that his Government had, even before the San Francisco Conference, supported the principle of universality. At that Conference it had insisted on the importance of the principle and had opposed the privilege of the veto. The Mexican delegation therefore was entirely in favour of admitting all the new applicants for membership.

108. Mr. Peón del Valle recalled that, as far back as the beginning of 1946, his delegation had agreed to each application being considered separately on its own merits, even though the Committee on the Admission of New Members had already carried out the greater part of the work. Since, in the consideration of each case, no evidence could be adduced to show that the applicant State was ineligible under Article 4 of the Charter for membership in the United Nations, his delegation had proposed that all the applicants should be admitted.[1]

109. For the same reasons the Mexican delegation would vote for any draft resolution opening the doors of the United Nations to the countries asking for admission. Moreover, it had welcomed sympathetically the initiative of the Argentine delegation and would view favourably that delegation's text when it was finally submitted.

110. Mr. AZKOUL (Lebanon) pointed out that the question of the admission of new Members, which had been clear and simple when the United Nations was created, had since then become very complicated and now gave rise to almost insurmountable difficulties. In those circumstances, if the General Assembly wished to solve those difficulties in a satisfactory manner, it should not follow the path indicated by the Security Council, but should strive to consider the issue in its original simplicity.

111. A clear distinction should be drawn at the outset between the various aspects of the question, namely, the conditions to be fulfilled by an applicant State as laid down in paragraph 1 of Article 4 of the Charter, the Security Council's recommendation based on the provisions of that paragraph and, finally, the General Assembly's decision on the Security Council's recommendation. He would deal with those various aspects separately.

112. Referring in the first place to the conditions to be fulfilled by the applicant State, he stressed that the very fact that the Charter laid down such conditions fully proved that each application should be studied separately on its merits. There could be no question of the admission of a group. The admission of one State could not be made dependent on the admission of another State; such a practice would be both contrary to the spirit of the Charter and highly unjust.

113. At the same time, it should be admitted that the method of studying separately each request for admission, based on the provisions of paragraph 1 of Article 4, might lead to certain abuses and to discriminatory practices contrary to the spirit of the Charter, especially as the conditions laid down in the Charter lent themselves very readily to subjective interpretations. There was no doubt that the Charter called for a very difficult choice to be made by Member States which had to decide on the admission of new Members, particularly from the philosophic and moral point of view. On the other hand, Member States should not, because of too many scruples, refrain from choosing and automatically admit all States which wished to become Members of the United Nations. It would be better if the choice of Member States could be facilitated by giving the provisions of the Charter an exact and consistent interpretation and by laying down general criteria to be employed without distinction in the case of all applicant States. The existence of such criteria would certainly enable the present difficulties to be overcome.

114. The formulation of such criteria would be no easy matter, especially in view of the nature of the conditions laid down by the Charter. Mr. Azkoul wished, however, to make a few suggestions on that point.

115. In the first place, it should be emphasized that the United Nations had by its very nature an international character. It had been set up with a view to serving, not the interests of a group of States, but the cause of the whole of humanity, and in order to carry out those basic objectives it needed the co-operation of all peoples; consequently, the admission of new Members appeared

[1] See *Official Records of the Security Council*, First Year, Second Series, No. 5, 57th meeting.

to be an indispensable condition for the success of the United Nations.

116. In the second place, the United Nations included representatives of all ideologies, except of course fascism, and consequently a State could not be denied membership because of its attachment to one of those ideologies.

117. Lastly, the United Nations was called upon to exercise a beneficial and educational influence on its Members and tended to develop in them a spirit of co-operation, so that even if the conduct of an applicant State showed certain imperfections in one direction or another, that was not sufficient to justify a refusal on the part of Member States.

118. Those were some of the negative considerations which should guide the choice of Members.

119. As was known, the positive factors for determining the choice of new Members were to be found in the Charter, but it should be emphasized that rejection was only justified if it was established that an applicant State had infringed the Charter; accusations unsupported by evidence and mere suspicions were not sufficient.

120. Such considerations had led the Lebanese representative to the conclusion that the General Assembly could intervene very advantageously in that matter and put an end to existing difficulties by adopting and transmitting some such recommendation as the following one to the Security Council: "The General Assembly requests the members of the Security Council to give, so far as they are permitted to do so by the Charter, greater flexibility to the criteria for the admission of new Members to the United Nations".

121. If the applications of all of the States in question were examined in that spirit, there would appear to be no obstacle to their admission to the United Nations. Even Bulgaria, Hungary and Romania might be given the benefit of the doubt.

122. He then turned to the legal aspect of the question of the admission of new Members, namely the relation between the Security Council's recommendation and the General Assembly's decision. After paying a tribute to the initiative taken by the Argentine delegation in that field, Mr. Azkoul listed certain questions which, in his opinion, might usefully be sent to the International Court of Justice.

123. It seemed at first sight that under Article 4, paragraph 2, the General Assembly could not take a decision regarding the admission of a new Member in the absence of a favourable recommendation by the Security Council. The use of the words "the admission . . . will be affected by a decision", rather than "the decision regarding admission" seemed to be significant. But, at the same time, it was surprising that those who drew up the Charter should have wished to confer the right of decision on the General Assembly, while binding the latter by a recommendation of the Security Council. That appeared to be contradictory. It was possible, however, that the authors of the Charter had thought that the Security Council, as an organ responsible for the maintenance of international peace, might be led to oppose the admission of a certain State on grounds of security and should therefore have the initiative in that field.

124. In those circumstances, the General Assembly could not make a decision in the absence of a favourable recommendation by the Council. On the other hand, even if the Security Council did not object to the admission of such a State for reasons connected with security, and sent a positive recommendation to the General Assembly, the latter was free to reject that application for reasons of its own. Such an interpretation agreed very well with the actual terms of paragraph 2 of Article 4. But that paragraph did not deal with cases on which the Security Council did not submit a favourable recommendation because of the absence of agreement among its members for reasons which had nothing to do with the maintenance of peace and security. In that case it seemed that the General Assembly, basing itself on general considerations, should have the power to approve or to reject the application of the State in question.

125. As different interpretations were possible, it was highly desirable to clarify the meaning of paragraph 2 of Article 4, and with that end in view, to consult the International Court of Justice, as the Argentine delegation had suggested. It would be advisable to include among the questions to be put to the Court the point raised by the Iraqi representative[1] as to whether the unanimity rule was applicable when the Security Council was called upon to make a mere recommendation and not to take a final decision. It would also be well to ask the Court whether the unanimity rule applied in the case of a recommendation addressed not to Member States, but to some other United Nations body. Mr. Azkoul thought it did not, as such a recommendation affected the Organization alone and could not affect peace and security. The Court should furthermore be consulted on the question whether members of the Security Council could make use of their right of veto in opposing the admission of a State for motives having no connexion with the maintenance of peace and security and therefore outside the province of the Security Council. Mr. Azkoul hoped that the representatives responsible for the final drafting of the Argentine resolution would bear in mind the suggestions he had just made.

126. With regard to the other draft resolutions submitted to the *Ad Hoc* Political Committee, Mr. Azkoul preferred that the General Assembly should adopt a new resolution rather than confine itself to repeating previous resolutions. In his opinion, the General Assembly might well adopt a resolution reading somewhat as follows: "The General Assembly, having examined the special report submitted by the Security Council on the admission of new members, expresses its anxiety about the results achieved so far by the Security Council; confirms its resolution 197 (III) of 8 December 1948; recommends to each of the members of the Security Council and the General Assembly to relax, so far as the Charter permits, the criteria relating to the admission of new members." Such a resolution might either be substituted for all the draft resolutions submitted, with the exception of the Argentine text (A/AC.31/L.18) or might complement the various Australian draft resolutions (A/AC.31/L.9 to A/AC.31/L.17) and replace the USSR draft resolution (A/AC.31/L.19).

127. Mr. Azkoul would not, however, make a formal proposal since he did not know to what

[1] See *Official Records of the fourth session of the General Assembly*, 226th plenary meeting.

extent his suggestion had found support among the various delegations. If his suggestion were not taken up, he would vote in favour of the Australian draft resolutions, but would abstain from voting on the USSR proposal, as it did not take sufficient account of the need to examine each application separately.

128. Mr. AL-JAMALI (Iraq), referring to the question of whether the unanimity rule was applicable in the case of the admission of new Members, pointed out that, in his opinion, the unanimity of the five permanent members of the Security Council was not absolutely necessary in that case, as the Council was only called upon to make a recommendation and the decision rested with the General Assembly. If unanimity was thought to be indispensable, it should be recalled that Israel's request for admission obtained the votes of only four of the permanent members of the Security Council, the fifth member having abstained. It would certainly be useful to consult the International Court of Justice as to whether unanimity existed in the event of one of the five permanent members abstaining. That was a question of principle which should be made clear.

129. The Iraqi representative then enumerated the conditions required of applicant States under the Charter, namely, that the applicant State should be peace-loving, that it should respect human rights and fundamental freedoms, that it should be politically independent and have clearly defined boundaries. On the basis of the provisions of the relevant Article of the Charter, some Members had opposed the admission of certain applicant States which, in their opinion, did not fulfil all the necessary requirements. Those same Members, however, had not hesitated to vote in favour of the admission of Israel.

130. In conclusion, the Iraqi representative believed that, in order to remedy the existing deplorable state of affairs, it seemed desirable to urge the permanent members of the Security Council to abstain from using the veto in such cases, and to ask them not to be more exacting in their attitude towards the applicants than they had been in the case of Israel. The United Nations should welcome new Members in a spirit of justice and equity, without ever losing sight of the universal character which the Organization must acquire.

131. Mr. KATZ-SUCHY (Poland) noted that the discussion which had taken place in the *Ad Hoc* Political Committee had done little to further the settlement of the question of the admission of new Members. It would appear that the Committee was still at the point reached by the General Assembly a year or even two years ago. A few new points were, however, evident from some of the preceding interventions.

132. Mr. Katz-Suchy wished in the first place to refer to the draft resolution submitted by Argentina, which appeared to him to be dangerous and to merit criticism for several reasons. He was surprised that the Argentine representative had put at the very end of his draft resolution the question whether the admission of new Members was a purely legal matter or whether the General Assembly might be guided by political considerations in taking its decision. That question should in fact be decided upon first, as only problems of a legal nature could be referred to the International Court of Justice for an advisory opinion, as was obvious from the Statute of the Court as well as from Article 96 of the Charter, which provided that "The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question."

133. Furthermore, the Argentine draft resolution was so worded that its author seemed less to solicit an opinion from the International Court of Justice than to endeavour to give an official character to his interpretation of the Charter. Indeed, the drafting of the proposal left the International Court of Justice very little possibility of freely expressing its opinion in the matter.

134. Moreover, and particularly unacceptably, the draft resolution tended to ask that the International Court of Justice should be consulted not on the text itself of the Charter, but rather on certain documents of the preparatory San Francisco Conference. The Conference's preparatory work had, it was true, resulted in the drawing up of the Charter, but as the Charter existed in good and due form, the International Court could only be called upon to give its opinion on the text of the Charter itself and not on any given preparatory document which was not binding on the Members of the Organization and had no legal value for them.

135. Furthermore, the draft resolution gave rise to even more serious objections. Indeed, it was difficult to imagine that any logical person could possibly give a negative meaning to the word "recommendation" which appeared in paragraph 2 of Article 4 of the Charter. It was obvious that a recommendation was, by definition, a positive recommendation.

136. The fact was that paragraph 2 of Article 4 was perfectly clear, and covered all the questions which had been raised in Committee 1 of Commission II of the San Francisco Conference. In that paragraph, all the rights of the General Assembly were reserved and a simple and clear procedure was laid down for the admission of new Members: it was to be effected by decision of the General Assembly upon the recommendation of the Security Council. No other body, no State or group of States, had the power to recommend a given State to membership and submit that recommendation to the General Assembly; that right belonged exclusively to the Security Council.

137. Further, that principle had been reaffirmed when the rules of procedure of the General Assembly were being drafted and adopted: rule 125 stated that "If the Security Council recommends the applicant State for membership, the General Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter . . ." It was to be noted that nobody had contested that interpretation of paragraph 2 of Article 4 at that time.

138. It was thus in complete harmony with the spirit and letter of the Charter, as well as with the relevant provisions of the rules of procedure, to say that, in the absence of a recommendation from the Security Council, the General Assembly was powerless to take a decision regarding the admission of a new Member. Those who maintained the contrary were disregarding the Charter and the rules of procedure of the General Assembly. In that connexion, the representative of

Poland noted with regret that many delegations, in their desire to continue their policy of discrimination toward certain States, were now attempting to conceal their real political motives by putting forward pseudo-legal reasons.

139. The Argentine draft resolution went even further and constituted a real danger against which the representative of Poland wished to warn the Committee most formally. The adoption of the proposal as it stood, or in a modified version, might endanger the prestige of the International Court of Justice. In fact, the draft resolution aimed at involving the Court in political matters and at making it take a stand, despite itself, on a question which had become the subject of embittered political discussion. In that connexion, it should be noted that the majority of the Court, when it had given its opinion on the admission of new Members, had refused to pronounce itself on specific cases and had very clearly indicated that its opinion was purely abstract in nature.

140. From the discussion in the *Ad Hoc* Political Committee, the representative of Poland drew the conclusion that certain States had once again demonstrated their very clear intention to continue a policy of discrimination against five applicant States: Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic. To justify their opposition to the admission of those five States, they had not been able to advance a single valid argument under paragraph 1 of Article 4 of the Charter, or even in terms of the opinion of the International Court of Justice. On the other hand, those very same States were prepared to welcome to the United Nations all countries the social and political structure of which suited them, even if they were still occupied by foreign troops, even if they did not enjoy full political independence, even if there was no certainty that they were able to fulfil the obligations contained in the Charter. The social structure of the applicant States was the sole criterion upon which those Member States based their position.

141. The case of the so-called Republic of Korea was ample proof of that. The application for membership of the Republic of Korea was the subject of one of the draft resolutions submitted by Australia. Yet, to quote only one example, a United Press dispatch from Tokyo dated 31 October 1949 stated that the Minister for Defence of the Republic of Korea had made a speech in which he had said that Korean troops were ready to invade the northern part of the country and would have done so already if the United States authorities had permitted them. The same dispatch indicated that the President of the Republic of Korea had asserted that his Government strongly desired the unification of Korea and was prepared to resort to force to attain that end. Those few facts were enough to show that the Republic of Korea was neither peace-loving nor independent. Yet the very same countries which questioned the peace-loving character of States like Bulgaria supported the application of the Republic of Korea. There was indeed a very striking discrepancy between their words and their deeds.

142. Recalling specifically the remarks of the representative of Yugoslavia, Mr. Katz-Suchy was sorry that he should have deemed fit to associate himself with certain other delegations in levelling futile and unfounded charges against the people's democracies.

143. In conclusion, Mr. Katz-Suchy emphasized that the success of the work of the United Nations depended to a large extent on the universality of its membership and on its strict adherence to the principles of the Charter. The United Nations should open its doors wide to all States desiring membership; by doing so, it would help to alleviate international tension.

144. Mr. DJERDJA (Yugoslavia), referring to the statement by the representative of Poland, pointed out that while he had criticized Albania, Bulgaria, Hungary and Romania on a sound basis of known facts, he had nonetheless recommended that those countries should be admitted to the United Nations for practical and concrete reasons. The delegation of Yugoslavia had faith in the authority and moral prestige of the Organization and firmly hoped that those countries, as a result of their admission as Member States, would become more clearly aware of their international responsibilities and thereby persuaded to alter their attitude towards Yugoslavia.

145. Mr. ARCE (Argentina), replying to the representative of Poland, merely noted that his draft resolution would in no way endanger the prestige of the International Court of Justice. Mr. Arce reserved the right to discuss the substance of the question at the following meeting.

The meeting rose at 6.20 p.m.

TWENTY-EIGHTH MEETING

Held at Lake Success, New York, on Thursday, 3 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Admission of new Members: reports of the Security Council (A/968, A/974, A/982) (*continued*)

1. The CHAIRMAN suggested to the members of the Committee that the list of speakers should be closed. It contained the names of the following countries: Colombia, Union of Soviet Socialist Republics, Nicaragua, France, Australia, Bolivia, El Salvador, Chile, Philippines, New Zealand. It went without saying that the representatives who wished to submit amendments to the various draft resolutions, or to request clarification, would be entitled to do so.

It was so decided.

2. Mr. KATZ-SUCHY (Poland), referring to his statement at the previous meeting, assured the representative of Argentina that his criticism had been directed solely at the draft resolution submitted by Argentina (A/AC.31/18), and was in no way personal. On the other hand, Mr. Katz-Suchy reaffirmed the remarks he had made re-

garding the position of the Yugoslav delegation on the matter.

3. Mr. DJERDJA (Yugoslavia), in reply to the representative of Poland, said that he would have much to add to his previous remarks, but absolutely nothing to withdraw.

4. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that the main question before the Committee was the following: Were the thirteen applicant States to be admitted to the United Nations or was their admission still to be blocked by a policy of discrimination against the people's democracies and of favouritism towards countries which enjoyed the approval of the United States? It was precisely to supply an answer to that question that the USSR delegation had submitted its draft resolution (A/AC.31/L.19) recommending the admission of the thirteen applicant States to the United Nations. That draft resolution had been subjected to much criticism from some delegations, including the delegations of the United Kingdom and the United States, which had attempted to distort its real meaning and to represent it as bargaining. By so doing, they had shown only too clearly their unshakable determination not to alter their selfish policy of discrimination against five of the thirteen applicant States: Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic. Such a policy was incompatible with the spirit and letter of the Charter.

5. In particular, the position adopted by the United States in the matter was singularly lacking in frankness. On the one hand, the United States delegation had repeatedly asserted that it would not oppose the admission of any applicant State which had obtained seven votes in the Security Council and would refrain from using its privileged vote in such a case. At the same time, it had stated in the Security Council and in the Committee that it could not support the applications of Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic. It was evident that, if the United States, and the other countries which pursued a similar policy, were to maintain the same position when the Security Council reconsidered the applications of those States, the Council would not be in a position to recommend to the General Assembly that they be admitted. In short, a refusal to vote in favour of the applications of those States would mean that the United States and the United Kingdom were in fact opposed to their membership in the United Nations.

6. It should be emphasized that the United States and the United Kingdom could count on a certain majority in the Security Council enabling them to defeat any proposal without open recourse to the veto; the abstention of five members of the Security Council was enough to block any recommendation. That was precisely what had brought the Security Council to the deadlock regarding the admission of new Members.

7. Several delegations had attempted to place responsibility for the deadlock upon the USSR, despite the fact that it had stated that it was prepared at any time, both in the Security Council and in the General Assembly, to vote in favour of admitting not only the five States mentioned but also "Transjordan", Ireland, Portugal, Italy, Finland, Austria, Nepal and Ceylon. In the circumstances, it was hard to make out how the Soviet Union was constantly resorting to the veto, as was alleged. Actually, the only opposition came from the United States and the United Kingdom, for the tactics they adopted were tantamount, in practice, to a use of the veto.

8. In reality, the position of the United States and the United Kingdom clearly reflected the general policy of those countries in international affairs, a policy which was based on the aggressive North Atlantic Treaty and the Marshall Plan. The arguments used by those two countries in their attempts to justify their opposition to the admission of the five applicant States could not stand scrutiny. The real reasons for their opposition had been eloquently disclosed at great length during the discussion; their opposition was due to the unswerving hostility of those countries to the people's democracies.

9. Again, in order to justify their opposition to the USSR draft resolution, to which they objected because of their policy of discrimination, the United States, the United Kingdom and certain other delegations claimed that the simultaneous admission of thirteen States would make it impossible to give separate consideration to each application and to give sufficient weight to the merits of each candidate. That argument might be tenable if the applications were being submitted and considered for the first time. However, that was not the case: indeed, the applications of Finland and Ceylon had been considered three times by the Security Council; the applications of Albania, the Mongolian People's Republic, Hungary, Bulgaria, Romania, Portugal, Ireland, Austria and "Transjordan" had been examined four times by the Security Council; Italy's application had been considered five times. Even the application of Nepal had been given consideration by the Council. In the circumstances, the Members of the United Nations, and particularly the members of the Security Council, had full knowledge of the merits of each applicant. It would therefore be absolutely pointless to ask the Security Council to reconsider the applications once again, as that could not lead to any positive results. On the other hand, by adopting the proposal of the Soviet Union, the Assembly would be embarking on a course leading to a settlement of the question.

10. Every delegation should realize that the way out of the deadlock was not by pursuing a policy of discrimination and favouritism toward certain applicant States or by trying to by-pass the Security Council. The Argentine draft resolution (A/AC.31/L.18) was an attempt to do just that: it aimed at asking the International Court of Justice whether the General Assembly could decide on the admission of new Members independently of the Security Council. That proposal was in accordance with the policy systematically pursued by several delegations, including the Argentine delegation, and was designed, on the one hand, to eliminate the rule of unanimity from the Security Council and, on the other, to remove the most important questions from the purview of the Council.

11. In support of his draft resolution, the representative of Argentina cited certain documents of Committee 1, Commission II of the San Francisco Conference, but that text provided no justification for consulting the International Court of Justice. Question V which the representative of

Argentina proposed to refer to the Court was drafted as follows: ". . . is it absolutely essential that the Security Council should adopt a resolution in the form of a positive negative recommendation, or is it sufficient that the Security Council should have taken cognizance of the request and should have had an opportunity to express its opinion, even if for any reason it has not expressed such opinion?" That question was in contradiction with the provisions of Article 4, paragraph 2, of the Charter in which it was set forth perfectly clearly that: "The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council." The question was also in contradiction to rules 125 and 126 of the rules of procedure of the General Assembly. In that connexion it was interesting to note that at the San Francisco Conference the Australian delegation had sought to have the draft of Article 4 prepared at Dumbarton Oaks amended so that a favourable recommendation by the Security Council would be necessary only in the case of ex-enemy States or countries which had helped the Axis Powers during the war.[1] It would be remembered that that first Australian attempt had failed and that the text adopted at Dumbarton Oaks had remained unchanged.

12. From the juridical point of view, Article 4 of the Charter was perfectly clear and unambiguous. The questions which the Argentine delegation wished to refer to the International Court of Justice were therefore not juridical, but were motivated by political considerations. Such questions, however, were not within the competence of the Court in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court.

13. In those circumstances, the USSR delegation would vote against the Argentine draft resolution, thereby expressing the conviction that that new attempt to by-pass the Security Council would, like previous attempts, be doomed to failure.

14. In conclusion, the delegation of the Soviet Union wished to stress the falsity of the accusations made by Yugoslavia against the people's democracies; it had not been at all surprised to hear those slanderous statements. Moreover, it wished to reaffirm that the hostility of the United States and the United Kingdom towards the five applicant States was based on the fact that those five countries had carried out extensive democratic reforms within their borders and had resolutely set themselves on the road to socialism. It was that hostility which had led the United States and the United Kingdom to disregard the obligations which they had undertaken under the Potsdam Agreement and the peace treaties. The current difficulties could be traced to that source. To solve those difficulties, the thirteen applicant States, the applications of which had already been examined on several occasions by the Security Council, must, as the USSR delegation had proposed, be admitted simultaneously.

15. Mr. SANSÓN TERÁN (Nicaragua) was sorry to remark that it was only the theory of the admission of new Members which was set forth in Article 4 of the Charter. In practice, such admission was subject to political contingencies and was subordinated to the rivalry of the two opposing ideological blocs that had arisen in the world. Those who spoke of universality and who were concerned with juridical interpretations certainly had commendable motives, but all their efforts came up against political rivalries and the existence of the unanimity rule. In fact, it was clear that, under prevailing conditions, only those applicant States which had the support of both blocs had any chance of being admitted to the United Nations.

16. It was a very unfortunate situation and one which should be remedied. To that end, the delegation of Nicaragua suggested the establishment of a sub-committee, headed by the Chairman of the Commitee and composed of the representatives of both blocs, to seek a compromise solution on the basis of the principle of universality.

17. The Nicaraguan delegation would support the revised Argentine proposal (A/AC.31/L.20).

18. Mr. ORDONNEAU (France) stated that, in spite of its doubts regarding the usefulness of a discussion which, in its opinion, would complicate rather than facilitate a settlement of the question, the French delegation felt compelled to participate in the discussion to clarify its position in the light of the statements which had just been made.

19. Presenting the facts of the case as it appeared at the moment. Mr. Ordonneau remarked that the United Nations had before it fourteen applications for admission, some of which had been submitted for the first time three years previously, and in connexion with which it had so far been impossible to reach any decision. Of those fourteen applications, nine regularly had received 50 votes of a total of 58 in the General Assembly and 9 of the 11 votes in the Security Council; on the other hand, the remaining five had gathered only 7 votes out of 58 in the General Assembly, and 2 or 3 of the 11 votes in the Security Council. It was perfectly natural that the five applicant States which received only a limited number of votes should not be admitted; actually, in a democratic organization such as the United Nations, the will of the majority should quite naturally prevail over the will of the minority. The real problem therefore arose not in connexion with those five applicants, but rather in connexion with the nine other applicants which, in spite of the support of the majority of the Members, could not be admitted. Such a situation was really most improper.

20. The situation was due to the procedure followed with regard to the admission of new Members, according to which the General Assembly could not reach a decision regarding an application for admission without a favourable recommendation from the Security Council, the substantive decisions of which were subject to the unanimity rule. In view of that procedure, any single one of the permanent members of the Security Council could prevent the admission of any State, even if that State received the support of a majority of the Members. In those circumstances, it was not surprising that for three years various delegations had sought a method of correcting that paradoxical situation. The Argentine draft resolution was such an attempt.

[1] See *Documents of the United Nations Conference on International Organization*, volume VIII, document 204, II/1/5.

21. The representative of Argentina started from the supposition that the disadvantages of the veto could be avoided by limiting the powers of the Security Council regarding the admission of new Members and by making that organ a mere advisory body, the opinions of which the General Assembly might take into consideration, but which would not bind the Assembly; the General Assembly would therefore be completely free to accept or reject an application for admission regardless of the position taken by the Council with regard to that application. In support of his argument, the representative of Argentina took as his basis, not the text of Article 4 of the Charter, which was perfectly clear in meaning, but rather certain documents of the San Francisco Conference. Following that argument which the representative of Argentina had been advancing for a long time, he was at the moment proposing to consult the International Court of Justice.

22. The position of the French delegation with regard to the Argentine draft resolution was based on its well-known desire to have the Court consulted only in cases where its competence was beyond question and where its action could be effective. It might well be recalled in that connexion that, in spite of the advisory opinion given by the Court on the admission of new Members,[1] the position of delegations had not changed. Above all, from the legal point of view it should be considered whether the Court should be consulted on the questions listed in the Argentine draft resolution.

23. In the first place, it seemed that only slight importance could be attached to the preparatory work which preceded the drafting of a treaty, when the text of that treaty was clear and required no interpretation. That was precisely the case with regard to Article 4 of the Charter. Besides, it was especially difficult to go back to the work of the San Francisco Conference because it appeared that there were no verbatim records of the meetings of the Conference, nor even summary records of the meetings of various committees.

24. However, reference to volume VIII of the San Francisco documents would reveal that the documents relating to the work of Committee 1 of Commission II, which had considered the question of the admission of new Members, proved beyond any doubt that the San Francisco Conference had wanted to maintain the competence of the Security Council in that matter.

25. As was well known, the draft article prepared by that Committee had provided that the General Assembly could not admit a State which had not been favourably recommended by the Security Council. That draft article had subsequently been referred to the Co-ordination Committee which, after considering dividing the text into two parts, one of which would appear in the Chapter of the Charter on the powers of the Assembly, and the other in the Chapter on the powers of the Security Council, had finally decided to keep to a single text which would appear in Chapter II of the Charter entitled "Membership"; that was the text which appeared in Article 4. That new text had differed from the original draft only in form, since the Co-ordination Committee had not been authorized to make any changes in substance.

26. The new text had been referred back to Committee 1 of Commission II, together with the opinion of the Advisory Committee of Jurists, a body which, as was known, had been asked to make sure, from the purely technical aspect, that the drafting changes made by the Co-ordination Committee had not altered the meaning of the original text. Committee 1 of Commission II had adopted the draft article in its revised form, after having been assured by the Advisory Committee of Jurists that the new wording had not in any way weakened the original text and had not lessened the powers of the General Assembly. That was quite clear from the summary record of the 15th meeting held by Committee 1 of Commission II on 18 June 1945.[2]

27. That authentic record, which unfortunately did not quote the opinion given by the Advisory Committee itself, showed no traces of the statement by the Rapporteur of Committee 1 of Commission II, which was repeated in the draft resolution submitted by the Argentine delegation, to the effect that "the new text did not . . . weaken the right of the Assembly to accept or reject a recommendation for the admission of a new Member, or a recommendation to the effect that a given State should not be admitted to the United Nations".[3] That sentence had doubtless been inserted by some drafting or terminological error, because the Co-ordination Committee—a purely drafting body—could never have altered the meaning of a text on such a fundamental point after it had been carefully prepared and adopted, from the point of view of substance, by the competent organ. That sentence certainly could not be accepted, since almost all the preparatory documents and, in particular, the official records of the discussions in the competent Committee, were against such an interpretation.

28. Finally, since the text of Article 4 of the Charter was perfectly clear and most of the documents of the San Francisco Conference—even supposing that reference to them was really relevant—contradicted the theory of the Argentine delegation, Mr. Ordonneau did not think that it would be appropriate to consult the International Court of Justice on the point. While sympathizing deeply with the efforts made by the representative of Argentina, the French delegation could not vote in favour of his draft resolution.

29. A study of the documents of the San Francisco Conference only confirmed the validity of the procedure followed hitherto. It could not be denied that a favourable recommendation by the Security Council was indispensable.

30. Mr. Ordonneau then turned to the question whether the rule of unanimity applied in the case of the admission of new Members. Some representatives had argued that, under Article 27 of the Charter, the rule of unanimity applied to the decisions but not to the recommendations of the Security Council; that argument was not very

[1] See *Admission of a State to the United Nations (Charter, Article 4), Advisory Opinion: I.C.J. Reports* 1948, page 57.

[2] See *Documents of the United Nations Conference on International Organization*, volume VIII, document 1094, II/1/40.

[3] *Ibid.*, document 1092, II/1/39.

convincing, for any recommendation concerning an application for admission presupposed a decision regarding the qualifications and merits of the applicant State. Similarly, it could not be argued that the rule of unanimity should never come into force in the future simply because it had not been invoked in one particular instance. Indeed, it was clear that, as things stood, the rule of unanimity clearly applied to the admission of new Members.

31. The question arose under what conditions the permanent members of the Security Council could legitimately resort to their right of veto. The question might have been approached from a somewhat narrow point of view in previous debates on the matter, when the discussion had been limited to the question of whether the members of the Security Council could oppose the admission of a State for reasons which were alien to the conditions laid down in Article 4 of the Charter. First, those provisions, if given a wide interpretation, might cover any serious political motive, and secondly, it was clear from the preparatory work that, in the opinion of the authors of the Charter, members of the Security Council should enjoy great freedom of action in that field.

32. That freedom, however, should not mean that members of the Security Council enjoyed discretionary power in the matter. The Uruguayan representative had very aptly remarked that the freedom of appraisal should be exercised only in the interests of the United Nations and in a manner consistent with the principles of the Charter. For instance, it was obvious that members of the Security Council should not make their consent to the admission of a certain State dependent on the admission of another State.

33. Yet that was precisely what some States were doing. To justify their action, they argued that it was necessary to prevent discrimination against certain other applicants. On the other hand, by laying down certain conditions in Article 4, the Charter made it incumbent upon Member States to "discriminate", or, to take the original meaning of the word, to draw a distinction between applicant States which fulfilled the desired conditions and those which did not. Thus, in the cases of Bulgaria, Hungary and Romania, Member States were duty bound to take into consideration the discussions which had taken place in the *Ad Hoc* Political Committee concerning the violation of human rights in those countries, and, in the case of Albania, to consider the part that country was playing in the Greek question. It was somewhat surprising, therefore, that the USSR representative should reproach the majority with preventing the admission of the nine applicants by their refusal to support the five applicants supported by the minority. The other accusations levelled by the USSR representative against the majority were just as unfounded. It was normal and consistent with democratic principle that the five applicants in question should not be accepted if the majority believed that they did not possess the necessary qualifications.

34. On the other hand, the attitude of the USSR delegation in the matter was open to much criticism. On the one hand, the USSR delegation recognized that some of the nine applicants supported by the majority, for example, Italy and Ceylon, fulfilled the conditions laid down by the Charter; yet it had, in the Security Council, prevented the admission of those States on the pretext that seven members of the Council had abstained from voting on the applications of Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic. Such an attitude was, to say the least, unjust. On the other hand, the Soviet Union had opposed the admission of the seven other States because it believed that they did not fulfil the conditions laid down by the Charter. The USSR was no doubt perfectly entitled to do so. Yet it was surprising that, despite the serious misgivings it had concerning the qualifications of those countries, it should at the moment be prepared to admit them to the United Nations provided all the thirteen States were admitted together.

35. In conclusion, Mr. Ordonneau wished to express the French delegation's regret that some perfectly qualified States, which could give the United Nations the benefit of all their experience, should be systematically debarred from membership; in particular, he regretted the absence of a large number of European countries. In the circumstances, however, the French delegation did not think that it would be possible to reach a solution rapidly. In his opinion, it would be better to put an end to discussions that could only make the opposing sides more inflexible; time would make for a compromise and would give the applicant States new opportunities to prove their work and good will.

36. Mr. GLASHEEN (Australia) thought it was clear from the discussion that an emphatic reaffirmation by the General Assembly of the principles supported by the majority of the Member States of the United Nations was necessary.

37. On the other hand, the debate had confirmed his delegation's decision to submit the nine proposals which stood in its name (A/AC.31/L.9 to A/AC.31/L.17).

38. While the Australian delegation was deeply interested in the statement of the Norwegian representative (27th meeting), whose concern it understood, it nevertheless wished to caution the Committee against the current tendency to make no decisions simply because some particular measure was useless.

39. The Australian delegation believed that it was extremely serious that an advisory opinion of the highest judicial organ of the United Nations, requested by its principal body and ratified by that Organization, had been ignored. That was why the Assembly should not only reaffirm its determination that the nine States, which were the subject of his delegation's draft resolutions, fulfilled the requirements of Article 4 of the Charter, but should also emphatically request the Security Council to reconsider those applications in the light of the views expressed by the General Assembly, and of the advisory opinion of the International Court of Justice. He repeated that it would be most unfortunate to condone policies which were contrary to the Charter, merely because a decision seemed useless.

40. The Australian delegation appreciated the Argentine representative's initiative and considered that the Argentine delegation's new draft (A/AC.31/L.20) was preferable to the original one (A/AC.31/L.18). It also greatly appreciated the attitude the Argentine delegation had taken

on the question earlier that year in the Security Council.

41. The Australian delegation, however, agreed with the views of the French delegation, which were based on an analysis of the preparatory work of the San Francisco Conference, and considered that Article 4 of the Charter was perfectly clear. Consequently, any appeal to the International Court of Justice regarding the interpretation of the Article would be useless, if not inadvisable.

42. Although the Australian delegation regretted that the Security Council had so far failed to recommend the admission of the nine States, which were the subject of its draft resolutions, it considered that Article 4 of the Charter clearly required a favourable recommendation from the Security Council as a prerequisite to a decision by the General Assembly.

43. If, however, the majority of the *Ad Hoc* Political Committee would agree to refer certain questions to the International Court of Justice, the Australian delegation would regard such a decision as a useful addition to its own proposal.

44. The CHAIRMAN recalled that at the preceding meeting the representatives of Belgium and Argentina had been asked to revise the original Argentine draft resolution in the light of the comments of the various delegations. The Committee had that revised draft (A/AC.31/L.20) before it.

45. Mr. NISOT (Belgium) said that he, in his capacity of Rapporteur, and the Argentine representative had studied the various wordings submitted by the delegations which wished the original Argentine draft to be amended.

46. The text resulting from that examination represented a compromise and an accommodation. So far as possible, it took into account the suggestions and objections put forward. Mr. Nisot paid a tribute to the Argentine representative, who had agreed to revise his text in a spirit of understanding and conciliation.

47. After referring to the question which the new proposal suggested should be submitted to the International Court of Justice, Mr. Nisot said that he was sure the draft would not give rise to any legal objections. The Committee would be doing a useful work in adopting it.

48. The object was to dispel the doubts which had long been felt in the General Assembly regarding an important legal aspect of the question. Whatever form it took, the opinion of the Court would obviate further lengthy debate on the question.

49. In conclusion, Mr. Nisot praised the Argentine delegation for its initiative in asking the Assembly to take the course most in conformity with the spirit of the Charter, namely, consulting the Court.

50. Mr. ARCE (Argentina) appreciated the French representative's systematic and thorough analysis of the question. He would, therefore, speak only on the French representative's statement, although he would have to do so without preparation.

51. On the substance of the proposal, he thought, unlike the French representative, that the preparatory work of the San Francisco Conference should not be underestimated. The French representative had overlooked the fact that at the end of the report of Committee 1 of Commission II it was stated that the Committee had approved the interpretation given by the Co-ordination Committee and the Advisory Committee of Jurists, and that the new formulation had been approved on that ground. The text had, therefore, been amended by a unanimous *a posteriori* decision and approved by Commission II and the plenary session.

52. He had submitted photostatic copies of documents of the San Francisco Conference during the first part of the Assembly's third session, as they were very important. It was unnecessary to dally over the possibility of typing or printing errors.

53. It could be seen from those documents that the Greek representative had asked whether the interpretation in question should be considered as unofficial or as official and final and that the Chairman had replied that the interpretation was final as no objection had been raised to it.

54. That was, therefore, the only possible interpretation of Article 4 of the Charter.

55. Mr. Arce then proceeded to consider the true meaning of the words "upon the recommendation". It should be decided whether the General Assembly had the power to reject an applicant recommended by the Security Council, or to admit one rejected by the Security Council.

56. Some speakers had argued that "recommendation" must in the context mean "favourable recommendation". But "recommendation" in that connexion did not apply to a friend or an employee, but was an exact term used in its full significance in an international treaty.

57. According to a reliable dictionary which he had consulted, the English word "recommendation" meant "to give advice" or "to counsel". On the other hand, the word "advice" could mean "recommendation". It was therefore clear that the word "recommendation" used in the Charter merely meant "advice" or "counsel", which need not be either favourable or final.

58. Some speakers had wondered how a recommendation could be negative. A negative recommendation had been made to the General Assembly on the Balkan question: Greece's neighbours had been asked to refrain from committing certain actions hostile to Greece, whereas they could have been asked to assist the Greek Government. Similarly, in the matter of the Italian colonies, it had been recommended that consideration of the Eritrean question should be deferred. Those examples clearly showed that a recommendation could be either negative or positive.

59. If, however, the International Court of Justice thought that the words "upon the recommendation" really meant "upon the favourable recommendation", his delegation would, failing contrary instructions from its Government, bow to that opinion, without ceasing to believe that, like everything human, the Court was not infallible.

60. The documents he had just quoted categorically showed the correctness of his interpretation of the word "recommendation". That was why he hoped, in spite of everything, that the Court would base its decision on the same documents.

61. Mr. Arce stressed his delegation's impartiality in the matter. As one of the Latin-American countries, which formed a third of the Members of the United Nations, it could have wished to uphold those countries' influence by making the admission of new Members more difficult. Argentina, however, would welcome the admission of as many countries as possible to the United Nations.

62. He was surprised to find that some delegations were defending the principle of universality, although they had opposed it vigorously at the San Francisco Conference. Nevertheless, he was glad to note that the principle of universality was currently accepted almost unanimously. Unfortunately, the principle would conflict with some of the provisions of the Charter and also with the advisory opinion recently given by the International Court of Justice.

63. He had examined the question in the light of the relevant documents so as to establish that Article 27 of the Charter could be applied only if Chapters V, VI, VII and VIII and Article 83 of Chapter XII were taken into account.

64. In that connexion, he quoted Article 24 of the Charter, which spoke of "specific powers granted to the Security Council". That was why he thought that Article 27 could only be applied to the "specific powers" referred to in Article 24 and defined in the Chapters he had just enumerated. In the matter of its other functions, the Council should conform to the general provisions of the Charter. Moreover, as a recommendation was not a decision and the General Assembly had the last word, he repeated that the admission of new Members was a question of substance for the General Assembly only.

65. On the other hand, the United Nations had been created to maintain international peace and security: those were the general introductory words of the Charter. That was why those words must be interpreted in a limitative sense when the Security Council's functions were in question. Those functions had been explicitly defined: that organ had been set up to maintain international peace and security, and that was therefore the only sphere in which the Security Council enjoyed full freedom of action. He agreed with the representative of Uruguay that an organ could exercise or delegate its powers only in accordance with the Charter. He hoped that the Security Council would not depart from that principle.

66. He also thought that interpretation of the Charter should be reasonable and not lead to absurd conclusions. Was it reasonable for the General Assembly to bow to the will of a single one of its Members?

67. He was not asking for the admission of certain new Members; he was merely asking that the General Assembly should accept the Court's opinion.

68. A right could be exercised properly or improperly and the only person able to decide whether the exercise of a right was proper or improper was the person enjoying it. Obviously the USSR delegation was justified in saying that it had the right to act on political motives. If, however, an appeal was to be made to that delegation to make only proper use of its right of veto, it must at the same time be admitted that it could be decided in a particular instance what was proper and what was improper. As things stood, however, that decision was left to the holder of the right and, in the circumstances, the Soviet Union made full use of it.

69. Mr. Arce did not at all object to the use of the veto in questions which came within the Security Council's specific powers. He merely emphasized that the right of veto could not properly be used in regard to the admission of new Members.

70. He also pointed out that the permanent members of the Security Council did not agree on the application of the unanimity rule, but did agree that it should be retained.

71. Mr. Arce thought that the French representative's statement had overlooked the fact that a favourable decision had recently been taken on an application for membership by an affirmative vote of four permanent members only. It was clear that under Article 27, paragraph 3, a recommendation could not be adopted if only four of the permanent members had cast an affirmative vote. The opposite course would constitute a violation of the Charter in favour of the five permanent members.

72. It was in order to remove those doubts and differences of opinion that the Argentine delegation recommended recourse to the International Court of Justice; in order to make agreement possible it had agreed to amend its original proposal by reducing it to a single question.

73. Mr. Arce repeated that, in the absence of instructions to the contrary from its Government, the Argentine delegation would bow to the Court's decision.

74. The Argentine delegation would support the Australian draft resolutions, although it considered that the General Assembly should not risk injury to its prestige by taking the same decision several times.

75. The General Assembly was the paramount organ of the United Nations and it should therefore at least be able to decide which organ should take a given decision.

76. In voting for the Australian draft resolutions, the Argentine delegation had no intention of allowing doubt to be thrown on the power of the General Assembly to take a final decision in the matter. Its attitude was very conciliatory, but did not go so far as to admit that the Security Council was empowered to oppose the admission of new Members.

77. General McNaughton (Canada) recalled that on many occasions his delegation had had the opportunity to state its attitude, which was based on the provisions of Article 4 of the Charter and on the advisory opinion of the International Court of Justice concerning the interpretation of that Article.

78. The Canadian delegation would therefore oppose the USSR draft resolution recommending the admission, as a group, of thirteen States, the applications of which were pending before the Security Council. Such a course would be tantamount to admitting States without consideration of the qualifications required by the Charter. Moreover, it would disregard the General Assembly's recommendation to the Security Council that applications for membership should be considered

on their own merits and with Article 4 of the Charter as the criterion.

79. In submitting its draft resolutions, the Australian delegation had followed the constitutional line of conduct constantly recommended by the Canadian delegation. The Canadian delegation would therefore vote in favour of the proposals that the Security Council should reconsider the applications for membership of Austria, Ceylon, Finland, Ireland, Italy, Jordan, Portugal, the Korean Republic and Nepal. That reconsideration must obviously be in accordance with the provisions of the Charter and the advisory opinion of the International Court of Justice. The Canadian delegation thought that the above-mentioned States were fully qualified for admission to the United Nations, and that their applications should therefore be approved without delay.

80. With regard to the Argentine proposal, the Canadian delegation doubted whether the International Court of Justice was in a position to interpret the powers of the General Assembly in the way the Argentine representative had suggested. That did not mean that the Canadian delegation in any way prejudged the judgment of the Court or the decision of the Committee.

81. Nor did it mean that the Canadian delegation approved the use of the veto by the permanent members of the Security Council in the matter of admission of new Members. In that connexion, General McNaughton recalled that during the second session of the General Assembly the representative of Canada had stated that a reconsideration of certain previously rejected applications for membership by the Security Council would be futile unless the permanent members would undertake not to use their veto power on applications for membership.[1] The Canadian delegation had not changed its position on the matter, and, moreover, it hoped that, as a consequence of a new expression of the will of the majority of Members of the General Assembly, no permanent member of the Security Council would take the responsibility of denying the admission of fully qualified States to the Organization.

82. The Canadian delegation, however, had always recognized the right of any State to request an advisory opinion of the International Court of Justice on any legal question which might arise concerning the interpretation of the Charter. It would therefore not oppose the Argentine draft resolution, but would abstain from voting on it.

83. Mr. ANZE MATIENZO (Bolivia) said that his Government considered Italy, Portugal, Finland, Ireland, Jordan, Austria, Ceylon, Nepal and the Korean Republic to be democratic, peace-loving States, able and willing to fulfil the conditions laid down in the Charter. The Bolivian Government would like to open the doors of the Organization to all qualified States, so as to strengthen the authority of the United Nations and make it a truly universal organization, able to maintain international peace and security, as well as respect for human rights and fundamental freedoms.

84. The Bolivian delegation would therefore vote in favour of the Australian draft resolutions, although with little hope, on the understanding that the General Assembly would make every effort to escape from the deadlock and let those countries, the interests of which had been neglected for political reasons, know that it would like to welcome them in the Organization.

85. Furthermore, in voting for the Australian proposals, the Bolivian delegation wished to reaffirm its conviction that every decision of the General Assembly was taken by the majority, and that the minority must bow before such decisions.

86. The balance established in the Charter between the Security Council and the General Assembly in regard to the admission of new Members was unquestionable; in the Security Council, decisions must be taken by the affirmative votes of the five permanent members. That procedure, however, must not be abused or followed without regard to the opinion of the majority of the General Assembly.

87. The Bolivian delegation would also vote in favour of the revised Argentine draft resolution, not only to show its appreciation of the Argentine representative's motives in submitting the proposal, but also because the Bolivian Government considered that more frequent recourse to the International Court of Justice would strengthen the prestige and authority of that higher tribunal.

88. Mr. ALEMÁN PENADO (El Salvador) thought that the principal question which arose was whether a recommendation from the Security Council in favour of the admission of a new Member required the affirmative votes of the five permanent members of the Council. The delegation of El Salvador answered that question in the negative because it did not find any such categorical provision in the Charter.

89. Article 4 clearly stated the conditions to be fulfilled by applicants. If those conditions were fulfilled, an applicant must obviously be considered able to carry out the purposes set forth in Article 1 and must consequently be admitted.

90. The Security Council's recommendation on an application for membership was one phase of the procedure in applications for membership and that recommendation could therefore be made by the affirmative votes of the majority of the Council, without any distinction as to permanent or non-permanent members.

91. It consequently seemed that the USSR delegation's position was untenable and that that was why that delegation proposed a bargaining solution. That showed that, in the opinion of the Soviet Union, the admission of new Members was fundamentally a political question.

92. Such methods were incompatible with the nature of the United Nations, which was a moral authority. It was the Organization's duty to see that justice prevailed and that disputes were settled by legal means and not through political intrigues. The USSR representative questioned the competence of the General Assembly and, for that reason, engaged in bargaining.

93. It was therefore high time to determine the precise powers of the General Assembly in regard to the admission of new Members, with the highest interest of the United Nations as the guiding principle.

[1] See *Official Records of the second session of the General Assembly*, First Committee, 98th and 103rd meetings.

94. Moreover, the delegation of El Salvador was not in favour of the procedure suggested in the Australian draft resolutions, because a course which could only prove disastrous for the authority of the General Assembly and the prestige of the United Nations must be avoided.

95. Nor could it accept the draft resolution of the Soviet Union, because that mentioned Bulgaria, Hungary and Romania and because the proposal was imbued with political motives.

96. Consequently, the delegation of El Salvador would not vote in favour of any of the proposed draft resolutions, inasmuch as it considered that the question of admission of new Members should be treated in a more positive and realistic manner.

97. Mr. GONZÁLEZ ALLENDES (Chile) shared the Argentine delegation's views almost completely. He called attention, however, to the fact that the Argentine representative had stated that the only judge of the use of a right was the holder of that right. As far as he was concerned, Mr. González Allendes thought that only a legal body could determine whether the use of a right was legitimate or not. The International Court of Justice was therefore the best qualified authority to decide in the case in question. Furthermore, if an appeal was not made to the Court, the question would have to be finally solved by a majority vote, which would jeopardize the stability of the United Nations. For that reason and for many other reasons, the Chilean delegation would support the revised draft resolution of Argentina.

98. The Chilean delegation would support the Australian draft resolutions for the same reasons as those expressed by the Argentine delegation. It must not be concluded from that, however, that the Chilean delegation had given up the view that the General Assembly was competent to take a decision concerning the admission of new Members, whether there was a recommendation to that effect or not.

99. Mr. González Allendes observed that, in its reports on the admission of new Members, the Security Council did not give the reasons why applications were accepted, rejected or deferred. The Security Council must act in conformity with the spirit and letter of the Charter, as a whole. The General Assembly could ascertain the extent to which the Security Council did so only by requesting it clearly to state in its reports the reasons for its decisions concerning applications for membership.

100. The Chilean delegation would therefore like to see added to the Australian drafts some such sentence as: "Requests the Security Council to reconsider the application of . . . in the light of the desires of the General Assembly, and to submit to the Assembly a complete and detailed explanation of its recommendations."

101. Unless there were such a provision in the resolutions, the Security Council might think that it was free to respect or to ignore the Charter as it pleased without ever having to give the reasons for its attitude. In fact, it was necessary for the General Assembly to give definite instructions to the Security Council on the subject especially as Article 4 appeared in Chapter II and not in the Chapters dealing with the "special powers" of the Security Council.

102. The Chilean delegation could not support the USSR proposal because it involved bargaining, which could not be justified by the terms of the Charter.

103. Mr. MÉNDEZ (Philippines) recalled that some Members had referred to an automatic majority. So far as it was concerned, the Philippine delegation had never voted automatically, whether it had voted with the majority or the minority. Once again, the Philippine delegation, which would vote with the majority, would follow only the dictates of its conscience in doing so.

104. The provisions of Article 4 were quite clear. Acceptance or rejection of each application for membership could be based only on its intrinsic merits. Therefore, when the Philippine delegation thought that a State did not fulfil the conditions set forth in Article 4, it would oppose its admission. On the other hand, if it had conscientiously decided that a State fulfilled those conditions, nothing could prevent it from voting in favour of the admission of that State.

105. Mr. Méndez pointed out that it was not advisable for States which fulfilled the conditions of Article 4 to be admitted at the same time as others which did not fulfil them, nor, on the other hand, for all the applications, whether well founded or not, to be rejected together. Such bargaining practices must not be allowed to develop in the United Nations. The Members of the Organization were neither traders nor business men; they were men of law. Their attitude must therefore be based on law, and on law alone.

106. Referring to the conditions of admission, Mr. Méndez pointed out that, in order to determine to what extent an applicant State fulfilled them, the decision should be based not on the State's past, but on its present attitude. All human beings were liable to error, and it was better to forget the mistakes they might have made in the past. What was important was to determine whether the present attitude of a State was positive or negative, whether it was prepared to co-operate in the common work or not, and whether it acted in a spirit of conciliation or not. Those were the conditions which should be cleared up. In that connexion, he recalled the cases of some applicant States which had been the subject of certain charges. As a charge could not constitute proof, the Organization had asked those States to appear before it in order to clear themselves. They had discourteously refused to accept the invitation, which was, to say the least, regrettable.

107. The Philippine delegation was convinced that the United Nations must be as universal as possible, so that an ever-increasing number of States would be subject to the law of the Organization; it was nevertheless true that the Organization had the right to establish certain criteria, and that only those States which conformed to them should be admitted to membership. So far, that law had governed the admission of new Members to the United Nations.

108. Referring to the Argentine representative's proposal, Mr. Méndez stated that, in his opinion, the word "recommendation" in Article 4 of the Charter had its ordinary meaning and that it was not right to give it a technical meaning. The pertinent paragraph of the Article spoke of "the

admission of new Members", and not of the "non-admission". Therefore, the recommendation to which Article 4 referred must be a favourable recommendation and it was impossible to give the word a different meaning.

109. The Philippine delegation thought that the opinion of the San Francisco Committee of Jurists that the provisions of Article 4 did not weaken the power of the General Assembly to reject or admit a new Member was clear. The extent to which the General Assembly had made use of that opinion remained to be ascertained, however. He regretted that the General Assembly as a whole was not imbued with the legal confidence and the courage which had characterized the French representative's speech. If it had been, it could long ago have definitely decided on its own prerogatives, instead of constantly referring the question under consideration to the Security Council.

110. In existing circumstances the solution of the problem depended upon the Security Council. But one of the prerogatives of the Security Council was the rule of unanimity.

111. Mr. Méndez thought that the rule should be made more flexible; the Security Council's recommendation for the admission of new Members should not necessarily have to be supported by the affirmative votes of the five permanent members in order to be valid. The Philippine delegation had taken an affirmative and not a negative attitude on that problem; it favoured a principle which the General Assembly had so far always observed, the principle of the rule of the majority. He asked the members of the Committee to see to it that that rule of the majority was observed. The source of the difficulties with which the Committee had now to cope lay in that conflict between the rule of unanimity, on the one hand, and the rule of the majority on the other.

112. The opinion expressed at San Francisco was so far the only one which was valid from the legal point of view, but it was still true that it was only persuasive. The very fact that the General Assembly had not taken advantage of it showed that there were doubts as to its real value. The General Assembly therefore had at least nothing to lose in requesting the International Court of Justice, which was the highest tribunal in the community of the United Nations, to give its opinion on the matter.

113. The Philippine delegation would therefore support the Argentine proposal to request an advisory opinion of the International Court of Justice. In fact, it thought that when legal doubts arose or subsisted, it was the duty of the Members of the United Nations to dispel them.

114. Mr. SHANAHAN (New Zealand) stated that, although his delegation had customarily taken the position that it should not intervene in a discussion unless it had some particular views to submit or new proposal to offer, it felt that on that matter, which was of great importance to the Organization, it had to state briefly its full support for the purpose and spirit of the Australian draft resolutions.

115. The admission to membership in the United Nations of States which met the requirements of Article 4 of the Charter was essential alike for the efficiency of the Organization, the maintenance of international peace and security and the strengthening of friendly relations among the various States. That was proved by a perusal of the Preamble to the Charter. The Preamble stated that one purpose of the Organization was the maintenance of international peace and security and dedicated the Organization to other equally noble purposes, such as the promotion of the economic and social advancement of all peoples. It also reaffirmed the faith of Members of the Organization in fundamental human rights and freedoms. It could not be said that those objectives were being met if they denied, or rather if one State continued to deny, the right of other States, which by all tests met the criteria laid down in the Charter, to be admitted to the Organization. The New Zealand delegation considered that that policy, pursued deliberately by one great Power, was indefensible and constituted a denial by that Power of its obligations to the Organization.

116. A proposal had been submitted that if States sponsored by that great Power were admitted to the Organization—and it should be noted that in the case of at least one of those States there could be the gravest doubts as to its claims to independence—certain other States, including two of the oldest nations in Europe, would be accepted by that great Power. The United Kingdom representative had described that proposal as blackmail. The New Zealand delegation agreed with that view. Since the draft resolution of the USSR departed from or exceeded the provisions of the Charter, the New Zealand delegation felt unable to accept it.

117. At the first part of the third session of the General Assembly, the New Zealand representative, in speaking of that question, had mentioned that that great Power had asked for evidence of the independence of Ceylon. The evidence had been given, but had not been taken into consideration. Such an attitude showed a lack of the sense of responsibility that was incumbent upon every Member State with regard to the United Nations.

118. The New Zealand delegation profoundly regretted that the States mentioned in the Australian draft resolutions were still excluded from the Organization. Ceylon, Italy, Ireland, Portugal and the other countries had all given proof of their existence as States and of their absolute independence. The New Zealand delegation therefore thought it advisable to repeat the appeal it had made at previous sessions, that the admission of new Members be decided solely in accordance with the provisions of the Charter. Such a method would promote the development of international co-operation and ensure world peace and security, instead of denying those fundamental objectives, as the policy of one great Power was now doing. There seemed to be general agreement that the States fulfilling the conditions laid down in Article 4 of the Charter should be admitted to the United Nations. He hoped that all the members of the Security Council would take note of that conclusion, which would be reached both by the *Ad Hoc* Political Committee and by the General Assembly.

119. With regard to the proposal submitted by the Argentine delegation, the New Zealand delegation, which had listened with interest to the views expressed by the Argentine representative, would not object to the reference of that question

to the International Court of Justice, if the precise meaning of Article 4 of the Charter seemed to be doubtful to some representatives. Nevertheless, it agreed with other delegations that the question should be submitted to the Court in a more succinct manner and therefore reserved the right to give its comments at a later stage in the discussion, when the text of the Argentine draft resolution was considered.

120. Mr. URRUTIA (Colombia) stated that his delegation agreed that the admission of one State should not be made to depend upon the admission of another. All States should be admitted if they fulfilled the conditions laid down in Article 4. He did not share the French representative's opinion that the provisions of Article 4 gave Members of the Organization the right of choice. The word "choice" implied an element of freedom that was not involved in that case. The Colombian delegation considered that Article 4 gave Members of the Organization not the right of choice, but the right to appraise the following facts: in the first place, the existence of a State as a person in international law; and in the second place, its wish to fulfil the obligations provided for in the Charter.

121. In that connexion, he could not understand how countries maintaining diplomatic relations with certain States and represented in those countries by ambassadors, thereby recognizing the legal existence of those States, could raise doubts in the Organization concerning their independence or legal existence. It seemed obvious that Article 4 did not give Members of the United Nations the right of choice or any freedom of choice. It gave them only the right to judge facts.

122. That was why an attempt had been made, when Article 4 was drafted at San Francisco, to define the procedure whereby certain States could be admitted. Article 4 provided that States might be admitted if the majority of Members considered that the applicant State was a person in international law and was able and willing to carry out international obligations.

123. Nevertheless, as the Argentine representative had pointed out, the provisions of Article 4 had not been applied in that spirit. Instead of ascertaining whether the majority of Member States agreed to recognize the existence of the afore-mentioned facts, Article 4 had been applied in a manner which was tantamount to asking Members of the United Nations whether or not they wished a new State to be admitted to the Organization. That interpretation of Article 4 was erroneous. The important question was whether the majority of the Member States considered that the provisions of the Charter were fulfilled, without considering the extent to which the applicant State might secure the favour of Member States.

124. The Colombian delegation therefore considered that Article 4 could be applied only in the spirit defined by the Co-ordination Committee at San Francisco and expressed in the *Ad Hoc* Political Committee by the Argentine representative. If Article 4 were not interpreted in that spirit, that would amount to recognizing the existence of a juridical conflict between the Security Council and the General Assembly; such a conflict would be absurd and had certainly not been foreseen by the jurists at San Francisco.

125. The Colombian delegation would therefore support the Argentine proposal. It considered that whenever any legal doubt arose, the International Court of Justice should be consulted. Without prejudging the opinion to be given by the Court, the Colombian delegation hoped that that opinion would be in conformity with the interpretation of Article 4 that it had just defined; if not, it would be impossible to find a way out of the existing deadlock.

126. The Colombian delegation would abstain, at least for the time being, from voting on the various resolutions which recommended that the Security Council reconsider its past decisions. It thought it superfluous to allege that a juridical conflict existed between the General Assembly and the Security Council. Nevertheless, the Colombian delegation reserved the right to return to that problem during the debate that would take place in the General Assembly.

127. The CHAIRMAN stated that, although the list of speakers was closed, he would call upon the representative of Yugoslavia, who wished to reply to attacks that had been made against him.

128. Mr. DJERDJA (Yugoslavia) thanked the Chairman and stated that he felt it was his duty to refute the slanderous accusations made against the Yugoslav representatives in the Organization, against the Yugoslav Government, and against Marshal Tito, the Head of that Government.

129. Neither the USSR delegation nor that of Poland had tried to refute the serious accusations which the Yugoslav delegation had levelled at them. In order to escape having to face up to these accusations, the USSR and Polish delegations had resorted to the easy recourse of calumny. In particular, they had described the Yugoslav delegation as an *agent provocateur* and the Yugoslav Government as the "Tito clique". However, they had not used that language in the Sixth Committee, at the time of voting on the draft declaration on the rights and duties of States,[1] in the preparation of which Yugoslavia had participated actively. It would, indeed, be difficult for them to justify, in the eyes of world public opinion, their attitude toward this declaration which they refused to accept.

130. Mr. Djerdja wished to protest against both the violence of that language used by the delegations of the Soviet Union and Poland and against the general attitude which had engendered it and stressed that the Yugoslav Government, which had emerged from a clandestine struggle for the liberation of its country, was composed of men whose integrity and high political and military worth ensured for them the support of the entire Yugoslav people, which was prepared to die in their defence. Not long previously, the Governments of Poland and of the Soviet Union had paid a tribute to the Yugoslav Government and Marshal Tito and had praised their heroism. What was the explanation of that sudden change of attitude and why had the heroes of yesterday become the "clique" of today?

131. The real reason lay in the desire for independence of the Yugoslav people and Government, and their refusal to have the country turned into a colony, whether under the aegis of the

[1] See *Official Records of the fourth session of the General Assembly*, Sixth Committee, 181st and 182nd meetings.

United States, the United Kingdom or the USSR. The USSR might have proved more indulgent if the Yugoslav Government had shown less independence and pride and had accepted the directives which the Soviet Union had wished to impose upon it; but the proud attitude of the Yugoslav Government had seemed inadmissible to the Soviet Union. The Yugoslav Government was the only one which had had the courage to publish all the correspondence between it and the Government of the USSR on that subject and it would continue to do so. The Yugoslav people which, in contrast to the peoples of the Eastern democracies, was fully informed on the question as a whole, placed its unreserved trust in its Government and its leader, Marshal Tito, and gave them its whole-hearted support.

132. The CHAIRMAN stated that, although the list of speakers was closed, he would call upon the representative of Iraq who had just submitted a draft resolution to the members of the Committee.

133. Mr. AL-JAMALI (Iraq) pointed out that all Members of the United Nations had stated that they were in favour of the principle of universality in the membership of the United Nations. The fact that that principle had not yet been suitably applied could not be imputed to the States that had requested admission. The real reason for the fact that a number of States still awaited admission lay in the political and ideological struggle that divided the Organization. The Iraqi delegation preferred to state that truth openly and to try to find a constructive solution for the problem.

134. The Committee had three alternative methods of action. It might decide to follow the method it had hitherto pursued, and the two parties, one of which relied upon its privileged vote in the Security Council and the other on its support by the majority, would continue their struggle. He thought that such a method would be futile, since experience had amply proved its uselessness. The problem should therefore be dealt with in a different manner.

135. Two other solutions remained. The Committee could appeal to the International Court of Justice; that was the purpose of the Argentine proposal, which the Iraqi delegation supported whole-heartedly. Or else the two parties might try to reach a compromise: with that end in view, the Iraqi delegation now submitted its draft resolution (A/AC.31/L.21).

136. Since the two parties had recently shown a more conciliatory attitude and had agreed, in one instance, not to apply the unanimity rule to the admission of a new Member, could they not once again adopt the same method? The Iraqi delegation therefore called upon the permanent members of the Security Council to abstain from using the veto in connexion with the admission of new Members and urgently appealed to the representatives of the opposing group that they should apply the provisions of Article 4 more flexibly, in order to enable States, whose candidature had not yet been recommended, to be admitted to the Organization.

137. The Iraqi delegation did not know how the Committee would react to that proposal, but wished to point out that it had been formulated in a spirit of conciliation and was motivated by the sincere wish to establish within the United Nations the harmony that was so necessary to the effective fulfilment of the task incumbent upon it.

138. Mr. DROHOJOWSKI (Poland) pointed out that the proposal that the Iraqi representative had just formulated was highly important and that members of the Committee should be given time to study it more carefully, in accordance with rule 109 of the rules of procedure. He therefore proposed that the meeting be adjourned.

139. The CHAIRMAN stated that he intended to take a vote on the Australian and USSR draft resolutions and then to adjourn the meeting, so that the votes on the Iraqi and Argentine draft resolutions might be taken at the next meeting.

140. In reply to a question by Mr. GARCÍA (Guatemala), who had pointed out that the original Argentine proposal had been submitted first and that a vote should first be taken on the revised Argentine proposal, the CHAIRMAN stated that the revised Argentine proposal, which had been submitted after that of the USSR, could not be voted on first. Nevertheless, if the representatives of the Soviet Union and Australia would give their consent, he would agree to take the vote on the Argentine revised draft resolution first. Such a procedure was made possible by the fact that the various draft resolutions related to different questions.

141. Mr. GLASHEEN (Australia) stated that, although he would have preferred the draft resolutions to be voted on in the order in which they had been submitted, he would abide by the Committee's decision on that matter. He thought it would be advisable, however, to proceed to a vote at the current meeting, in order to save time.

142. Mr. ALEXIS (Haiti) did not share that view, and considered that the meeting should be adjourned in order to give members time to study the various draft resolutions.

Additional agenda items referred to the Committee

143. The CHAIRMAN decided to postpone the vote until the next meeting.

144. The CHAIRMAN informed the Committee that, upon the recommendation of the General Committee, the General Assembly had decided to refer to the *Ad Hoc* Political Committee three items that had previously been included in the agenda of the First Committee, namely:

1. Report of the Security Council (agenda item 10);
2. Palestine (agenda item 18):
   (*a*) Proposals for a permanent international régime for the Jerusalem area: report of the United Nations Conciliation Commission for Palestine;
   (*b*) Protection of the Holy Places: report of the United Nations Conciliation Commission for Palestine;
   (*c*) Assistance to Palestine refugees: report of the Secretary-General;
3. The Indonesian question (agenda item 20).

145. He suggested that the order of priority adopted by the *Ad Hoc* Political Committee should not be changed and that those three items should constitute the eighth, ninth and tenth

items of the agenda of the *Ad Hoc* Political Committee.

146. Mr. AL-JAMALI (Iraq) pointed out that the report of the Security Council had followed the Palestine question on the agenda of the First Committee.

147. The CHAIRMAN stated that the consideration of the report of the Security Council would take only a short time, since the General Assembly customarily took note of the report and went on to the next item on the agenda. He therefore suggested that the order of priority he had given should be retained.

It was so decided.

The meeting rose at 6 p.m.

TWENTY-NINTH MEETING

Held at Lake Success, New York, on Friday, 4 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Admission of new Members: reports of the Security Council (A/968, A/974, A/982 (*concluded*)

1. The CHAIRMAN said he would put to the vote the various draft resolutions on the question of the admission of new Members in the order in which they had been submitted.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF AUSTRIA FOR ADMISSION (A/AC.31/L.9)

The draft resolution was adopted by 42 votes to 5, with 3 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF CEYLON FOR ADMISSION (A/AC.31/L.10)

The draft resolution was adopted by 41 votes to 5, with 3 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF FINLAND FOR ADMISSION (A/AC.31/L.11)

The draft resolution was adopted by 41 votes to 5, with 3 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF IRELAND FOR ADMISSION (A/AC.31/L.12)

The draft resolution was adopted by 40 votes to 5, with 3 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF ITALY FOR ADMISSION (A/AC.31/L.13)

2. Mr. ABRAHAM (Ethiopia) recalled that, under the Peace Treaty with Italy, that country had renounced its African colonial possessions; yet it was currently maintaining claims to territories bordering on Ethiopia.

3. The Ethiopian delegation could not, therefore, consider Italy as a peace-loving State and would vote against the draft resolution on the application of Italy for admission.

The draft resolution was adopted by 41 votes to 6, with 3 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF JORDAN FOR ADMISSION (A/AC.31/L.14)

The draft resolution was adopted by 40 votes to 5, with 4 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF THE REPUBLIC OF KOREA FOR ADMISSION (A/AC.31/L.15)

The draft resolution was adopted by 37 votes to 6, with 8 abstentions.

4. Mrs. KRIPALANI (India) said that the Indian delegation had abstained from voting on the draft resolution regarding the application of the Republic of Korea for admission, but reserved the right to review the position when the question was considered in plenary meeting of the General Assembly.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF PORTUGAL FOR ADMISSION (A/AC.31/L.16)

The draft resolution was adopted by 41 votes to 5, with 4 abstentions.

AUSTRALIAN DRAFT RESOLUTION ON THE APPLICATION OF NEPAL FOR ADMISSION (A/AC.31/L.17)

The draft resolution was adopted by 41 votes to 5, with 4 abstentions.

DRAFT RESOLUTION OF THE UNION OF SOVIET SOCIALIST REPUBLICS (A/AC.31/L.19)

5. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that his delegation's original draft mentioned "Transjordan" and not "Jordan", as given in the French translation; he therefore requested that the translation be corrected accordingly.

6. He also requested that the vote should be taken by roll-call.

A vote was taken by roll-call.

Panama, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Byelorussian Soviet Socialist Republic, Czechoslovakia, Iraq, Mexico.

Against: Panama, Peru, Philippines, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Honduras, Iceland, Netherlands, New Zealand, Norway, Pakistan.

Abstaining: Saudi Arabia, Syria, Thailand, Venezuela, Yemen, Afghanistan, Colombia, Denmark, Egypt, Guatemala, Haiti, India, Iran, Israel, Liberia, Nicaragua.

The draft resolution was rejected by 30 votes to 9, with 16 abstentions.

7. Mr. DE MARCHENA (Dominican Republic) said that his delegation had voted against the USSR draft resolution because it thought that each application for admission should be considered separately, in accordance with the provisions of the Charter.

8. Mr. MENDEZ (Philippines) said that, in voting against the USSR draft resolution, his delegation had not wished to vote against the admission of the countries mentioned in the nine draft resolutions submitted by the Australian delegation.

9. He recalled that the Philippine delegation had already stated its opposition to the idea of considering *en bloc* a series of applications including some by countries which, in its opinion, did not satisfy the conditions required for admission to the United Nations. It was for that procedural reason that the Philippine delegation had been obliged to vote against the USSR draft resolution.

10. Mr. URRUTIA (Colombia) said that his delegation had abstained from voting on all the draft resolutions so far submitted, because it considered that the procedure was useless and that another solution should be found.

11. His delegation, far from opposing the admission of any country, favoured the principle of the universality of the United Nations.

12. Mr. VÁSQUEZ (Uruguay) said that his delegation would have been able to accept the USSR proposal if the preamble had stated that there was in the Assembly a general feeling in favour of the principle of universality of the United Nations and if thirteen States had not been mentioned specifically. Moreover, the Uruguayan delegation considered that the operative part of the draft should have read: "... reconsider *separately* the applications ...".

13. Finally, the name of the Republic of Korea should have been included in the draft resolution.

14. Mr. ORDONNEAU (France) said that the attitude of his delegation was essentially the same as that of the Uruguayan delegation.

15. The French delegation had voted against the draft resolution of the Soviet Union because, apart from the procedural reasons advanced at the previous meeting, it did not think there was a general feeling in favour of the admission to the United Nations of the thirteen States in question; consequently, the second paragraph of the draft did not appear to be accurate.

REVISED DRAFT RESOLUTION SUBMITTED BY THE ARGENTINE DELEGATION (A/AC.31/L.20)

16. Miss KLOMPÉ (Netherlands) recalled that during her first statement she had reserved her delegation's position regarding the Argentine draft resolution. She wished to explain her delegation's views regarding the Argentine revised draft.

17. The Netherlands delegation did not object to the question, as formulated in the operative part of the new draft, being submitted to the International Court of Justice. It was, however, opposed to the insertion, in the second paragraph, of the quotation from the report of Committee 1 of Commission II of the San Francisco Conference.

18. She drew the Committee's attention to the fact that during the discussion contradictory quotations had been mentioned, and, in that connexion, referred in particular to the eloquent speech of the French representative at the previous meeting.

19. It seemed undesirable, therefore, to submit to the International Court of Justice only one of the elements of the debate and to neglect all the other aspects. In no way should the decision of the Court be prejudiced.

20. For that reason, the Netherlands delegation proposed that the second paragraph of the Argentine revised draft resolution should be replaced by the following text (A/AC.31/L.22):

"Keeping in mind the discussion concerning the admission of new Members in the *Ad Hoc* Political Committee of its fourth regular session."

21. If that amendment was accepted by the Argentine delegation, the delegation of the Netherlands would be in a position to support the whole draft resolution. If the amendment was not accepted, the Netherlands delegation would have to vote against the draft resolution.

22. The Netherlands delegation would vote against the draft resolution submitted by Iraq (A/AC.31/L.21) for the reasons which had been indicated previously.

23. Mr. MUÑOZ (Argentina) pointed out that the Argentine revised draft was already a compromise text. However, in a similar spirit of compromise, his delegation was ready to accept the Netherlands amendment provided that the Argentine draft resolution was modified in one of the following two ways: the deletion of the entire preamble of the revised draft and its replacement by the text proposed by the Netherlands delegation, or else the retention of the text of the Argentine revised draft resolution and the addition of the text proposed by the Netherlands delegation.

24. Mr. ALEXIS (Haiti) stated that his delegation did not think that the General Assembly could dispense with an affirmative recommendation of the Security Council in the case of the admission of new Members.

25. He did not share the Argentine delegation's opinion regarding the interpretation of the word "recommendation". He considered that when a third party was recommended for a certain position or employment, the recommendation was always an affirmative one; in other words the person "recommended" was the best qualified candidate.

26. He felt, however, that the main question before the Committee was whether, under the provisions of the Charter, the unanimous agreement of members of the Security Council was necessary in order that a new Member might be admitted to the General Assembly. The delegation of Haiti felt that such unanimity was indispensable. The authors of the Charter had not perhaps foreseen the consequences of that provision. In that matter, however, they had given the permanent members

of the Security Council powers which went beyond those of the General Assembly.

27. The delegation of Haiti felt that consultation of the International Court of Justice would not solve the problem, because the Court could only interpret the Charter strictly, and would reach the same conclusions or would have to state that it was without jurisdiction in the matter.

28. His delegation considered that the unlimited veto right granted to the great Powers was not in accordance with good democratic principles. The great Powers were definitely entitled to certain privileges as compared with the small nations in view of their political, financial and military responsibilities. The right given them, however, should have been limited and the authors of the Charter should have made it clear in which fields and in which cases the rule of unanimity was to be applied.

29. The delegation of Haiti felt that all States which fulfilled the requirements of the Charter should be admitted to the United Nations. Unfortunately, in the existing state of affairs, the will of one permanent member of the Security Council might prevent such States being admitted.

30. For that reason the delegation of Haiti felt bound to state frankly that only the amendment of the Charter would enable the Committee to break the deadlock.

31. His delegation would vote, however, for the Argentine draft resolution, not because it considered that it would lead to a positive or definite result, but because the opinion of the Court would be of great documentary and historical value.

32. Mr. NISOT (Belgium) said he would support the first formula suggested by the Argentine representative, namely that the text proposed by the Netherlands delegation should simply replace the two parts of the preamble of the Argentine revised draft resolution. The Belgian delegation felt, in fact, that such a solution would enable the majority of the delegations to support the draft resolution.

33. Miss KLOMPÉ (Netherlands) expressed appreciation of the very conciliatory attitude of the Argentine delegation.

34. She willingly accepted the first suggestion made by the Argentine representative which provided that the two first paragraphs, namely the preamble of the Argentine revised draft resolution, should be replaced by the text proposed by the Netherlands delegation.

35. Mr. MUÑOZ (Argentina) also believed that the best solution would be to replace the preamble of the Argentine revised draft resolution by the text proposed by the Netherlands delegation.

36. Mr. DE SOUZA GOMES (Brazil) asked that a vote should be taken by roll-call in accordance with rule 116 of the rules of procedure.

A vote was taken by roll-call.

Norway, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Pakistan, Panama, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Argentina, Belgium, Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Dominican Republic, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Iran, Iraq, Mexico, Netherlands, New Zealand, Nicaragua.

Against: Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark.

Abstaining: Australia, Canada, Ethiopia, France, Greece, Iceland, Israel, Liberia.

The Argentine revised draft resolution, as modified by the Netherlands amendment, was adopted by 37 votes to 9, with 8 abstentions.

37. Mr. ORDONNEAU (France) said that his delegation continued to believe that it was unnecessary to refer the proposed question to the International Court of Justice, in view of the fact that the Court's reply was obvious.

38. Nevertheless, the French delegation had abstained from voting on that draft resolution since many delegations seemed to be still in doubt on the subject, and it did not wish to oppose their desire for clarification.

DRAFT RESOLUTION SUBMITTED BY THE DELEGATION OF IRAQ (A/AC.31/L.21)

39. Mr. DE SOUZA GOMES (Brazil) asked that, in accordance with rule 118 of the rules of procedure, the parts of the Iraqi draft resolution should be voted on separately.

40. Mr. GONZÁLEZ ALLENDES (Chile) supported that proposal. Although the Chilean delegation would vote for the first and third paragraphs of the draft resolution, it would not, on the other hand, be able to vote either for the second paragraph, which limited the requirements for admission, since it referred only to States being peace-loving, or for the fourth paragraph, which his delegation considered to be contrary to the spirit of the Charter.

41. Mr. NISOT (Belgium) stated that his delegation would vote against the draft resolution which, in its opinion, duplicated the series of draft resolutions just adopted by the Committee. The Belgian delegation would vote against each of the paragraphs, since they were parts of a whole of which it disapproved.

42. Mr. LOURIE (Israel) associated himself with the attitude of the Belgian representative.

43. Sir Alexander CADOGAN (United Kingdom) wished to make a correction of form to the English text; in his opinion, the word "folds" in the second line of the second paragraph should be in the singular.

44. He stated, moreover, that the United Kingdom delegation would vote for the first three paragraphs. With regard to the fourth paragraph, which requested permanent members of the Security Council to refrain from the use of the veto where the admission of new Members was concerned, he pointed out that his delegation had already stated that it would not use its privileged voting position in the Security Council in such cases and that it had recently given concrete proof of its good faith in that matter. However, the wording of the fourth paragraph and, in particular, the use of expressions such as "flexibility" and "generosity" seemed to him unfortunate. The

United Kingdom delegation in fact considered that the provisions of Article 4 should be strictly adhered to with regard to the admission of new Members; in other words, it believed that all the concrete facts should be objectively and fairly studied. His delegation was afraid that, if it were to accept the recommendation made in the fourth paragraph, it might at some future date, when it gave an opinion on an application strictly on the basis of the provisions of Article 4, be reproached with not having lived up to the undertakings to which it had subscribed.

45. Mr. COOPER (United States of America) supported the view expressed by the United Kingdom representative and said that he also would not be able to vote for the fourth paragraph of the Iraqi draft resolution. Although the United States delegation approved the first three paragraphs of that draft resolution, it could not accept the fourth. While that paragraph did, in fact, advocate the adoption of an attitude which the United States delegation had stated that it fully supported, it was nevertheless true that the objections raised by the United Kingdom representative with regard to the wording were important and well founded. It was, indeed, extremely difficult to establish clearly standards of flexibility and generosity. However, in so far as that paragraph could be construed as defining a general attitude, the United States delegation accepted the spirit behind it. Although it had itself adopted the interpretation given by the International Court of Justice to Article 4, and although it stood by that interpretation, the United States delegation was none the less ready to consider with an open mind all applications for admission. It would therefore abstain from voting on the fourth paragraph of the Iraqi draft resolution.

46. Mr. HSIA (China) said that he was sympathetic to the general spirit of the Iraqi draft resolution. His delegation, however, found itself in the same difficulty as the United Kingdom and United States delegations, and could not therefore vote for the last paragraph. It would, accordingly, vote for the first three paragraphs and would abstain from voting on the fourth.

47. Mr. TSARAPKIN (Union of Soviet Socialist Republics) was afraid that the second paragraph expressing willingness to admit to the United Nations all the peace-loving States of the world irrespective of ideology, might serve as a basis for an attempt by the supporters of Franco Spain to obtain that country's admission to the Organization, in spite of the condemnation expressed by the United Nations with respect to Spain.

48. He stated that he understood and appreciated the spirit of conciliation behind the draft resolution. He regretted, however, that the resolution mentioned the right of veto which, in his delegation's view, had no connexion with the problem. The representative of the Soviet Union had, in the course of his previous statements, had an opportunity of making the situation quite clear in that respect. The substance of the question did not lie in the use of the right of veto, but rather in the discrimination practised by certain countries with regard to a group of countries, whilst favouring, on the other hand, the admission of another group. The USSR delegation could not, therefore, support the second and third paragraphs of the draft resolution.

49. The final paragraph also viewed the question in a false light. The important aspect of the problem of the admission of new Members was not to show generosity, but rather to apply strictly the provisions of the Charter, which was not, however, done by either the United States or the United Kingdom, whose attitude was determined by considerations having no connexion with the provisions of Article 4. The Soviet Union delegation could not, therefore, vote for the Iraqi draft resolution.

50. Mr. ORDONNEAU (France) stated that although he fully appreciated the intentions behind the draft resolution, he could not help feeling that the text of the resolution indicated those intentions in a way which was highly debatable. He considered, moreover, that the view expressed by the USSR representative with regards to the words "irrespective of ideology" in the second paragraph was a sound one. Furthermore, the second paragraph, which only stipulated that the applicant States should be peace-loving, limited thereby the conditions enumerated in the Charter. The French delegation would therefore, for the reasons stated, vote against the Iraqi draft resolution.

51. Mr. ICHASO (Cuba) welcomed with satisfaction the statements made by certain permanent members of the Security Council to the effect that they would not use their privileged vote in the Council in connexion with the admission of new Members. That attitude was highly praiseworthy, as were all the efforts made to restrict the application of the unanimity rule. The Cuban delegation would therefore vote for the first three paragraphs of the draft resolution. It would oppose the fourth paragraph, because it considered that the candidature of each State should be examined separately.

52. Mr. TREMBLAY (Canada) said that he would vote for the first paragraph and he warmly supported the third; the Canadian delegation believed that the unanimity rule should not be applied to the admission of new Members, because it hindered the admission to the United Nations of States which fulfilled all the conditions laid down in Article 4. On the other hand, the Canadian delegation would vote against the second paragraph, considering that it restricted the terms of the Charter, and against the fourth paragraph, since it believed that candidatures should be subject to a precise judgment stating whether or not the applicant States fulfilled the requirements of Article 4, all other considerations being excluded.

53. Mr. WOLD (Norway) said that his delegation supported the first three paragraphs. The Norwegian delegation would vote against the fourth paragraph, for the reasons given by the representatives of the United Kingdom and the United States. It also shared the views of the representative of the USSR and thought, like him, that it was necessary to remain strictly within the provisions of Article 4, without introducing new elements, and that the members of the Security Council should be left to exercise their vote in full awareness of their responsibilities.

54. Mr. JORDAAN (Union of South Africa) said that his delegation was in a position to accept the first and third paragraphs. It would vote against the second, because that paragraph did not enumerate all the conditions laid down in Article 4,

and against the fourth, because it considered that "flexibility" should have no place in an objective decision.

55. Mr. MÉNDEZ (Philippines) noted that three great Powers had stated their opposition to the second and fourth paragraphs. He shared their opinion and would therefore vote against those paragraphs. On the other hand, the Philippine delegation would vote for the first and third paragraphs of the draft resolution submitted by Iraq.

56. The CHAIRMAN put the first paragraph of the Iraqi draft resolution to the vote.

The paragraph was adopted by 40 votes to 2, with 7 abstentions.

57. The CHAIRMAN put the second paragraph of the Iraqi draft resolution to the vote.

The paragraph was rejected by 21 votes to 20, with 12 abstentions.

58. The CHAIRMAN put the third paragraph of the Iraqi draft resolution to the vote.

The paragraph was adopted by 40 votes to 9, with 5 abstentions.

59. The CHAIRMAN asked the Committee to take a decision on the fourth paragraph of the draft resolution submitted by Iraq.

60. Mr. JABBAR (Saudi Arabia) said that, in view of the opposition aroused by that paragraph in the Committee, he proposed that it should be amended as follows:

"Requests all States members of the Security Council *to reconsider in the light of Article 4, paragraph 1, of the Charter, applications of States* that have not so far gained the seven votes of the Security Council necessary for a recommendation to United Nations membership."

61. Mr. AL-JAMALI (Iraq) said that he would accept the change proposed by the representative of Saudi Arabia.

62. Mr. NISOT (Belgium) observed that, as modified in the manner suggested by the representative of Saudi Arabia, the paragraph duplicated the resolutions already adopted by the Committee.

63. Mr. COOPER (United States of America) was not satisfied with the wording proposed by the representative of Saudi Arabia, and particularly with the reference to the seven votes of the Security Council necessary for a recommendation, since such a reference might raise the question of the unanimity of the great Powers and create difficulties. He therefore proposed to word the paragraph as follows:

"Requests all States members of the Security Council to reconsider, in the light of Article 4, paragraph 1, of the Charter, the applications of States that have not *been admitted* to United Nations membership."

64. The Committee's wish was that the applications of those States should be recommended by the Security Council; in order to make that clear, there was no need to insert in the draft resolution a reference to the seven votes necessary for a Security Council recommendation, or the question of the unanimity of the great Powers.

65. Mr. AL-JAMALI (Iraq) accepted the modification proposed by the United States representative.

66. General MCNAUGHTON (Canada) shared the Belgian representative's view that such a paragraph was superfluous, since the Committee had already adopted a series of specific resolutions dealing separately with each of the nine applications which it desired the Security Council to examine. The question was clear, and care must be taken not to confuse it by generalizations.

67. Mr. MÉNDEZ (Philippines) thought that the paragraph should simply be deleted.

68. Mr. GONZÁLEZ ALLENDES (Chile) said that he would vote against the paragraph, even as modified in the manner suggested by the United States. By adopting the nine Australian draft resolutions, the Committee had already recommended the Security Council to reconsider the applications made by the nine States. The Committee could not now adopt a general clause recommending the Security Council to reconsider the applications made by countries such as Albania which, in the opinion of the majority, did not fufil the conditions required for membership in the United Nations.

69. Mr. ORDONNEAU (France) pointed out that the United States amendment to the fourth paragraph of the Iraqi draft resolution completely altered the meaning of that paragraph; as amended, it simply requested the Security Council to reconsider the fourteen applications. France saw no objection to that; if the Security Council reconsidered certain applications, it was normal that it should reconsider them all at that time. It was not absolutely essential for the General Assembly to make such a request, since, if the Security Council reconsidered certain applications, it would presumably reconsider the others at the request of some of its members. In conclusion, although the French delegation thought that the United States amendment was of no great practical value, it nevertheless approved of it on grounds of principle.

70. Mr. GARCÍA (Guatemala) said that he had intended to abstain from voting on the Iraqi draft resolution, but the amendment submitted by the United States had altered its sense and had, he thought, made it acceptable.

71. Mr. DROHOJOWSKI (Poland) considered that it would be preferable to discuss written texts.

72. The CHAIRMAN suggested that the meeting should adjourn for a few minutes in order to allow the representatives of Iraq, the United States and Saudi Arabia to agree on a single text which would be submitted to the Committee in writing.

It was so decided.

The meeting was suspended at 4.35 p.m. and was resumed at 4.50 p.m.

73. The CHAIRMAN submitted to the Committee the text jointly drawn up by the representatives of the United States, Saudi Arabia and Iraq, to replace the last paragraph of the Iraqi draft resolution as set forth in document A/AC.31/L.21. The text read as follows:

"Requests all the members of the Security Council to keep under consideration, in the light of Article 4 of the Charter, the pending applications of all States which so far have not gained admission to the United Nations."

74. Mr. COOPER (United States of America) drew attention to an error in the text, which

should read "Security Council" and not "members of the Security Council".[1]

75. The CHAIRMAN put to the vote the text drafted jointly by the representatives of the United States, Iraq and Saudi Arabia, which replaced the fourth paragraph of the Iraqi draft resolution.

The text was adopted by 31 votes to 7, with 14 abstentions.

76. Mr. DROHOJOWSKI (Poland) wished to explain his vote. He had abstained from voting on the fourth paragraph of the Iraqi draft resolution because the changes which the paragraph had undergone had completely altered its sense. As the third paragraph had been adopted by the Committee, however, he would have to vote against the draft resolution as a whole.

77. The CHAIRMAN put to the vote the Iraqi amended draft resolution, as a whole.

The draft resolution as a whole was adopted by 34 votes to 10, with 9 abstentions.

78. Mr. AZKOUL (Lebanon) explained that he had voted for each of the paragraphs, but had abstained from voting on the draft resolution as a whole, since the changes made in the original text had considerably weakened it. In its original form, the Iraqi draft resolution had, first, asked the permanent members of the Security Council who had, until then, used their right of veto, not to resort to it in the case of admission of new Members; it had also invited the other members of the Security Council to be more flexible in the application of the provisions of Article 4 of the Charter. However, although the present text requested the members of the Security Council to refrain from using the veto where the admission of new Members was concerned, it did not recommend that the provisions of the Charter should be interpreted with more flexibility.

79. Mr. GARCÍA (Guatemala) said that his delegation had originally been in a somewhat difficult position as regards the Iraqi draft resolution, because although it approved the purpose of the Iraqi delegation, it considered some of the provisions of the draft unacceptable; fortunately the changes made had dispelled the doubts of his delegation.

80. As regards the second paragraph, the delegation of Guatemala did not think that text could be used to justify the admission of Franco Spain to the United Nations. Under no circumstances could that country hope to become a member of the Organization.

81. Mr. SHANAHAN (New Zealand) had abstained from voting on the Iraqi draft resolution since, in his opinion, the same matter was already dealt with in a more satisfactory manner in the resolutions proposed by Australia, which the Committee had adopted.

82. Mr. TSARAPKIN (Union of Soviet Socialist Republics) had voted against the Iraqi draft resolution for the following reasons: the third paragraph, which dealt with the question of the veto, distorted the real state of affairs, as he had already had occasion to show; the last paragraph was useless, since the Security Council would continue, in any case, to consider the applications in question; moreover, the paragraph was unacceptable because it was intended to cover, *inter alia*, the application submitted by the so-called Republic of Korea, which did not fufil any of the conditions laid down by the Charter, and could not be admitted as a Member of the United Nations.

83. Mr. JORDAAN (Union of South Africa) had abstained from voting on the Iraqi draft resolution for the same reasons as the representative of New Zealand.

84. Mr. LOURIE (Israel) had abstained from voting on the Iraqi draft resolution as a whole; his delegation was strongly in favour of the principle of universality, and thought it was inappropriate not to have directed the recommendation at all the States which were in a position to obstruct the admission of new Members.

85. The CHAIRMAN pointed out that the *Ad Hoc* Political Committee had completed its consideration of the question of admission of new Members.

The meeting rose at 5 p.m.

[1] The text of the amendment, as corrected, was distributed as document A/AC.31/L.23.

THIRTIETH MEETING

Held at Lake Success, New York, on Monday, 7 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050)

1. The CHAIRMAN observed that the item before the Committee was the most important on its agenda, and perhaps the most important question confronting the General Assembly at its fourth session. He appealed to members not to indulge in polemics and to exert their every effort towards a positive solution of the question.

2. Mr. CHAUVEL (France) stressed the gravity of the problems arising from the subject of atomic energy. The consequences for good or ill of the discovery of atomic energy were bound to be almost immeasurably far-reaching: the pacific use of that energy, if controlled, might transform the conditions of life for the benefit of all mankind; its use for the purposes of war might provoke the ultimate destruction of civilization.

3. Mr. Chauvel pointed out that, while the pacific use of atomic energy would of necessity involve long, costly and patient study, the possibility of using it for war purposes already existed and had been put to the test. The nations of the world, and more particularly the United Nations, were therefore under the dual obligation to cooperate, on one hand, in the pacific research to be undertaken and, on the other, to unite their efforts to prevent atomic energy from being used as a

weapon and from becoming the instrument and perhaps the cause of future conflicts.

4. Both those aspects of the problem were equally vital; but owing to the swift progress in the destructive potential of atomic energy, the United Nations had, quite properly, concerned itself first with the question of the atomic weapon.

5. After recalling the latest developments in the work of the United Nations on the subject of atomic energy, with particular reference to General Assembly resolution 191 (III) of 4 November 1948, the resolutions of the Atomic Energy Commission of 29 July 1949[1] and the interim report on the consultations of the six permanent members of the Atomic Energy Commission (A/1045), Mr. Chauvel stressed that in considering so serious a subject, it was essential to be honest, impartial and frank. He did not wish to call anyone to account nor to cast doubts upon the will to peace of any parties concerned; his sole concern was to reach a clear understanding of the position and to show the difficulties which had emerged thus far.

6. The records of the meetings of the six permanent members of the Atomic Energy Commission did not indicate the presence of any basis for agreement among the latter. Yet it would be premature and ill-advised to draw conclusions from that fact regarding the usefulness of those meetings. Consultations were in progress by common consent; they had already made it possible to pinpoint certain fundamental factors and to define with greater clarity the main points on which no agreement had been reached.

7. One of those points was the relation to be maintained between prohibition and control. There was no disagreement on the principle of prohibition, if not on its precise and detailed definition; but the consequences drawn from the initial convergence of views by the delegation of the Soviet Union were contested by the other five delegations. The USSR delegation held that, since prohibition was the fundamental purpose of control, any real and sincere agreement on prohibition must automatically entail agreement on control. The other five delegations maintained, on the other hand, that the efficacy of prohibition depended upon the efficacy of control and that any declaration on prohibition in the absence of effective control would merely create a false and dangerous impression of security. They therefore insisted that the definition and institution of control must precede the entry into force of prohibition itself.

8. In order to ensure security, the western Powers were prepared to sacrifice the individual exercise of certain essential prerogatives; the Soviet Union, however, refused not only to consider such sacrifices but also to accept the possibility of international intervention in the operation of undertakings capable of playing an essential role in the national economy of the USSR. In that connexion, Mr. Chauvel quoted the concluding passage of the statement by the representatives of Canada, China, France, the United Kingdom and the United States on the consultations of the six permanent members of the Atomic Energy Commission (A/1050).

9. That point was of capital importance. In a rapidly changing world, human thought could not afford to lag behind human enterprises nor to overlook the effects of those enterprises on the world picture. Attachment to tradition could not be permitted to stand in the way of man's mastery over man's' achievements; if necessary, new laws had to be made to conform with new realities.

10. France, for its part, was aware of the changes which had taken place. It fully realized that certain vital problems could no longer be dealt with on a national basis. In that spirit, France had collaborated in the making of the United Nations Charter, which in itself required the surrender of a portion of national sovereignty. It had gone further still by inscribing in its Constitution of 1946 the principle that "subject to reciprocity, France accepts the limitations of sovereignty necessary to the organization and defence of peace". It was natural, therefore, that in the matter of atomic energy control France supported the application of the principle which it had made its own.

11. The French Government considered that a solution of the problem could not be hoped for so long as there was disagreement among the Powers chiefly concerned, regarding the relation between prohibition and control, the methods of control and the need to make the requirements of security prevail over the defence of legitimate national prerogatives.

12. Without prejudice to a careful study of the Indian draft resolution (A/AC.31/L.26), the French delegation felt that it was not enough to take note of the existing disagreement and to adopt a resolution in the form of a declaration for future use. No effort should be spared to reconcile the different points of view. The French delegation considered that the six-Power consultations had proved helpful by bringing to light the main difficulties to be overcome. It was not impossible that misunderstandings on the most important points would be dispelled after further thorough study; and new elements might be brought into the discussion by the introduction of further suggestions.

13. Mr. Chauvel recalled that the USSR representative in the Security Council had advocated the resumption of the work of the Atomic Energy Commission.[2] The French delegation sympathized with that view; but the Commission itself had, on 29 July 1949, at its 24th meeting, reported its inability to continue its work, and since no important changes had taken place since that time, a resumption of it activities did not appear advisable. The best procedure seemed to be to invite the six permanent members to continue their consultations. In order to give new impulse to their work, it would also be advisable to confirm and extend the mandates of the six permanent members, and to invite them not only to proceed along the lines laid down in General Assembly resolution 191 (III) of 4 November 1948 but also to examine every possibility likely to lead to an agreement and to consider all concrete suggestions which might be submitted. Furthermore, in order to guide the permanent members in the search for a positive solution, the Committee and the Assembly should express a view on the main issues reviewed in the French representative's statement.

[1] See documents AEC/42 and AEC/43.

[2] See *Official Records of the Security Council*, Fourth Year, No. 43, 446th meeting.

14. At a time when world public opinion was fully conscious of the gravity of the problems with which the six permanent members were called upon to deal, it was for the General Assembly, the best-qualified interpreter of world opinion, to issue directives and to make them widely known. A clearly expressed mandate would greatly help to overcome all obstacles and would strengthen the hope that, in the coming year, decisive progress would be made towards security and peace.

15. In that spirit and with that intention, the Canadian and French delegations were submitting their joint draft resolution (A/AC.31/L.27) to the Committee.

16. Mr. PEARSON (Canada) stated that the Canadian Government, which had for some years been actively concerned with the problems of atomic energy, had long been conscious of the terrible dangers inherent in the possible use of that energy for destructive purposes, as well as of the great promise to mankind held out by its development for peaceful uses. He recalled that on 15 November 1945, the President of the United Sates and the Prime Ministers of the United Kingdom and Canada had jointly proposed that the United Nations should work out specific proposals on the control of atomic energy and its development for peaceful purposes, Such proposals had been elaborated and had been approved by a large majority of the General Assembly in 1948. But in a matter of such gravity, approval by a majority of States, however impressive, was not enough; if humanity was to be made secure from the dangers of atomic destruction, all nations had to agree on measures which could and would be implemented by all.

17. The Canadian Government, like most of the Members of the United Nations, was prepared to accept the plan approved in 1948, for the control of atomic energy and the prohibition of atomic weapons. It did not, however, claim omniscience on that subject, and was not rigid or inflexible in its thinking. The solution of the problem of atomic energy had to be sought with humility as well as with sincerity. The Canadian Government would welcome any new proposals or new approaches that gave promise of an effective and agreed solution of that problem and would examine them with all the care they might deserve.

18. At the present time, however, a political deadlock had developed between the Soviet Union and its associates on the one hand and the majority of Members of the United Nations on the other. That deadlock was unconnected with the question whether one side did or did not possess a monopoly of atomic energy. It had been obvious for many years that no single nation could have a monopoly in atomic weapons because no single nation had, or could have, a monopoly in wisdom or intelligence. That point had been made clear in the three Power statement referred to above; the United Nations policy on the matter had been developed on that assumption. The recent atomic explosion in the Soviet Union had, however, emphasized with dramatic force the validity of the thesis that security could be found only in effective international control. Nations on both sides of the line which so tragically divided the world now had the secret of the power which could smash that world. In an atmosphere of tension, fear and mistrust, that knowledge was being harnessed to the manufacture of weapons of mass destruction. That was the supreme menace facing humanity, and it would increase if the atomic arms race was allowed to continue; the stock piles would grow, giving a fitful sense of security on one side and threatening insecurity on the other.

19. The development of political conditions which would make war unnecessary and therefore unthinkabe was, of course, the only final solution to that problem. If war did come, control of atomic energy would disappear together with every kind of control. It was idle and misleading to cite to the contrary the Geneva Protocol on poison gas[1], firstly because atomic weapons were infinitely more powerful than poison gas and secondly because it was surely clear that it was not respect for international conventions that had prevented the Germans from using poison gas during the Second World War.

20. Yet it would be wrong to think that nothing could be done except to remain passive and hope that war would not come. Some of the fear and insecurity which gave rise to conflicts could be removed by taking the development of atomic energy for destructive uses away from the individual control of national Governments and turning it over to an international agency which would act, by agreement, as a trustee for the separate nations. The Canadian Government considered that to be the only way to remove the menace of sudden atomic aggression. The majority plan rested on that principle, as also did the joint draft resolution (A/AC.31/L.27) submitted by the French and Canadian delegations.

21. The proposal provided for a new and vigorous examination of the problem by the permanent members of the Atomic Energy Commission in the light of the insistent demand of the people and the Governments represented in the General Assembly for a speedy solution of the problem.

22. One of the principles embodied in the draft resolution was that every channel for consultation and negotiation must be kept open. The second principle was that the members of the Atomic Energy Commission must not close their minds to any suggestion which could contribute towards a satisfactory solution of the problem. The members of the Commission should be willing and anxious to examine ideas from any source, whether from a Member of the General Assembly, from any Government, from the Press or from any individual in any part of the world.

23. Another vital principle was that world public opinion must not be misled on the major issue of atomic energy. It would be both heartless and dangerous to create the impression that atomic energy was under international control or that nations were secure from destruction by the atomic weapon if such was not the case. The United Nations could not afford to act irresponsibly or to gamble with the peace of the world. It should not be deceived by partial or temporary solutions, attractive though such solutions might appear on the surface.

24. The atom bomb, like any other weapon, could be considered by those who possessed it as

[1] See *Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare: 17 June, 1925.*

a deterrent to, rather than as an instrument of, agression. The deterrent of armed force was not, in the long run, the right road to peace. Enduring peace had to be based not on force but on freedom, international good will, and mutual understanding free from the shackles of propaganda. But until it became possible to establish international confidence along those lines, the atomic policy of the United Nations had to be based on something more solid than the unverifiable pledge of Member Governments that atomic energy, under national control, would not be used for war. Acceptance of that principle was the reason why the majority of the members of the Atomic Energy Commission and the Assembly had insisted on effective controls as the prelude to prohibition, temporary or permanent.

25. The USSR delegation affirmed that it, too, wanted effective controls. But the facts of the Soviet position in the matter implied the contrary. The Soviet proposals[1] provided only for periodic inspection, and that only of such facilities as the national Governments concerned might choose to declare to an international authority. The proposals also provided for special investigations when there was evidence of illegal activity. It seemed, however, that if national Governments could be relied upon to furnish such evidence without fail to an international agency, international control itself would be superfluous.

26. The Soviet proposals as a whole did not seem adequate to accomplish the purpose which all Members had at heart. In that connexion, Mr. Pearson referred to a remark made in another context by the head of the USSR delegation, to the effect that it was always possible to evade ineffective international control[2]. The same was true in the atomic field. As a further illustration of the Soviet concept of inspection, Mr. Pearson recalled that a proposal by the Commission[3] for Conventional Armaments providing for international inspection in connexion with the exchange of information on national armaments had been rejected by the USSR delegation on the grounds that it would amount to international espionage and constitute an infringement of national sovereignty.

27. The Canadian position was that effective inspection must involve the granting of far-reaching powers to the inspectors, while providing guarantees against the abuse of those powers. The inspectors would be the agents of the international conscience and of the international community; no Government which was sincere in the matter of international control of atomic energy would want to prevent them from discharging their duties effectively.

28. The French-Canadian draft resolution contained another principle which, in some measure, involved a derogation from national sovereignty. That principle was that national control and operation of atomic energy facilities represented a danger to humanity and that international operation was therefore necessary. Mr. Pearson stressed that if, notwithstanding the special danger inherent in the ease by which atomic energy could be diverted from productive to destructive use, it could be shown that national operation with complete inspection would not constitute a menace to security, his Government would gladly reconsider its position. So far, after many months of hard and detailed study, it had not been convinced that that was the case. He pointed out also that international operation and management were not the same as ownership; the international agency would be the trustee of the nations which had agreed to its establishment and would distribute the products of its operations for peaceful use in a manner determined by treaty or convention. It was absurd to argue, as the USSR delegation did argue, that such a renunciation of national sovereignty was a sacrifice or a humiliation to any State which believed in international co-operation and collective security. On the contrary, it was a great step towards confidence and peace. To think and act otherwise was to disregard all the experience gathered during the present century, which pointed consistently towards widening the area of international authority.

29. Insistence on reactionary concepts of sovereignty was not in keeping with modern trends; it was expressly disavowed in the last paragraph of the joint draft resolution. The draft resolution affirmed that rights of national sovereignty must not be permitted to stand in the way of international control of atomic energy or, in other words, that no solution could be reached in the field of atomic energy that did not involve a willingness on the part of all Governments to exercise their rights co-operatively rather than individually. Any delegation which, by insisting on an outdated negative interpretation of national sovereignty, frustrated the effort to ensure that atomic energy would be used only for peaceful purposes bore a very heavy responsibility.

30. The final principle underlying the joint draft resolution was that despair and defeatism must not be allowed to prevail. The development of atomic energy in the Soviet Union might even hasten agreement, by giving the rulers of that country more knowledge of the fateful implications of atomic power and more understanding of the scientific processes which no adequate system of control could leave out of account. As Soviet knowledge and experience grew and the sincere desire of the majority to find an agreed solution became understood, the opposing views might be brought closer together.

31. That process might be facilitated if the permanent members of the Atomic Energy Commission were given the opportunity to examine in greater detail the positive and constructive side of atomic energy development. The secrecy which had to surround the whole subject as long as security considerations remained paramount would, of course, interfere with such an examination; but even with that limitation, some valuable work could be done. The permanent members might at least find out how political insecurity hampered the development of atomic science and hindered the spread of knowledge and the sharing of facilities among the nations most in need of technical assistance and industrial development. To those nations, the promise of atomic energy applied to the arts of peace was of particular importance; to them, there was particular hope in the co-operative effort proposed in the majority plan.

[1] See document AEC/37.

[2] See *Official Records of the fourth session of the General Assembly*, First Committee, 306th meeting.

[3] See document S/1372.

32. In conclusion, Mr. Pearson stressed that the United Nations should not only avoid misleading world public opinion, but should also seek to inform it on the vital subject of atomic energy. In that connexion, he commended for careful study the statement by five of the permanent members of the Atomic Energy Commission (A/1050) containing the view of those members on the results of the consultations held during the past few months with the representatives of the Soviet Union. That document represented the clearest short presentation yet given of a very difficult subject. It was not in any sense final, but it offered a good starting point for anyone wishing to acquire a basic knowledge of the background and the present state of the question.

33. It was to be hoped that, in its search for a solution of the problem before it, the Committee would show both imagination and courage. As one step towards that solution, the Canadian delegation, together with the delegation of France, was submitting the joint draft resolution (A/AC.31/L.27).

34. Sir Benegal RAU (India) expressed appreciation of the work of the Atomic Energy Commission and paid special tribute to the efforts exerted by its six permanent members to reach a basis for agreement on international control of atomic energy.

35. He then reviewed the developments in the consideration of the problem by the United Nations which had led to the recent consultations among the six permanent members. The interim report on those consultations (A/1045) indicated that while some of the points on which there had been disagreement had been clarified, agreement had not yet been reached and a deadlock still existed.

36. The increasing urgency of a positive solution to the problem of atomic energy had been further emphasized by the disclosure that another country had exploded an atomic bomb. The discovery of the secret of atomic production by other nations would further increase the potential menace to humanity. In the circumstances, the deadlock which rendered the United Nations powerless to act in the matter must at all costs be resolved.

37. It should not, however, be forgotten that the Atomic Energy Commission had done valuable work and that the General Assembly had approved its general findings and recommendations in November 1948 (resolution 191 (III)). Some of those findings and recommendations had been approved not only by the majority of the Member States, but by the minority as well. The delegation of India considered it essential, without prejudice to continued consultations among the six permanent members, to consolidate the work already accomplished by the Atomic Energy Commission in such a form that it would contribute most effectively to the progressive development of international law in the field of atomic energy.

38. The recommendations of the Atomic Energy Commission had already been reflected in the work of writers on international law. For example, in his book *A Modern Law of Nations*, Dr. Jessup, the United States representative, had suggested that the possession or use of atomic bombs might be prohibited by international authority in the same way that poison gas and bacteriological warfare had been outlawed. The proposals of such eminent authorities on international law would be enormously strengthened if they were endorsed by the United Nations. The representative of India therefore proposed that the results of the work of the Atomic Energy Commission should be embodied in a declaration to be adopted by the General Assembly in the same way that the Assembly had adopted and proclaimed the Universal Declaration of Human Rights. The International Law Commission would be competent to undertake that task. It had already submitted a draft declaration on rights and duties of States to the General Assembly[1]. It might now be invited to make a preliminary draft of the duties of States and individuals in the special field of atomic energy on the basis of the findings and recommendations of the Atomic Energy Commission.

39. The work should not present any difficulties. It was similar to certain activities which the International Law Commission had undertaken in other fields. All the technical information required was readily available in the reports of the Atomic Energy Commission. It did not entail additional expense since the International Law Commission was an established organ of the Assembly. The Commission would merely be requested to give priority to the drafting of the declaration on atomic energy and to submit it to the General Assembly as soon as possible. Its work was not intended to supplant the Atomic Energy Commission or to affect the continuation of discussions and negotiations among the six permanent members of that organ.

40. In order to illustrate the nature of the declaration which the International Law Commission would be asked to draft, Sir Benegal drew a comparison between the "general findings" 4, 5 and 6 of the Atomic Energy Commission, approved by the Assembly, conclusions contained in Part II of the Atomic Energy Commission's first report, and the amendments submitted by the USSR to certain United Kingdom proposals. Those proposals as well as the USSR amendments appeared in Annex I and Annex II of the statement issued by Canada, China, France, the United Kingdom and the United States on the consultations of the six permanent members of the Commission (A/1050). A parallel study of both sets of proposals showed that they were substantially identical. By combining them, the representative of India formed the general content of the declaration he proposed. It might be stated in three propositions as follows; first; the development and use of atomic energy having now become a matter of international concern, it is the duty of every State to submit to, and act in aid of, an effective system of international control adequate to insure the use of atomic energy only for peaceful purposes and the elimination of atomic weapons from national armaments as well as to protect complying States against the hazards of violations and evasions. Secondly, no State or individual shall manufacture, possess or use atomic weapons. Thirdly, no State or individual shall use atomic energy except for peaceful purposes.

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 10.

41. There was nothing in those propositions to which the majority and the minority had not already agreed. While they might disagree concerning the powers necessary to make the international control agency really effective, they did agree that there should be effective international control. Similarly, they might disagree as to when the prohibition of atomic weapons should come into effect, but they agreed that there should be such a prohibition. Accordingly, it could be assumed that the Assembly might adopt such a declaration and that the Member States might be asked to ratify it. Some forty States which were not producing atomic weapons at present, and did not intend to produce them in the future, might be expected to rafity the declaration unreservedly. A small number of other States would probably attach reservations to their ratification of the declaration, to ensure that the prohibition of atomic weapons should not come into operation until the establishment of the international control system. Nevertheless, forty States would have pledged themselves never to enter the race for atomic weapons. That was a considerable gain, especially since further research might be expected to reveal cheaper methods of manufacture which would conceivably be within the means of many nations. That possibility had been confirmed by a recent warning from a group of scientists and engineers to the effect that improvements in the methods of converting matter into energy and the discovery of common materials from which energy could be produced would make available to all civilization the certain means of its self-destruction. Moreover, a declaration which had been ratified by a large number of States, even though some of them had subscribed to it with specific reservations, could be the beginning of international law. To support that view, Sir Benegal referred to two conventions which had originally been ratified by comparatively few States, but which had eventually been applied, extended, and had ultimately gained world-wide recognition and been incorporated in international law. He spoke of the 1856 Declaration of Paris abolishing privateering and the Hague Declaration of 1899 against the use of projectiles producing asphyxiating or deleterious gases. In 1925, the prohibition contained in the latter document had been restated in the Geneva Protocol of 17 June 1925 and extended to bacteriological warfare. The Geneva Protocol had been ratified by some forty States, in some cases subject to important reservations. Yet, despite its lack of universality, the prohibition it contained was now regarded as part of international law.

42. It was therefore clear that in the absence of universal agreement it would be unreasonable to renounce all efforts to control atomic energy. At least, a process should be set in motion which might culminate in the formation of international law. For those reasons, Sir Benegal was submitting a draft resolution (A/AC.31/L.26) calling upon the International Law Commission to draft and submit to the General Assembly before 31 July 1950 a declaration on the duties of States and individuals in respect of the development of atomic energy.

43. The drafting of such a declaration would in no way prejudice the negotiations in progress. If agreement were reached, an effective system of atomic energy control could be established and the reservations of a certain number of States concerning ratification of the declaration would automatically be withdrawn. Despite initial abstentions or reservations, the declaration might in due course be expected to become part of international law and the peoples of the world would be given concrete assurance of the determination of the United Nations to eliminate the threat of atomic warfare.

44. The representative of India urged that his draft resolution should be considered on its merits. He had not solicited support for it. Moreover, if it was the view of the Committee that action should be taken during the present session rather than await the results of the work of the International Law Commission, Sir Benegal was prepared to incorporate the main articles of a declaration in his draft resolution.

45. In conclusion, Sir Benegal recalled the names of the eminent scientists who had devoted their lives to atomic research in the belief that they were serving humanity. Every safeguard must be taken to ensure that the knowledge they had so generously given to the world should not be used to destroy it. The Indian draft resolution had been inspired by the spirit of the teachings of Mahatma Gandhi, India's great apostle of peace and non-violence.

46. Mr. ALEXIS (Haiti) emphasized that the United Nations bore the solemn responsibility to reach agreement on the prohibition of atomic weapons in order to redeem the honour of mankind.

47. In the contemporary world, the statesman had assumed many new burdens. In order to understand and resolve the manifold political difficulties arising among nations, he was called upon to gird himself with a knowledge of pure science as well as of history, economics and the the social sciences. Progress in all those fields was necessarily accompanied by political repercussions both on the national and international level.

48. Scientific research had been proceeding with such speed that the atomic bomb had almost become obsolete compared with the most recent discoveries of nuclear fission which had produced such phenomena as the gamma and meson rays. Furthermore, certain eminent physicists had predicted that with the increasing simplification of nuclear techniques, it might be feasible within three or four years to produce small atomic weapons which could be purchased by the smaller nations pending the development of their own atomic plants. In Great Britain, a nuclear generator which could be controlled had almost been perfected.

49. Having released the terrible secret of atomic energy, man was like the sorcerer's apprentice of the legend: he could no longer check the titanic forces which threatened to destroy him. The ultimate results of continuing atomic research could scarcely be guessed; but it could be foreseen that the horror of the atomic bomb might soon be eclipsed by even more lethal discoveries.

50. Mr. Alexis had no pretensions to being a physicist. He had referred to developments in atomic research which had become common knowledge. His purpose had been to emphasize as strongly as possible the unimaginable dangers to

which the peoples of the world were exposed and the extreme urgency to seek an international agreement to prevent the application of atomic knowledge for the generation of new wars. For an atomic armaments race was a wild race to total destruction. Nothing could justify that annihilation. Mr. Alexis appealed especially to the great Powers to exert every effort to spare the world from that inevitable catastrophe.

51. As the representative of a small country which could not boast of a high degree of material development, but where human values were prized, Mr. Alexis would have like to stand aside from the great problem which gripped the larger nations and compromised their future. But he was well aware that the world was one and that the repercussions of every profound change were felt in the furthest corners of the globe. Never before had nations been so interrelated and so interdependent.

52. In appealing to the great Powers to seek some reasonable course, based primarily on humanitarian considerations, for controlling atomic activities, the representative of Haiti was acting in his own interest, in the certain knowledge that his country, together with all the others, would be crushed in the final holocaust of an atomic war.

53. Mr. Alexis considered that atomic weapons could be outlawed in much the same way as poison gases had been prohibited by protocol in 1925. However, such a convention should be supplemented by a strict system of control which would include control of the sources of atomic raw materials, verification and control of existing stocks and control of the factories and machines used in atomic production.

54. Those measures were essential because atomic energy had been diverted from what should have been its sole use: the betterment of human life and had been converted into an instrument for the perpetration of an indescribable crime against humanity. Those countries which refused to accept the minimum safeguards which the representative of Haiti had enumerated, would be demonstrating to all the world their hostility to order among nations, and would leave themselves open to the charge that they did not really desire peace.

55. The delegation of Haiti would associate itself with any proposal for the prohibition of atomic weapons and for the effective control of atomic production.

56. Sir Carl BERENDSEN (New Zealand) stated that the question of the international control of atomic energy was of supreme importance since it would determine whether the product of human ingenuity was to be harnessed for useful and beneficent purposes or whether it was to become the instrument of the oppression and annihilation of mankind.

57. He noted that the United States, the nation which had first produced the atomic bomb, had generously offered to place its knowledge at the disposal of all mankind, subject to the modest yet essential condition that the minimum necessary precautions be taken to prevent abuse. Those precautions rightly postulated an international controlling body unfettered by the veto, which had made such a mockery of the security functions of the United Nations, with a full and unrestricted right of inspection to secure compliance. The generous proposals by the nation which had first produced the atomic bomb and which still possessed an overwhelming margin of superiority in knowledge and resources for its continued production had deservedly received the complete acceptance of all nations except those which customarily opposed every proposal that did not place the Soviet Union in a position to dominate and enforce its individual will. Thus all the world but the Soviet Union was ready to accept international control and supervision and to allow inspection by authorized international observers. The Soviet Union alone was unwilling to agree to minimum precautions and sought to cover its recalcitrance by propagandist proposals which deceived no one. The obvious conclusion was that those who willingly accepted inspection had nothing to hide while those who declined such inspection were inevitably and properly suspect.

58. The representative of New Zealand pointed out that prolonged consideration of the question of atomic energy over a lengthy period of time in the United Nations had consistently led to the same result. Nothing was accomplished by the introduction of further USSR proposals in the familiar vein. The matter was too serious for risk or experiment. The penalty for error would be appalling since the liberty and even the existence of mankind were at stake. Whether the Soviet Union possessed the secret of the atomic bomb or not, the situation remained unaltered. There could be no solution to the problem unless all the nations of the world, without exception, agreed to submit to the essential supervision without which any plan of atomic control would be a wicked farce.

59. It necessarily followed that so long as the USSR continued to reject any proposal calculated to establish an adequate system of inspection and control, nothing whatever could be done towards the international regulation of atomic energy. That unhappy situation was profoundly disturbing from both the negative aspect of security against abuse of the atomic weapon and from the important positive aspect that failure to reach agreement deprived the peoples of the entire world of the inestimable benefits that could be derived from the application of atomic energy to industry and to social and medical purposes.

60. Sir Carl indicated that from time to time ill-considered and potentially dangerous suggestions were advanced to the effect that all would be well if an agreement were signed with the Soviet Union prohibiting the use of atomic weapons or establishing a truce or arranging for the destruction of all the existing bombs. Such suggestions revealed a complete misunderstanding of the actual problem. There could be no doubt that the President of the General Assembly was constantly mindful of the minimum necessities required for satisfactory solution of the problem or that the initiative taken by the representative of India was motivated by the most lofty considerations. Yet, far too many of the proposals put forward indicated that their advocates had allowed their hearts to run away with their heads and had assumed that the two opposing sides in the controversy advanced proposals of equal moral and logical validity, that atomic weapons could be considered independently of other wea-

pons, that both sides were equally to be relied upon to carry out any undertaking they might give. Nothing could be further from the truth. The world was imperfect and that fact must be duly considered by all prudent and right thinking people. The proponents of such easy solutions ignored the crucial facts that during the long examination of the problem the Soviet Union alone had consistently rejected any proposals that would give any shadow of reality to international inspection and control and that acceptance of such international inspection and control was the sole test of good faith in the matter.

61. Those who contended that unless agreement was reached with the Soviet Union the present situation would remain unchanged were perhaps right, but it was equally true and far more pertinent that if any impracticable proposal was adopted, it might result in the extinction of liberty from the world and perhaps in the annihilation of mankind. The representative of New Zealand stated that some of those nebulous and illogical, though well-meaning, proposals were highly reminiscent of the policy of appeasement, which ignored the fact that agreements were worthless if they were not to be honoured. He stated emphatically that promises which had proved worthless in the past were in no way enhanced in value by the addition of a further promise. Indeed promises alone were insufficient in a matter which involved the fate of all mankind. It was infinitely better to admit temporary failure rather than to deceive the world by accepting anything else than the minimum of effective inspection and control on an international basis.

62. While recognizing the commendable motives which had inspired the proposal submitted by India, Sir Carl stated that that proposal must be decisively rejected. The course which it suggested for dealing with the ominous problem of atomic energy must at best be useless and at worst most dangerous. Reference of the question to the International Law Commission could solve nothing since the problem was not a matter of law but of politics. The International Law Commission was in no way qualified to assist in the crucial matter of deciding how to put into effective operation those provisions which were almost universally accepted as the obvious minimum necessities for the international regulation and utilization of atomic energy.

63. The situation could not be resolved by a phrase or a formula or a declaration. The essence of the situation was that a great part of the world feared aggression from the Soviet Union and, as prudent and responsible people, felt it necessary to prepare themselves against such a dread event. If that was an error, the Soviet group could dispel those anxieties by agreeing to accept the precautions necessary to restore man's confidence. In that case they would find many eager hands waiting to grasp theirs. The world, however, feared that the Soviet Union would not accept any such solution. If that was indeed the situation, it was futile to seek a formula or a phrase or a resolution.

64. The New Zealand delegation would therefore vote against the draft resolution submitted by India (A/AC.31/L.26) and would warmly support the draft resolution presented by Canada and France (A/AC.31/L.27).

65. KHALIFA Bey (Egypt) noted the active participation of the Egyptian delegation at every stage of the consideration of the problem of the international control of atomic energy by the United Nations and stressed the influence of United Nations decisions on the future peace of the world.

66. Tracing the important international developments since the dropping of the first atomic bombs in August 1945, particularly with regard to United Nations action in establishing the Atomic Energy Commission, the representative of Egypt recalled that there had been universal condemnation of the bomb in that Commission and universal insistence on its control. Two plans for such control had been advanced from the start. The USSR plan called for a convention outlawing the bomb or any atomic weapon, the destruction within three months of all atomic bombs in existence and the formation of an international organ authorized to carry out periodical inspections of atomic energy plants. The United States plan advocated the internationalization of the ownership of uranium and thorium mines and their international supervision, the establishment of an international committee of scientists qualified to inspect any atomic plant or mine at any time, and the elimination of the use of the veto in any cases of violation.

67. After careful study, the Egyptian delegation, as well as the majority of the members of the Commission, had approved the United States plan which, it was considered, offered better guarantees and more secure and precise methods of control.

68. Difficulties had arisen from the time when the United States plan had first been rejected by the USSR on the grounds that such a plan constituted an unwarranted infringement of national sovereignty. The Soviet Union had insisted that the convention outlawing atomic weapons and providing for the destruction of existing weapons must precede any control agreement. The majority of the Commission had taken the view that the USSR plan, without safeguards, offered no protection against non-compliance.

69. The representative of Egypt further recalled that the initial divergence of view had not deterred the Commission from pursuing its work in the hope that further study might resolve existing disagreements. Political aspects of the problem had been deferred pending a decision as to whether control of atomic energy was practical from a technical point of view. After a unanimous report[1] by the Scientific and Technical Committee in September 1946 that effective technical control was possible, the Atomic Energy Commission had continued its study of those aspects of control and had adopted the broad outlines of a control plan which it had included in its first report.

70. Thus it was clear that agreement was unanimous on technical and scientific means of control. On the other hand, the political aspects of the question resulted in deadlock and constant failure. The consequence was that at the current juncture the world was witnessing an atomic armaments race for those very weapons that had earlier been universally condemned.

[1] See *Official Records of the Atomic Energy Commission, Special Supplement, 1946,* Part IV.

71. The only course open to the Egyptian delegation was to appeal again to the big Powers to reach agreement on a plan of control. If that proved impossible, at least there should be international agreement to outlaw the use of atomic weapons. If perfection could not be achieved, there was no reason for refusing to make at least some advance. The Egyptian representative recalled hopefully that international agreement outlawing poison gas and other inhuman weapons had to a large extent been honoured.

72. Khalifa Bey stressed the importance and the urgency of adopting the measures necessary to outlaw the destructive atomic weapon. The Egyptian delegation would therefore vote for any effective plan of control and, failing that, for an international treaty outlawing the use of atomic weapons.

73. Pending further study, the representative of Egypt reserved the position of his delegation with regard to the proposals which had just been submitted by the representative of India and the representatives of Canada and France.

The meeting rose at 5.5 p.m.

THIRTY-FIRST MEETING

Held at Lake Success, New York, on Tuesday, 8 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. Mr. WEI (China) stated that as early as 1945, when the first atomic bomb had come into existence, United States scientists had foreseen the serious danger of failure to establish international control of atomic energy and had predicted that there would be a brief period during which the atomic secret would be the monopoly of one nation followed by an open atomic armaments race which would result in the outbreak of a disastrous atomic war unless effective international control of atomic energy could be established.

2. Unfortunately, in spite of the efforts of the General Assembly and the Atomic Energy Commission during the previous four years, the necessary international control of atomic energy had not been achieved. Unfortunately, too, the development of world events had followed the predictions of the atomic scientists and on 29 July 1949, Mr. Wei, as Chairman of the Atomic Energy Commission,[1] had been compelled to make the following statement: ". . . the Atomic Energy Commission has definite terms of reference. If those terms of reference cannot be fulfilled, it is the duty of the Commission openly and frankly to admit it, for time is running out. An atomic armaments race is on. It is the duty of this Commission . . . to tell the world that the work cannot be carried on at the level of the Commission."

3. He observed that the official announcement of an atomic explosion in the USSR had ended the period of monopoly of the atomic secret and had inaugurated the phase of the atomic arms race. That second phase might be even shorter than the first period which had lasted four years.

4. Thus, the international control of atomic energy was the most urgent problem facing the world, since the future of mankind depended on the United Nations reaching a satisfactory solution to stop the atomic arms race before disaster engulfed the world.

5. The minimum requirement was a plan to provide truly effective enforceable international control by ensuring the use of atomic energy for peaceful purposes only, by eliminating atomic weapons from national armaments and by guaranteeing effective safeguards to protect States against the hazards of violation and evasion. Although admittedly no plan for atomic control could entirely eliminate the risks of evasion, the plan prepared by the Atomic Energy Commission was the only workable one. It had been adopted on 4 November 1948 in the General Assembly as resolution 191 (III) by all Members except six States of eastern Europe.

6. He reviewed the depressing record of atomic negotiations in the United Nations. Most of the time had been spent in unsuccessful attempts to secure the co-operation of one nation. For an entire year the United Nations plan had been stalemated. The various USSR proposals on atomic energy had been presented at long intervals and very little real progress had been made.

7. Due to the special nature of the atomic problem, the United Nations could not follow its usual procedure of implementing the plan adopted by the General Assembly regardless of the participation of the minority.

8. It must be borne in mind that because the stages and processes of the production of nuclear fuel, whether for peaceful or destructive purposes, were identical up to a very advanced stage of manufacture, any large quantity of atomic source material or nuclear fuel was a potential danger to world security. The development and use of atomic energy must therefore become an international co-operative enterprise with both atomic material and plants subject to proper international control. A further important consideration was that atomic energy could be controlled only by the observance of natural laws. Measures for the control of certain types of atomic plants should correspond with technological requirements and, where inspection was not adequate to provide the necessary safeguards, international management must be adopted. A third compelling fact was that unless effective international control was established over all the important areas of the world, there could be no lasting security against atomic weapons for any nation whatsoever.

9. The international control agency should have the duty of seeking out any clandestine activity and, to that end, should be authorized to receive reports and also to verify those reports by direct inspection or other means, subject to appropriate limitations.

[1] See *Official Records of the Atomic Energy Commission*, Fourth Year, No. 8, 24th meeting.

10. Mr. Wei stressed the fact that, at the current stage of atomic negotiations, unless all major States whole-heartedly accepted effective international control, suspicion, rivalry and a continued atomic arms race would be inevitable. Suspicion and rivalry could be allayed only if expert inspection were accepted, and if the inspectors were granted freedom of movement to detect atomic activities and the stockpiling of atomic materials. With any nation as powerful as the USSR outside the international system of atomic control, the atomic arms race would not be stopped. The participation of all major nations was essential for any effective programme of atomic disarmament. While universality of all nations might not be essential, the compliance of all nations capable of producing atomic weapons was absolutely indispensable.

11. With reference to the deadlock facing the United Nations in the matter of atomic energy, he stated that the workable plan for the effective control of atomic energy prepared by the United Nations was blocked by the refusal of a major Power in a position to make atomic weapons to allow international inspection of its territory. That Power agreed only to periodic inspection and special investigations, which experts considered as an inadequate and ineffective system of international control. That Power asked Member States to report the number of atomic weapons in their possession but advanced no scheme for verification. Yet, without the co-operation of that major Power, the other Members of the United Nations could not effectively eliminate atomic weapons.

12. Referring to the five-Power statement of 25 October 1949 (A/1050), Mr. Wei stated that the Chinese delegation would continue to support the plan approved by the General Assembly unless and until proposals for equally effective or more effective means of control and prohibition were advanced. The Chinese delegation would continue its efforts to work for an agreement without sacrificing international security.

13. It was, however, most important that the peoples of the world should not be given a false sense of security. An agreement leaving any loophole for aggressors was worse than an open atomic arms race. That race could not be halted nor could an atomic war be prevented without an effective system of enforcement.

14. It was to be hoped that the weight of world public opinion and the processes of negotiation and reconciliation would help the United Nations to reach a settlement of the supreme question of atomic energy. To prevent the cataclysm of an atomic war, the General Assembly must call on all Member States to sacrifice a degree of national sovereignty in order to eliminate the use of atomic energy for war and consecrate it solely for purposes of peace.

15. The Chinese delegation would therefore support the draft resolution submitted by the representatives of Canada and France (A/AC.31/L.27).

16. Mr. Naszkowski (Poland) said that the recent disclosure that the United States no longer enjoyed a monopoly of the atomic bomb might have been expected to influence the positions of certain Powers and to increase the chances of finding a positive solution to the problem of the control of atomic energy. Unfortunately, it had not had that effect. It was evident from the various documents before the Committee, that the majority group of the Atomic Energy Commission was continuing to undermine the prospects of agreement. The only new factor in the deadlock, which had been brought about artificially by that group was the suspension of the work of of the Commission. The recent consultations undertaken by the permanent members had made no progress either. Unquestionably, those consultations should continue. But they should be directed towards determining the causes of the deadlock and assessing responsibiiity for it.

17. The question of the control of atomic energy was of vital importance to mankind. It had been discussed in the United Nations over a period of four years. From those discussions it had become manifest that the United States and the nations which had associated themselves with its policies had deliberately blocked any settlement of the question. The truth was that the United States had never desired effective control of atomic energy and its plan for a world atomic supertrust had been designed to by-pass a real solution of the problem and to safeguard its freedom to produce atomic bombs.

18. The United States position had been demonstrated by the rejection[1] of the USSR proposal that the Atomic Energy Commission should immediately proceed to draft two conventions to come into force simultaneously: one on the prohibition of atomic weapons; and the other on the control of atomic energy.

19. The pressure exerted by the United States had led the General Assembly to adopt resolution 191 (III) of 4 November 1948 calling for consultations among the permanent members of the Atomic Energy Commission. The failure of those consultations could be traced directly to certain obstructionist manoeuvres engaged in by the United States and the United Kingdom. For example, in the list of topics prepared by the representative of the United Kingdom and contained in appendix I to the second of those consultations (A/1045), the prohibition of atomic weapons appeared as point 4 to be discussed. The order of topics revealed the persistent tendency of the majority to deal separately with the questions of prohibition and control and showed that they continued to consider the problem of control as an independent question of primary importance while it was in fact subsidiary to the prohibition of atomic weapons. Obviously, before a crime had been banned, there was no need for control.

20. Although the majority did finally agree to consider prohibition first, it remained firmly convinced that the primary question was the control of atomic energy and not the ban on atomic weapons.

21. Moreover, despite the fact that the USSR representative had once more enumerated the various methods of control, such as registration, inspection and special investigations in cases of suspicion and had specified the powers of the control agency, the impression that the USSR was opposed to control had been deliberately created at the instigation of the United States

[1] See *Official Records of the Atomic Energy Commission*, Fourth Year, No. 2, 18th meeting.

precisely because it was aware that the USSR would not submit to a United States system of control consisting of the seizure by a United States super-trust of the resources of sovereign States.

22. It was worth noting, however, that point 4 of the United Kingdom's list of topics mentioned an "international agreement to outlaw the national production and use of atomic weapons". The prohibition would therefore apply solely to countries and not to the control agency. It should also be noted that the debate on the advisability of drafting a convention for the prohibition of atomic weapons consistently avoided any reference to the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare. That Convention constituted a historical precedent for the banning of specific types of weapons. The prohibition had been clearly defined as part of international law.

23. Careful examination of the United States plan for control of atomic energy disclosed that the entire system was in fact an ill-disguised manifestation of the persistent desire of imperialist forces to interfere in the internal affairs of the Soviet Union. It would permit an international agency operating under United States domination to violate the rights of sovereign States by seizing the facilities for the production of atomic energy, by authorizing unrestricted aerial surveillance and investigations by its agents of atomic installations and facilities. The USSR and the people's democracies would, in fact, become the prey of a hostile majority in the international agency acting under orders from the United States.

24. Furthermore, the United States was attempting to obstruct agreement on atomic energy control in order to prevent the USSR and the people's democracies from exploiting atomic energy for peaceful purposes and thus speeding the development of their industrial potential. That motive had been exposed by the steps taken for the control of atomic energy within the United States.

25. As early as March 1945, before the end of hostilities, Mr. Stimson, then Secretary of War, had convened a committee of military experts and businessmen to draw up a bill to deal with the control of atomic energy in the United States. That bill was based on the premise that war was inevitable and that the United States would continue to enjoy a monopoly of atomic bombs; it did not distinguish between atomic energy and the atomic bomb. It reflected the mortal fear of United States capitalist circles that atomic energy might be used for peaceful purposes. However, the pressure of public opinion had forced the committee to discard the bill and to substitute for it another bill on atomic energy which had become law in 1946.

26. At the time, the new bill had been hailed as evidence that the United States had recognized the need for international control of atomic energy, and chapter VIII of the law did in fact contain a number of generalities along those lines. They were misleading generalities; so far as international control was concerned, the law did not differ substantially from the original bill. For example, it provided that no information concerning the application of atomic energy for industrial uses could be issued without prior authorization by Congress. A more concrete illustration of the limits placed upon exchanges of information on atomic energy could be drawn from the relations between the United States and its closest ally, the United Kingdom. Despite repeated official pledges to share atomic information, the real attitude of the United States Government in the matter could be gauged from Press reports and the statements of certain United States senators, from which it was clear that the United States was reluctant to share its atomic secrets with other countries, not so much for fear of divulging military secrets, as for fear that it would encourage competitors who might decide to exploit atomic energy for industrial purposes.

27. The myth that the United States possessed a monopoly in the field of atomic energy had been perpetuated by the Press and by such eminent scientists as Mr. Robert Oppenheimer, who had predicted that the United States could manufacture a thousand atomic bombs within two years. All those facts served to clarify the position of the United States in the current controversy and the validity of its professed desire for international control.

28. Moreover, during the consultations among the six permanent members of the Atomic Energy Commission, the United States representative had time and again thwarted all chances of agreement. At the fourth of these consultations, for instance, he had defeated the USSR proposal for the adoption of a resolution stating simply that all parties favoured prohibition of atomic weapons. The memorandum issued by the five Powers (A/1050) merely restated the reasons why control could not be established if nations were to insist on protecting their national resources and safeguarding their industrial plants. The USSR proposal concerning methods of instituting control had been deliberately misrepresented. Specious arguments had been induced to show that sovereign States would not have to transfer all rights of ownership of atomic plants to the international agency. Finally, nothing could justify encroachment upon the sovereignty of States, despite the argument put forward by the representative of France. Unfortunately, it was true that his country had given up its sovereign rights and had thereby betrayed the traditional struggle of the French people for liberty.

29. By invoking the myth of its monopoly in the field of atomic energy, the United States had instilled fear in the peoples of the world. Through the Press, radio and the various channels of its propaganda machine, it had expressed contempt for Soviet science. The impression had been built up in Anglo-American circles that research on atomic energy had not been begun in the USSR until after the explosion of the first atomic bomb produced in the United States and that it must necessarily be carried on exactly in the same way as in the United States. Everything possible was to be done to retain the alleged monopoly. Even former Secretary of State Byrnes, in his book *Speaking Frankly*, while conceding that other nations would inevitably come into possession of the atomic secret sooner or later, saw no need to anticipate that development by sharing atomic information. He too felt that every tactic should

be employed to perpetuate the United States monopoly in the field of atomic energy. While he anticipated violations of an international agreement that might be concluded for control of atomic energy, he never once mentioned United States intentions to press for such agreement. Mr. Marshall and Mr. Acheson had not deviated from the equivocal position adopted by Mr. Byrnes.

30. After the disclosure by President Truman of an atomic explosion in the Soviet Union, the United States policy might have been expected to become more realistic. On the contrary, the same circles which had created an atmosphere of war hysteria as a stimulant to an accelerated armaments race, had intensified their propaganda on the grounds that the danger of aggression had become more imminent since the USSR possessed the atomic bomb. Senator McMahon, Chairman of the United States Atomic Energy Commission, had already intimated that an increased appropriation would be requested of Congress for atomic bomb production. Even more revealing were the open quarrels between the heads of the United States Navy and Air Force for arms priorities, for they revealed that concrete plans were under way for an attack against the USSR and the people's democracies.

31. A new myth was being manufactured to replace the exploded illusion of a United States monopoly of atomic energy, namely, that the United States still led the world in the production of atomic bombs. Various experts were attempting to prove that the USSR was weak in industrial capacity and far behind in scientific research. But the one vital fact that had been deliberately ignored in the United States Press was that although the USSR possessed the secret of the atomic bomb, it remained unshaken in its determination to prohibit atomic weapons and to establish control of atomic energy. That fact was clear proof that the charges levelled by the United States and the United Kingdom concerning the motives for the USSR's demand that the United States should destroy its stocks of atomic bombs and ban further production were utterly unfounded. The USSR, together with the people's democracies and progressive forces in the United States itself, demanded the prohibition of atomic weapons because they were weapons of aggression and because they constituted an unspeakable threat to civilized society.

32. The Polish people, who had been subjected to untold suffering during the war, condemned the aggressive plans of imperialist forces and demanded the categorical prohibition of atomic weapons and other weapons of mass destruction. It demanded effective control of atomic energy which would eliminate its use for war and would ensure its application for the benefit of all mankind.

33. Mr. ALVAREZ (Cuba) recalled the active participation of the Cuban delegation, as a member of the Security Council, in the consideration of the complex question of the international control of atomic energy. He wished briefly to outline the development of that question and to reaffirm the joint position of the delegations of Argentina and Cuba which had been approved by the Working Committee of the Atomic Energy Commission on 15 June 1949 at its 49th meeting.[1]

34. While basic agreement among the great Powers was admittedly essential for the control of atomic energy, it must be noted that every nation was directly menaced by the possibility of an atomic war recalling the terms of resolution 191 (III) of the General Assembly, he pointed out that, in the period since the adoption of that resolution, no practical progress had been made towards the adoption of a programme for effective international control and inspection through an international agency which would control all stages of atomic production.

35. It should be remembered that the sole responsibility for the existing deadlock rested on the USSR which, with the support of the Ukrainian SSR, had rejected the recommendations of the Atomic Energy Commission approved by the General Assembly on 4 November 1948. Instead of co-operating with the majority, the USSR and the Ukrainian SSR had pressed for approval of a draft resolution proposing the immediate drafting of two separate conventions based on the USSR proposals of June 1946[2] and June 1947,[3] which the majority of the Atomic Energy Commission had considered as inadequate. The General Assembly had overwhelmingly rejected at its 157th plenary meeting the USSR proposal and had decisively approved the recommendations of the Atomic Energy Commission as the basis for a system of international control of atomic energy.

36. In June 1949 the Working Committee of the Atomic Energy Commission had been compelled to admit that no progress could be made. The delegations of Argentina and Cuba had expressed the view that, since all possibility of successful work had been exhausted, paragraph 3 of resolution 191 (III) of the General Assembly should be invoked, "which requested the six sponsors of the General Assembly resolution of 24 January 1946 . . . to meet together and consult in order to determine whether a basis for agreement existed". That position had been approved by the majority of the Working Committee at their 49th meeting and subsequently the Atomic Energy Commission at its 24th meeting, had reached the conclusion that, in view of the deadlock, it was pointless to continue discussion until the sponsoring Powers had reported that a basis for agreement existed. Unfortunately, all available official information indicated that no basis for agreement had been found. It was, however, to be hoped that those secret meetings might produce more favourable results.

37. In the circumstances, the Cuban delegation felt that the only possible solution was to secure a basic agreement among the six sponsoring Powers, in accordance with the proposal of the Argentine and Cuban delegations as approved by the Working Committee of the Atomic Energy Commission.

38. Accordingly the Cuban delegation would support the Franco-Canadian draft resolution (A/AC.31/L.27) which, in substance, accorded with the position of Argentina and Cuba.

39. Referring to the draft resolution submitted by the representative of India (A/AC.31/L.26)

[1] See document AEC/C.1/84.

[2] See *Official Records of the Atomic Energy Commission*, Third Year, *Special Supplement*, Annex 3 (A).

[3] See *Official Records of the Atomic Energy Commission*, Third Year, *Special Supplement*, Annex 3 (C).

proposing the formulation by the International Law Commission of a draft declaration on the duties of States and individuals in respect of the development of atomic energy, the Cuban delegation stressed the fact that the international control of atomic energy was a fundamentally political question, and that therefore a basic agreement must be reached in the appropriate political organ after a basis for agreement had been found among the six permanent members of the Atomic Energy Commission.

40. Moreover the recent action of the Sixth Committee[1] with regard to the draft declaration prepared by the International Law Commission on the rights and duties of States, indicated a rather cool reception to the work of that Commission since the declaration had not been accepted as a source of law. As positive results had not been achieved in the matter, it was unlikely that a declaration on atomic energy would be successful. While recognizing the noble intentions of the proposal submitted by India, the Cuban delegation felt that the procedure suggested would not produce a practical and satisfactory solution and would therefore be unable to support it.

41. Mr. J. MALIK (Union of Soviet Socialist Republics) drew attention to the fact that the title of the item under consideration contained no reference to the prohibition of atomic weapons, but only mentioned international control of atomic energy. That fact reflected the policy of the representatives of the Anglo-American bloc who, under the well-worn pretext that control must take precedence over prohibition, stubbornly resisted the acceptance of agreed decisions by rejecting the USSR proposals concerning prohibition of atomic weapons and the establishment of an international control of atomic energy.

42. The United States and United Kingdom delegations, which had been responsible for the suspension of the Atomic Energy Commission's work in May 1948, had hoped to achieve its final discontinuance at the third session of the General Assembly. Their proposal to that effect having met with no success, they had ostensibly agreed to the resumption of the Commission's work; but they had emphasized at the same time that resolution 191 (III) adopted on that subject should provide for consultations among the six permanent members of the Commission. As a consequence, the Commission's work since its resumption in February 1949 had yielded only two results: the publication of a separate statement (A/1050) of majority views and the rejection of the USSR proposals for the immediate preparation of two draft conventions on the prohibition of atomic weapons and the establishment of international control of atomic energy.

43. Those proposals had been rejected by all the members of the Anglo-American bloc represented on the Commission, who had eagerly supported a Chinese[2] motion to the effect that the Commission should suspend its work in view of the opening of consultations between the six permanent members. During those consultations, the United States and United Kingdom representatives had continued to pursue their policy of opposing the prohibition of atomic weapons. The statement by five of the permanent members of the Commission clearly showed that their aim was to prevent an agreement on prohibition, to announce the failure of the consultations, and to place the blame for that failure upon the Soviet Union.

44. The statements of the representatives of Canada and France at the 30th meeting of the *Ad Hoc* Political Committee had been a mere repetition of the stand taken by those delegations in the Atomic Energy Commission and during the consultation of the six permanent members. The statements of the representatives of China and Cuba, as well as the slanderous remarks of the representative of New Zealand, (30th meeting) had also echoed the views of the United States delegation. Some of the speakers, such as the representative of Canada, had, in the absence of cogent arguments, resorted to open distortion of facts; thus, Mr. Pearson had made a completely misleading statement regarding the motive for the USSR delegation's rejection of a proposal made in the Security Council concerning the exchange of information on armed forces.

45. The Canadian representative, while fervently supporting the United States plan for atomic energy control, had admitted that such control would cease to be effective in the event of a war. The truth of the matter was that the United States Government actually intended to use atomic weapons for war purposes, and consequently opposed proposals for its prohibition. The United States plan did not provide for the establishment of immediate and unconditional control. The well-known theory of stages had been invented so that the international agency, or rather the super-trust visualized in the United States plan, might first and foremost obtain full possession of atomic raw materials and investigate the sources of atomic raw materials throughout the world. Only then would provision be made for controlling the facilities for the production of nuclear fuel and, eventually, for the prohibition of atomic weapons; but the plan did not specify the length of time which would be allowed to elapse between stages. Obviously, the first stage alone would require many years, if not decades; it would involve long scientific research, investigation, sending of expeditions and the gradual process of appropriation of atomic raw materials by the international agency. The reason why the authors of the United States plan were little concerned about the fact was, that their aim was not to prohibit atomic weapons, thus freeing the world from the menace of atomic warfare, but only to establish a monopoly of atomic raw materials.

46. Mr. Malik then recalled that a statement on the consultations of the six permanent members of the Atomic Energy Commission (A/1050) had been issued by the representatives of Canada, France, "Kuomintang China", the United Kingdom and the United States.

47. Mr. WEI (China) having asked to speak on a point of order, the CHAIRMAN requested the USSR representative, in speaking of the representative of China, to use the designation established in United Nations usage.

[1] See *Official Records of the fourth session of the General Assembly*, Sixth Committee, 182nd meeting.

[2] See document AEC/C.1/82.

48. Mr. J. MALIK (Union of Soviet Socialist Republics) replied that the terms used by him were in accordance with the facts.

49. Continuing, he observed that the statement referred to above set forth the United States plan on atomic energy control as contained in the Baruch Plan of 1946, and also included serious misrepresentations of the position taken by the USSR representative.

50. From the beginning of discussions on the problem of atomic energy, the prohibition of atomic weapons had been the main subject of disagreement between the Anglo-American bloc on the one hand and the USSR and a number of other States on the other. The Soviet Union maintained that atomic energy should be used only for peaceful purposes, with a view to furthering the welfare and raising the standard of living of the peoples, and to developing science and culture for the good of mankind. The United States, on the other hand, opposed the prohibition of atomic weapons and strove to retain the possibility of utilizing atomic energy for war purposes, acting on the false assumption that atomic weapons might prove the main instrument in the realization of its hopes of world domination.

51. Those opposing views reflected two opposing trends of foreign policy. The Soviet Union based its policy on the maintenance and strengthening of peace and security, the reduction of armaments and international co-operation. The United States Government, on the other hand, was intent upon the armaments race and the preparation of a new war. Accordingly, the governing circles of the United States and the United Kingdom strove to create a United States-controlled monopolistic super-trust under the formal sponsorship of the United Nations, which would have ownership of all atomic raw materials and all facilities for the processing of such materials. The atomic industry of the United States was to be left outside international control while the trust investigated and seized atomic raw materials in all other countries of the world. By such means, the United States hoped to be able to continue, without restriction or control, to utilize atomic energy for war purposes, to produce atomic weapons and to build up stock-piles. The very fact that the United States had an atomic industry and possessed atomic stock-piles was to serve as an instrument of military pressure upon other countries for the purpose of their economic and political enslavement.

52. The United States plan of control provided for the establishment of United States monopolistic control not only of atomic and allied industries but also of the whole economic life of other countries. As a result, those other countries would lose their national sovereignty and would be forced to enter aggressive blocs and alliances.

53. The authors of the plan were anxious to circumvent the principle of unanimity established in the Charter, and strove to establish relations between the projected super-trust and the United Nations on the lines of the relationship between the leading United States monopolies and the Government of the United States. Such attempts were aimed at undermining the United Nations and transforming the Security Council into a subsidiary organ of the atomic super-trust.

54. On 19 June 1946, the USSR delegation had submitted to the 2nd meeting of the Atomic Energy Commission a draft international convention to prohibit the production and employment of weapons based on the use of atomic energy for the purpose of mass destruction.

55. Subsequently on 11 June 1947, the USSR Government had submitted at the 12th meeting of the Atomic Energy Commission other proposals which were to form the basis of an international convention on the control of atomic energy and to ensure the enforcement of strict international control.

56. Mr. Malik reviewed the substance of the draft convention and the proposals. In the light of those texts, allegations to the effect that the USSR proposals did not provide for an effective system of control were obviously unfounded.

57. The United States and United Kingdom delegations, anxious to prevent the prohibition of atomic weapons, were using every conceivable pretext to oppose the USSR proposals. Thus, they had advanced the argument that establishment of control by stages must have precedence over prohibition; yet control was obviously pointless so long as there was nothing to control, in other words, so long as there was no convention prohibiting atomic weapons. At the same time, the United States plant provided for such forms of control as would enable the intelligence organs of the United States Government to gather military information in all countries.

58. The United States plan was rapidly losing support and was being subjected to serious criticism by all but the most reactionary circles in the United States, the United Kingdom and a few other countries. That was why the United States attempted to disguise its disruptive policy by such steps as calling for consultations among the six permanent members of the Atomic Energy Commission. Those consultations could not lead to positive results owing to the stand taken by the United States and the United Kingdom themselves.

59. The system of control projected in the United States plan would enable the United States, supported in the so-called international agency by an obedient majority of economically dependent countries, to dictate its will to free States which cherished their national sovereignty. Past experience in the United Nations proved that, helped by such a majority, the United States flagrantly disregarded the Charter and international agreements and ignored the rights and interests of minority States.

60. The United States plan would ensure a dominant position for the United States and its allies, but would constitute a direct threat to the Soviet Union and all other States which were outside the aggressive blocs created by the United States.

61. It was false to allege that the USSR proposals did not remove the possibility that atomic weapons would be produced in violation of the proposed convention on prohibition. International conventions had proved effective in prohibiting poison gas and bacteriological warfare. The argument that fear of reprisals was the only reason why the prohibition of poison gas had been respected was fallacious, because it was equally applicable in the case of atomic weapons. The fact that the secret of the production of atomic weapons had long ceased to be the property of a single nation made it all the more essential to in-

sist on the prohibition of atomic weapons and their elimination from national armaments.

62. Equally unfounded was the allegation that the USSR proposals did not take into account existing technical knowledge in the field of atomic energy control. Factual experience gathered by Soviet scientists had exploded the argument that the establishment of control involved insurmountable technical difficulties. Such arguments were dictated by political rather than scientific considerations and could be advanced only in ignorance or bad faith. In that connexion, Mr. Malik cited the findings of the Scientific and Technical Committee,[1] to the effect that there was no basis in the available scientific facts for supposing that effective control was not technologically feasible. The question of atomic energy control was therefore a political rather than a technical one.

63. All those facts indicated that rejection of the USSR proposals was prompted solely by aggressive Anglo-American foreign policy as evidenced in the creation of military blocs, the setting up of a world-wide network of naval and air bases for the purposes of strategic encirclement of the Soviet Union and the people's democracies, the economic enslavement of Europe by means of the Marshall Plan, and the dangerous attempts of the Anglo-American bloc to transform the United Nations into its obedient tool.

64. The realization of that policy was, however, encountering ever greater difficulties and would eventually be frustrated, because it did not correspond to the vital interests of the nations, to their desire for peace, to the growth of progressive democracy throughout the world, or to a realistic concept of the balance of power.

65. In disregard of the General Assembly's resolution 110 (II) condemning warmongers, a hysterical war psychosis was being artificially maintained in the United States. The warmongers, determined to instill the idea of the inevitability of war into the minds of men, had done everything in their power to increase international tension and, to that end, had prevented the conclusion of an international agreement on the question of atomic energy.

66. The international situation had, however, changed. There were grounds for assuming that the number of supporters of the elimination of atomic weapons from national armaments would continue to grow. That meant that the USSR proposals might henceforth be discussed in an atmosphere more conducive to a positive solution of the problem. Adoption of the USSR proposals would certainly help to relieve international tension and would lead to greater confidence and co-operation among the great Powers. It would also facilitate the solution of other post-war problems which still awaited settlement.

67. Prohibition of atomic weapons would greatly contribute towards strengthening the authority and prestige of the United Nations, and would have a favourable effect on its future activities.

68. In the light of those considerations, the USSR delegation, acting on the instructions of its Government, submitted its draft resolution (A/AC.31/L.28).

69. Mr. BAKR (Iraq) stated that the question of the use of the atomic bomb was primarily a moral rather than a political or physical matter. It raised the supreme moral issue whether humanity, at its current stage of development, would tolerate indiscriminate total destruction of human life. If such destruction were not to be tolerated, legislation must be provided to prohibit atomic weapons.

70. In the view of his delegation, the proposal submitted by India (A/AC.31/L.26) represented the first step towards moral prohibition of the bomb. In the past, similar action had successfully been taken with regard to weapons which were less dangerous and destructive than the atomic bomb.

71. The delegation of Iraq, therefore, supported the draft resolution submitted by India.

The meeting rose at 5.30 p.m.

THIRTY-SECOND MEETING

Held at Lake Success, New York, on Wednesday, 9 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. Mr. SANDLER (Sweden) drew attention to an aspect of the problem which, up to that time, had not been given the thorough consideration it deserved—the potential harmful effects upon science of the political situation characteristic of the atomic age.

2. For many centuries a kind of international community of scientists had existed above the world of international disputes and national frontiers. The year 1942, which had been marked by the greatest human discovery since man had mastered fire, had unfortunately been also the year of the destruction of the age-long bonds between the various sections of the scientific world. Science, that common heritage of humanity, had become a State secret. Such a development, incompatible as it was with the very concept of science, represented a disastrous turning point in the history of science and was generally condemned by scientists in the free countries.

3. The political reasons for that state of affairs were easily understood. But it was essential, in the first place, to see the danger it represented even in the democratic countries, to rapid and continuous world progress. To meet that danger, all possible efforts should be made to re-establish the old international community of scientists. Such an aim would unfortunately be difficult to achieve so long as, in the totalitarian countries, science was the slave of the State.

4. Turning to the consideration of the report of the Atomic Energy Commission and to the interim

[1] See *Official Records of the Atomic Energy Commission*, Special Supplement, 1946, part IV.

report on the consultations of the six permanent members of that Commission (A/1045, A/1045/Corr.1), Mr. Sandler stressed that the essential question in the Swedish delegation's mind in that connexion was whether any change had taken place in the situation since the preceding year. The fact was that two great Powers were now in a position to produce atomic energy. That new situation might offer chances of agreement; the Swedish delegation felt that to be, if not probable, at least possible.

5. As regards the use of atomic energy for peaceful purposes, Mr. Sandler stressed that States without adequate natural resources at their disposal had a particular interest in the use of atomic energy. It was therefore understandable that those States were somewhat reluctant to accept the rigorous restrictions imposed by international control in the field of atomic energy. On the other hand, experts on atomic questions held that the experimental period which must, of necessity, precede the industrial exploitation of atomic energy would have to extend over one or two decades. Consequently, if the restrictions now contemplated were to be applied forthwith, *i.e.*, within that experimental period, the resulting disadvantages would be purely theoretical. It would be advisable therefore to utilize that transitional period for the establishment of security measures of which the whole world was in need. Such a procedure would create an atmosphere of international confidence on a solid basis, thus making it possible to seek ways of relaxing the restrictions potentially dangerous to the economic development of countries. By its very nature, and by its complexity, the problem demanded a highly flexible system of regulations capable of being changed and adopted to varying conditions.

6. As regards the utilization of atomic energy for war purposes, two new elements which might increase the chances of agreement had now to be taken into consideration. First, the Soviet Union, which had hitherto perhaps underestimated the destructive potentialities of atomic energy, was now in a position to appraise them accurately. Secondly, the United States now knew that it was not the only country in possession of an "absolute" weapon. Mr. Sandler observed in that connexion that atomic weapons had a highly specific character. While numerical superiority constituted a concrete advantage and a guarantee of security in the case of conventional armaments, the same did not apply to atomic weapons. When public opinion became aware of that special feature of the atomic weapon it could be hoped that that awareness would help towards its absolute prohibition, and that all industrial production based on nuclear substances would be used for peaceful purposes only.

7. He remarked that, though it was difficult to form an opinion on the possibilities of agreement offered by the factors he had described, such possibilities nevertheless had to be examined. That was the purpose of the draft resolution jointly submitted by the delegations of Canada and France (A/AC.31/L.27). During the third session, the Swedish delegation had voted[1] for the draft resolution supported by the majority of the General Assembly. Acting on the same principles as those it had enunciated at that time, it would give careful study to any proposed methods capable of ensuring adequate security to all States. The Swedish delegation, believing in particular that consultations among the six permanent members of the Atomic Energy Commission constituted the only procedure likely to achieve results, considered that those consultations should be continued and would vote for the draft resolution submitted by Canada and France. It thought that all the principles stated in that draft were necessary.

8. Owing to the very nature of the atomic weapon the problem was a delicate one and very difficult of solution. It was not enough to ask other experts or other commissions to study that problem. Moreover, a compromise solution did not seem possible: there could be no compromise with the forces of nature. The greatest patience should therefore be exercised and no rapid solution should be anticipated. The whole world was conscious of the tragic danger to which all mankind would be exposed if it became manifest that international agreement could not be reached, or at least if the policies of the two great Powers which bore the heaviest responsibility could not be reconciled so as to prohibit the use of the atomic weapon. As Professor Einstein had said in reply to a question, the real problem was not whether atomic energy would prove a lasting triumph of man, but whether man himself would survive.

9. Mr. HICKERSON (United States of America) was sorry to note that in his remarks at the preceding meeting, the USSR representative had presented no new proposal and no constructive suggestion. The draft resolution (A/AC.31/L.28) submitted by the USSR delegation was identical in substance with the one which the General Assembly had rejected during the first part of its third session[2] and which had later been rejected by the Atomic Energy Commission.[3] The USSR representative had also made unwarranted charges against the Government of the United States for obvious propaganda purposes. Those charges were not new and Mr. Hickerson did not intend to reply to them. The foreign policy of the United States Government and its position in its relations with other countries provided an adequate answer.

10. Not only had the USSR representative failed to make any new proposals or constructive suggestions, but he had not even advanced any new arguments in support of his old proposals. Various delegations, both in the Atomic Energy Commission and at the third session of the General Assembly, had already replied to each of the arguments put forward by the USSR representative at the preceding meeting against the United Nations plan of control. The futility of all those arguments had been abundantly demonstrated; Mr. Hickerson could, of course, examine them separately and refute them once again, one by one, but he would refrain from doing so in order to save the time of members of the Committee. He would confine himself, therefore, to observing that the USSR representative's statement had proved once again that he either misunderstood or misinterpreted the United Nations plan of control. Mr. Hickerson recalled that the plan had been

[1] See *Official Records of the Third Session of the General Assembly, Part 1,* 157th plenary meeting.

[2] See *Official Records of the Third Session of the General Assembly, Part 1,* 157th plenary meeting.

[3] See *Official Records of the Atomic Energy Commission,* Fourth Year, No. 8, 24th meeting.

published under the title "Recommendations of the Atomic Energy Commission for the International Control of Atomic Energy and the Prohibition of Atomic Weapons as approved at the third session of the General Assembly"[1] and urged members of the Committee to study that document again and to determine for themselves whether or not any of the conclusions drawn by the USSR representative were justified and warranted.

11. The Committee had before it draft resolutions (A/AC.31/L.26, A/AC.31/L.27 and A/AC. 31/L.28) submitted in the course of the general debate, two resolutions adopted by the Atomic Energy Commission on 29 July 1949[2] and transmitted by the Security Council (A/993), and the interim report on the consultations of the six permanent members of the Atomic Energy Commission (A/1045, A/1045/Corr. 1). The two resolutions adopted by the Atomic Energy Commission were the result of discussions in that body in response to the request made by the General Assembly. The Atomic Energy Commission had found that its debates were merely hardening existing differences, and had concluded that it could do nothing useful so long as the six permanent members of the Commission had not found a basis for agreement. The six permanent members had been holding consultations since 9 August. Their interim report made it clear that no basis for agreement had as yet been found. Their consultations were continuing.

12. The United States Government stood ready to consider every possibility for reaching a basis for agreement on the international control of atomic energy which would ensure the effective prohibition of atomic weapons; but it believed that the only system so far devised that could accomplish that purpose was the United Nations plan of control and prohibition approved by the General Assembly on 4 November 1948 as resolution 191 (III). For that reason, until a better plan was developed, the United States Government would continue to press for the adoption of that plan. Mr. Hickerson stressed that the United Nations plan of prohibition and control could be put into force and could effectively prohibit atomic weapons; an equally important consideration was that its adoption might inaugurate a new era in world affairs.

13. The delegation of the USSR had been adamant in its opposition to that plan although an overwhelming majority of the members of the General Assembly had indicated that they favoured it. The USSR delegation had not based its objections on the thesis that such a plan would be ineffective or that it would not ensure effective control of atomic energy or true prohibition of atomic weapons. The arguments of the USSR delegation were entirely different. Actually that delegation merely stated that such a plan was incompatible with national sovereignty but, on the other hand, urged the adoption of an agreement to prohibit and destroy atomic weapons, without opening USSR territory or the territory of any other country to the members of a control commission to the extent necessary to guarantee to all nations that prohibition and destruction would actually be effectively carried out. The USSR proposal made no adequate provision to ensure that certain States, even if they destroyed their atomic weapons, would not subsequently manufacture those weapons with impunity.

14. Mr. Hickerson stressed the fact that, in a matter which was so vital to world security, the United States did not ask other nations to accept merely the pledged word and the promises of the United States not to manufacture, possess or use atomic weapons. Instead, the United States proposed that its promises be reinforced by an effective system of control of atomic energy which would prevent the possession of the raw materials necessary for the manufacture of atomic weapons. It was fair to ask other nations to accept the same obligation. A treaty on prohibition alone, without effective safeguards, would be more dangerous to world security than no treaty at all. Actually, such a treaty would merely multiply suspicion and distrust. Its operation would depend exclusively upon the good faith of the parties to it, without the essential safeguards to ensure its observance.

15. As regards the argument that the United Nations plan would infringe national sovereignty, he expressed the view that the issue should be clarified. The United States delegation considered the United Nations plan as a voluntary sharing or joint exercise of rights of sovereignty in order to settle, in the common interest, a problem that could be solved in no other way. The United Nations plan called for measures of co-operation among the peoples of the world community perhaps unprecedented in history. That was solely because the control of atomic energy raised a unique and unprecedented question.

16. In the three years of debate on the international control of atomic energy, it had become increasingly clear that the USSR had not so far agreed to adopt the only position within the international community which would have made possible an effective solution of that problem. Actually the various proposals submitted by the USSR fell far short of ensuring effective control. Clandestine operation and even diversion of nuclear fuel from plants known to exist would be possible under the USSR proposals without any great risk of detection. Even if violations were detected, the insistence of the USSR upon the rule of unanimity could legally prevent any corrective action from being taken. In spite of that situation, the USSR continued to refuse to negotiate on any basis other than that of its own proposals. It was that insistence, coupled with a refusal to submit any other proposals which might be effective, that had brought about the impasse which the Atomic Energy Commission faced and which had not permitted the permanent members of that Commission to find a basis for agreement.

17. The debate on international control also revealed that the USSR refused to consider any proposals which would require real opening of territory or granting freedom of movement or access within that territory, however necessary to effective control.

18. Even greater resistance was made to the concept that all nations should join openly and without reservation in a truly international co-operative endeavour that would replace the dangerous national rivalries in that field. The argument of the USSR that such an endeavour

[1] See *Official Records of the Atomic Energy Commission, Fourth Year, Special Supplement No. 1.*

[2] See *Official Records of the Atomic Energy Commission,* Fourth Year, No. 8, 24th meeting.

would be an unacceptable violation of national sovereignty was inadmissible. Otherwise, the inevitable conclusion would be that no effective control and prohibition could be achieved. The United States delegation did not accept such a conclusion and therefore supported the draft resolution presented by Canada and France.

19. That draft resolution provided for continued consultations which could make possible the consideration of all solutions and proposals that might lead to agreement. Moreover, those consultations would take place among those Powers whose agreement was essential to the solution of the problem. During those consultations, the Government of the United States was prepared to examine earnestly and sympathetically any proposals that might lead to a basis for agreement, thus continuing its contribution to the search for a solution of that important problem.

20. The CHAIRMAN pointed out that there were no more speakers on his list for the present meeting. As two speakers only were down to speak at the afternoon meeting, he proposed the closure of the list and the postponement of the afternoon meeting until the following day.

21. Mr. J. MALIK (Union of Soviet Socialist Republics), speaking on a point of order, stated that in view of the importance of the question under discussion he did not feel that the list of speakers should be closed at the present meeting. The speeches made at the next meeting might in fact induce some delegations to explain their position. He therefore requested the Chairman not to close the list of speakers and to wait until the end of the following meeting to do so.

22. The CHAIRMAN stated that he was fully aware of the importance of the question before the Committee. He explained that the list of speakers was not closed, and asked those members of the Committee who wished to speak at the meeting scheduled for 3 p.m., or at the meeting on the following day, to be good enough to put down their names.

23. After consulting the members of the Committee, the Chairman read out the list of speakers, which included the names of the representatives of Argentina, Australia, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Mexico, Pakistan, the Philippines, the Ukrainian Soviet Socialist Republic, the United Kingdom and Yugoslavia.

24. Mr. ALEXIS (Haiti) wished to explain the reasons why his delegation had submitted its draft resolution (A/AC.31/L.29).

25. The delegation of Haiti believed it to be essential for the Committee to decide on concrete measures to solve the problem of atomic energy. The problem was twofold: firstly, atomic weapons as instruments of war must be abolished, and secondly, international control of nuclear energy must be established. The two operations—abolition and control—were, however, closely linked and must be introduced together; measures for control and for abolition should therefore be adopted together and should take effect simultaneously.

26. In the view of his delegation, the control of nuclear energy should be assigned to an international commission; the commission should have access to the various national territories in order to control, *inter alia,* factories, machinery and the sources of raw materials; in short, all installations for exploiting nuclear energy.

27. His delegation had decided on the basis of those considerations to submit its draft resolution to the Committee. His delegation would, of course, be willing to accept any amendments that might be presented to render the draft resolution more lucid and practical.

28. He read out the draft resolution submitted by his delegation (A/AC.31/L.29), adding after the word "simultaneously" at the end of sub-paragraph 4 (*g*) the words "it being understood that if either of these two measures is not observed, both shall lapse".[1]

29. Sir Alexander CADOGAN (United Kingdom) thought that the efforts that had been made since November 1945 to place atomic energy under international control were too well known to require recapitulation. He would, therefore, only emphasize that the Atomic Energy Commission had, from the outset, taken its task very seriously. From the remarks of the USSR representative, it might be thought that the Atomic Energy Commission had had the Baruch plan forced on it and had clung unquestioningly to it, but that would be an entire misrepresentation of the situation.

30. As early as the summer of 1946 the Atomic Energy Commission had decided, on the proposal of the French delegation,[2] to appoint a scientific and technical committee to set out the technical difficulties and possibilities of the task assigned to the Atomic Energy Commission.[3] That had been of considerable importance; completely new technical and scientific problems had been raised through atomic energy, and to be really effective, any plan of control must not only be politically acceptable but must also meet the technical requirements imposed by the novel and highly specialized character of atomic energy development.

31. That Committee's work had been encouraging; it had concluded[4] that it was possible to establish adequate control of atomic energy and had indicated some of the conditions that would be necessary to make control a reality; the USSR scientist who had sat on that Committee had not disagreed with that view.[5] The Atomic Energy Commission had worked long and laboriously on the basis of the conclusions reached by that Committee, and gradually the proposals first submitted by the United States in June 1946[6] had been formulated and to some extent modified.

32. The USSR delegation had originally proposed[7] that there must first be a prohibition of the manufacture and use of atomic weapons, after which the manner of controlling atomic energy could be discussed. That proposal could clearly not be accepted. Going back on its original attitude, however, the USSR had proposed, during the first part of the third session of the General Assembly, that two conventions should be prepared, one pro-

[1] Document A/AC.31/L.29, thus altered, was circulated as A/AC.31/L.29/Rev.1.

[2] See *Official Records of the Atomic Energy Commission, Special Supplement,* 1946, annex 3, fifth meeting.

[3] *Ibid.,* part I.

[4] *Ibid.,* part IV.

[5] *Ibid.,* part I, page 6.

[6] *Ibid.,* part I, page 10.

[7] See *Official Records of the Atomic Energy Commission, Third Year, Special Supplement,* annex 3.

hibiting the use of atomic weapons and the other providing for the control of atomic energy, both to enter into force simultaneously. Although at first sight those proposals appeared reasonable, they were in fact little different from the previous proposal; while prohibition was relatively simple, the devising and implementation of an effective control system required time, and it was impossible that any Government which thought it had a lead in the development of atomic energy would agree to forego that lead unless it was assured that others would not profit by the situation to seize the advantages which it agreed to renounce. Nevertheless, the fact that the USSR had changed its original attitude at all might, perhaps, justify the hope that it would go further and eventually agree to a solution which would accord with the facts of the situation.

33. Differences had also arisen regarding the nature and method of controlling atomic energy. Two solutions had been suggested, one proposing the international management of all atomic operations,[1] the other involving only periodical inspection[2] of such operations. The majority had favoured the first of the two solutions, considering that inspection alone was not enough and that only international management could offer sufficient guarantee against the diversion of atomic energy to illegitimate uses. The USSR had supported the first alternative, declaring that international management would mean encroachment on national sovereignty. In reply to the arguments of the USSR delegation it might be pointed out that the atomic bomb could destroy national sovereignty in a flash, and that any really effective control system would require some derogation from national sovereignty. Moreover, the sovereign rights of nations were not static, which made progress possible. They had been constantly whittled away throughout history; every international treaty required the signatories to surrender something of their sovereign rights; and the same observation applied both to the Charter of the United Nations and to the USSR proposal. If the majority plan for the control of atomic energy required a surrender of sovereign rights to an unprecedented degree, it should be remembered that it was intended to solve a problem which was itself unprecedented.

34. In accordance with the provisions of resolution 191 (III), adopted by the General Assembly at its third session, the six permanent members of the Atomic Energy Commission had met in order to see whether there existed between them any basis of agreement on the international control of atomic energy. As was known, those discussions were not yet complete, but an interim report had been published, together with a joint statement by five of the six permanent members (A/1050) including Canada, China, France, the United Kingdom and the United States. Although they had not led to agreement, the discussions had at least served to clarify the issues, to remove certain misunderstandings and to state exactly the basic difficulties, as was obvious from the joint statement.

35. The facts of the problem were now well known. Its solution called for certain departures from the principle of national sovereignty, but if there was equal sacrifice, all would benefit equally. No doubt, certain nations which believed they had some advantage in the field of atomic research might consider that they were making a particularly great sacrifice; all the more honour to them if they wisely and generously decided to forego that advantage in the interests of humanity at large. However that might be, owing to the discovery of atomic energy Governments were faced with a fateful choice between a satisfactory settlement of the question which would open up whole new realms of human welfare, or failing that, the almost certain destruction of civilization at some time in the not distant future.

36. Although the atomic explosion which had taken place in the USSR was obviously a development of considerable significance, it did not, however, alter in any way the essential factors in the problem. The USSR representative had shown some misconception of the real nature of the situation, when he had stated that the majority plan had been based on the illusion of a United States monopoly of the atomic bomb and had invited the United States representative to put forward new proposals following the explosion. It had never been supposed that the United States would retain indefinitely the monopoly of the atomic bomb and, if the USSR now had the secret of the atomic bomb, the substance of the matter was unchanged, and the need for the effective control of atomic energy and a real prohibition of atomic weapons was made all the more important. It might be hoped, however, that the technical and scientific knowledge acquired by the USSR would facilitate its acceptance of a plan for effective control since it could no longer complain, as it had done in the past, of having to accept the technical arguments brought forward by the majority without being able to verify them. In that connexion, it was remarkable to note that the USSR had not so far brought forward any technical arguments either in defence of its own proposals nor in support of its criticism of the majority proposals. That point had been put to the USSR representative during the consultations held between the six permanent members, but no reply had been forthcoming, as was apparent from the statements mentioned earlier.

37. The majority plan was the only one which, as things stood, would achieve the object set out as its goal. It was true that a better plan might be evolved and that other members of the General Assembly might succeed where the Atomic Energy Commission had failed, but for the time being no other concrete and practical proposals existed. Doubtless, all the work which had been done in the Atomic Energy Commission might be said to have failed because it had not led to an agreed solution, but that did not mean that it should automatically be cast aside as valueless.

38. The view was currently held that because certain nations could not agree, there was no reason why the whole world should live under the dread of atomic weapons; according to *The New York Times*, the Indian delegation had, in particular, expressed that point of view and the United Kingdom fully sympathized with it. It should, however, be emphasized that were one country or group of countries to refuse to take part in a plan for effective control and thereby to

[1] See *Official Records of the Atomic Energy Commission, Third Year, Special Supplement*, annex 2.

[2] See *Official Records of the Atomic Energy Commission, Second Year, Special Supplement*, part IV, paragraph 5, (*d*).

hold the threat of atomic war over the world, the fact that other countries agreed, in all good faith, to put the plan into effect and to destroy their stocks of atomic weapons would not serve the cause of peace and would merely confer an advantage on those nations which had not acted in good faith; it would be just as unsatisfactory for all nations to accept a plan which would be ineffective. Moreover, the peoples of the world might be deluded into thinking that they had achieved security, while in fact the danger would have been greatly increased.

39. The speech made on the subject by the representative of the Soviet Union at the 31st meeting had been disappointing, for, instead of discussing the matter objectively and bringing supporting arguments, the USSR representative had preferred to use expressions such as "monopoly" or "Anglo-American bloc" or "permanent monopoly". In that connexion, it should be noted that the "Anglo-American bloc" apparently included all the members of the Atomic Energy Commission, except the USSR and its satellites, and at least forty members of the General Assembly. If the USSR representatives complained of the existence of what they called the "automatic majority", apparently giving the word "automatic" a derogatory meaning, it was easy to reply that the majority was automatic only in the sense that its members responded naturally to reason and argument and that the "automatic minority", for its part, acted just as automatically but in a different sense and for different reasons. However that might be, if a majority existed, and an overwhelming one, in favour of the plan and if certain concessions were necessary to achieve agreement, it would seem that they should come from the minority rather than from the majority. That was apparently not the view of the representative of the Soviet Union.

40. The USSR representative had also made frequent allusions to the bad faith and ulterior motives of those backing the majority plan. In the absence of any convincing arguments, such assertions were of no value and could not be taken into account. The representative of the Soviet Union had even gone so far as to say that the United Kingdom and the United States had intended to prevent the prohibition of atomic weapons and had therefore supported the principle of the establishment of control by progressive stages, although the USSR representative had himself recognized, during the consultations which had taken place between the six permanent members of the Atomic Energy Commission, that there was complete agreement on the need for such prohibition. It should be pointed out moreover, that, were it not for the opposition shown by the USSR, the plan for control might already have been enforced and the danger of atomic weapons already averted. In spite of that, however, the Soviet Union, by its draft resolution (A/AC.31/L.28), was attempting to place responsibility for the existing situation on the United States and the United Kingdom.

41. As things stood, it was most desirable that discussions should be continued by the permanent members of the Atomic Energy Commission with a view to a further approximation of the opposing points of view, and therefore the United Kingdom delegation would vote in favour of the draft resolution submitted by Canada and France (A/AC.31/L.27).

42. His delegation did not, however, feel able to support the Indian draft resolution (A/AC.31/L.26), although it fully appreciated the excellent intentions behind it. It was indeed to be feared that were that draft resolution adopted it might give the erroneous impression that some results had already been achieved, and that there might therefore be some relaxation of effort. That would be a dangerous delusion. Sir Alexander did not believe that the International Law Commission could effectively replace the Atomic Energy Commission, and, if the Indian draft resolution did not intend that it should do so, he believed it might be undesirable that the problem of atomic energy should be dealt with by two bodies at one and the same time.

43. Mr. J. MALIK (Union of Soviet Socialist Republics) said, with reference to the United Kingdom representative's assertion that the Soviet Union delegation had not so far replied to the questions asked of it regarding the technical aspects of atomic energy control, that he had answered those questions during the consultations of the six permanent members of the Atomic Energy Commission as well as at the previous meeting of the *Ad Hoc* Political Committee.

44. Similarly, the assertions made by the Anglo-American bloc that the USSR delegation's proposals had not taken into account existing technical knowledge of atomic energy control were unfounded. In fact, the work undertaken in that connexion by the Soviet scientists showed that the alleged technical difficulties did not really exist. That was also proved by the conclusions reached as early as 1946 by the Scientific and Technical Committee of the Atomic Energy Commission. He recalled that that Committee had affirmed in its reports[1] that the scientific data available did not justify the assertion that the technical control of atomic energy was impossible.

45. Hence it was wrong to say that the delegation of the Soviet Union had not replied to the questions referred to.

46. Furthermore, the United Kingdom delegation presumably did not really wish the USSR delegation to state in detail all its technical knowledge of atomic energy; besides the United States delegation had not been asked to furnish such explanations. He felt that such elements could only confuse the discussion.

47. It was incorrect to say that the USSR representative had spoken, at the 31st meeting, of an "automatic majority". He had only said that one was confronted with countries bound to the United States by pacts which were military even if they were not aggressive. Those countries, being in that way allies of the United States, naturally followed that Power's line of policy and supported the proposals likely to serve the interests of the group to which they belonged.

48. He further recalled that on the Atomic Energy Commission, seven out of eleven members were either signatories of the North Atlantic Treaty, or members of the Western Union or else members of the Pan American Union. Those facts could not be hidden. It was useless to hope,

[1] See *Official Records of the Atomic Energy Commission, Special Supplement*, 1946, part IV.

therefore, that a different situation would prevail in the atomic monopoly which the control body suggested by the United States would constitute. For that reason the United States plan was unacceptable.

49. Mr. STOLK (Venezuela) protested at the USSR representative's statement that the Pan American Union was an aggressive bloc. That was not the case.

50. Mr. J. MALIK (Union of Soviet Socialist Republics) repeated that at the preceding meeting he had spoken both of the military union set up by the North Atlantic Treaty and the Brussels Pact, and of the Pan American Union; it was undeniable that the latter was essentially military in character.

51. Mr. MENDEZ (Philippines) recalled that during the discussion[1] on the admission of new Members, the Czechoslovak representative had used the expression "automatic majority"; on that occasion the Philippines delegation had said that its vote on that item, whether cast with the majority or with the minority, would certainly not be automatic.

52. Sir Alexander CADOGAN (United Kingdom) pointed out that he had not said that the representative of the Soviet Union had made charges concerning an "automatic majority" or a "western bloc" in the *Ad Hoc* Political Committee or the Atomic Energy Commission. What he did say was that such accusations had been repeated at the General Assembly and elsewhere by representatives of the Soviet Union.

53. Mr. BIHELLER (Czechoslovakia) said the United Kingdom representative and others had protested against the use of such terms as "automatic majority"; yet they had not seen fit to stop using such terms as "satellites of the Soviet Union". By the same token the United Kingdom might be termed a "satellite" of the United States.

54. Mr. ALEXIS (Haiti) felt bound to put it on record that his delegation had never been subjected to any pressure on the part of the delegations of the United States, the United Kingdom, or others, with a view to persuading it to vote one way or another; his delegation had always acted on its own authority and remained true to the principle of the equality of rights of all Members of the United Nations.

55. Mr. GONZÁLES ALLENDES (Chile) felt that the remarks made by various delegations, in particular by the Venezuelan delegation, in reply to certain statements by the USSR representative regarding the Pan American Union, were not enough. Still, since the matter was not on the agenda, he would refrain from dwelling on the point.

The meeting rose at 12.40 p.m.

THIRTY-THIRD MEETING

Held at Lake Success, New York, on Thurs day, 10 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. Mr. LÓPEZ (Philippines) stated that it had been repeatedly affirmed that the question of the control of atomic energy and the prohibition of atomic weapons was a political question, with the implication that that question should be approached from a political angle and solved on a political basis. The delegation of the Philippines hoped that the political approach would not be looked upon as the only approach to that fateful problem and that, in view of the failure of that approach thus far, other views might profitably be explored.

2. The representative of the Philippines assumed that that was the motive which had inspired the President of the General Assembly to appeal to the six permanent members of the Atomic Energy Commission. The Philippine delegation concurred in the statement of the President of the General Assembly that the peoples of the world could not accept the repeated failure of the great Powers to reach agreement on atomic energy as the final word on the subject. Indeed, acceptance of that failure as final, or admission that nothing further could be done unless one side in the dispute yielded completely to the other, would indicate regrettable lack of imagination and poor moral spirit. Agreement by coercion and surrender was definitely the method of war, while agreement by conciliation and accommodation was the method of peace. It was therefore incorrect to maintain that there could be no agreement on the control of atomic energy unless one side succeeded in imposing its views on the other.

3. Mr. López pointed out that the deadlock on the question of atomic energy was particularly serious because, while a stalemate prevailed on negotiations, stockpiles of atomic bombs were increasing and an atomic race was in progress.

4. The position of the advocates of a short-term solution had been described as naive. On the other hand it had been maintained that a policy of adhering steadfastly to the position previously taken up constituted a mature and wise course which was far less dangerous. The delegation of the Philippines questioned the soundness of the moral basis of such a judgment and wished to point out that reason alone, untempered by imagination and kindness, had caused some of the greatest evils ever to befall mankind.

5. In the spirit of the appeal of the President of the General Assembly, the delegation of the Philippines urged that the Members of the United Nations open their hearts and their minds to the message of hope offered by the United Nations and its efforts to find a satisfactory solution to the greatest of all international problems. In that spirit also, the delegation of the Philippines expressed its support of the draft resolution proposed by India (A/AC.31/L.26) in the belief that the procedure suggested therein represented one of the approaches worthy of exploration.

[1] Reference is to the remarks of the representative of Czechoslovakia as set forth in the verbatim record of the 26th meeting.

6. Mr. VYSHINSKY (Union of Soviet Socialist Republics) stressed that the decisions previously adopted by the General Assembly on the subject of atomic energy had led to no practical results owing to the disruptive efforts of the majority group. The sole purpose of the resolution 191 (III) of 4 November 1948 had been the majority's refusal to implement the General Assembly's historic decisions set forth in resolutions 1 (I) and 41 (I) of 24 January and 14 December 1946. In particular, the recommendation concerning consultations among the six permanent members of the Atomic Energy Commission had been doomed to failure from the start of the consultations on 9 August 1949, since five of those members had already expressed themselves in favour of suspending the Commission's work for an indefinite period, thereby implying that they considered the situation as hopeless; that recommendation was, therefore, entirely inconsistent with point 6 of resolution 41 (I) which had recommended the Security Council "to ensure the adoption of measures . . . for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction".

7. Immediately upon the resumption of the Atomic Energy Commission's work, the majority of its members had shown that they had no intention of departing from their purpose of preventing any agreement on the prohibition of atomic weapons and the control of the observance of that prohibition. Everything that had taken place in the Commission during the year 1949 had borne witness to the total absence of intention to reach such an agreement.

8. In that connexion, Mr. Vyshinsky referred to a remark by the United States representative to the effect that Soviet statements on the subject reminded him of a phonograph record which had been played over and over again[1]. If any charges of repetitiousness were to be made, they might be more properly directed against the United States delegation which, untiringly, persisted in presenting again and again its unacceptable plan of control of atomic energy.

9. The stand taken by the majority of the members of the Atomic Energy Commission faithfully reflected the attitude of the President of the United States as expressed in his speech of 5 April 1948, to the effect that the United States would not hesitate to use the atom bomb if the fate of the United States or of the world's democracies was at stake. The second part of that statement was of no consequence: the fact to be noted was that the President of the United States seriously entertained the thought of using the atom bomb. A similar sentiment had been expressed by General Omar Bradley in a statement concerning the North Atlantic Treaty.

10. In such circumstances, it was not surprising that the Atomic Energy Commission's work had yielded no positive result. Far from remedying the situation, the resolution (191 (III)) of the General Assembly had contributed to its further deterioration by providing, in nebulous and hypocritical terms, for so-called consultations which could not but prove equally unsuccessful. Now, at its fourth session, the General Assembly was faced with the official news of the failure of those consultations.

11. Five of the permanent members had issued a separate statement on those consultations (A/1050), distorting the USSR position and placing the blame for the breakdown upon the delegation of the Soviet Union. The conclusions appearing at the end of the statement were particularly tendentious and false. It was claimed, for instance, that the five majority members were prepared to accept innovations in traditional concepts of international co-operation, national sovereignty and economic organization where they were necessary for security. In fact, however, those alleged innovations consisted in a blunt demand for the unconditional surrender of every trace of national sovereignty or economic independence by the acceptance of the United States plan of control. The Soviet Union's refusal to accept that plan, designed as it was to grant full powers over the political and economic life of countries to a so-called international organ of control, was represented as rejection of international co-operation and international control of atomic energy.

12. Throughout the consultations, the five majority delegations had insisted upon advancing the notorious Baruch Plan, first invented in 1946, which had since been subjected to just criticism by many experts in atomic energy who could not by any stretch of the imagination be described as communists. The representative of Canada had asserted on 6 October 1949, at the 9th consultation, that the new United States plan differed substantially from the original Baruch Plan. It was, however, undeniable that all the essential features of the Baruch Plan, such as the theory of stages and the transfer of ownership of all atomic raw materials and atomic facilities were also embodied in the new plan. True, some of the least acceptable parts of the original proposals now appeared in a slightly modified form; thus, where the Baruch Plan provided that all uranium and thorium, regardless of source, should come under the international agency's ownership, the new plan suggested more cautiously that the agency would acquire ownership of all source material from the moment it was removed from its source. The modification was obviously a purely superficial one; the point at issue was that uranium and thorium ores were to become the property of the agency as soon as they were ready for processing. Another spurious change was the replacement of the word "ownership" by such terms as "holding in trust". The Canadian representative had motivated that change by the consideration that possession of the right of ownership would place excessive responsibility upon the international agency. It was evident, however, that the powers of the international agency would be the same whether it had ownership of atomic raw materials and facilities or merely "held them in trust"; in other words, while the legal aspect might be altered, the political implications of the plan remained unaffected.

13. The new United States plan was, then, substantially the same as the Baruch Plan. In the opinion of many responsible atomic scientists, that plan had been elaborated with full knowledge of the fact that it would prove unacceptable to the Soviet Union, and had been designed to serve as

[1] Reference is to the remarks of the representative of the United States as set forth in the verbatim record of the 32nd meeting.

a pretext for a violent anti-Soviet campaign. The critics of the plan, whose number had grown considerably since the Tass Agency's announcement of 25 September 1949, pointed out that the authors of the plan regarded its very unacceptability as a major triumph of United States diplomacy. It could not be overlooked that, despite the fact that the plan had been rejected by the peoples inhabiting one-sixth or more of the globe, it was fully supported by the most responsible statesmen of the United States. That attitude could be explained to some extent by the illusion of a United States monopoly in the field of atomic energy, entertained until recently by the ruling circles of the United States. That illusion had been particularly wide-spread at the time of the original presentation of the Baruch Plan, and it still obscured the vision of the plan's supporters. But it had been dispelled beyond retrieving by the recognition of the fact that States other than the United States were in possession of the atom bomb.

14. Throughout the discussions on the problem of atomic energy, the efforts of the United States had been directed not at overcoming all obstacles to the prohibition of atomic weapons and the establishment of control, but to preventing prohibition at any cost. At the third session of the General Assembly, the USSR delegation had consented to the simultaneous adoption of two separate conventions on prohibition and control respectively. The USSR proposal to that effect had been rejected,[1] despite the fact that a positive settlement of the problem had already seemed within reach. The majority had continued to press for the adoption of its worthless plan, which the Soviet Union would never be willing to accept.

15. The basic obstacle to agreement consisted in the fundamental principle of the United States plan, set forth in the statement of the five permanent members in the following terms:

"The five Powers remain convinced that . . . in order to provide security the International Control Agency must itself operate and manage dangerous facilities and must hold dangerous atomic materials and facilities for making or using dangerous quantities of such materials in trust for Member States."

16. Mr. Vyshinsky had already pointed out, the term "holding in trust" was merely a euphemism. It was clear from the text of the majority plan[2] as set forth in the third report of the Atomic Energy Commission, as well as from the United States representative's statement at the Commission's 48th meeting, that the control agency would be free to determine whether it would own, operate and manage any source material refinery or whether it would license the operation. Even in the latter case, the States concerned would have no right to take any decision regarding the production or utilization of atomic energy. Not only dangerous but also non-dangerous facilities would be placed at the agency's disposal, and it would have sole rights of ownership over all nuclear fuels regardless of source.

17. It was stated in annex 2 of the Commission's third report that "the development and use of atomic energy are not essentially matters of domestic concern of individual nations, but rather have predominantly international implications and repercussions". That contention was refuted by the fact that the Soviet Union, a country which had been producing atomic energy for a comparatively short time, was already utilizing it on a considerable scale for purposes of peaceful internal construction. To allege that the development of atomic energy had ceased to be a matter of domestic concern was to over-estimate the significance of its military uses.

18. The conclusion drawn was that "all activities in this field (of atomic energy) must either be carried on by the agency itself under powers of operation and management and under rights of ownerhip or by nations only under licence from the agency". The United States plan even went so far as to provide that the agency should own, operate and manage all chemical and metallurgical plants for treating key substances, under the pretext that at that stage of production the danger of clandestine operation was more serious than at the preceding stages.

19. As regards the rights of investigation and inspection to be conferred upon the proposed agency, the United States plan openly demanded that the agency should be empowered to intervene in all fields of the economic life of States. It should also have the exclusive right to carry out scientific research in the field of atomic energy, while individual States and persons should be prohibited from carrying out experiments involving the use or production of nuclear fuels or radioactive isotopes of a quantity or quality considered dangerous by the international agency. In other words, the sponsors of the plan not only wanted all experimental work in the atomic field to be subject to international control; they also insisted that such work should be carried out exclusively by the agency itself, thus transforming the latter into a kind of global "super-laboratory" from which any State wishing to utilize atomic energy for peaceful purposes would be automatically excluded.

20. In that connexion, Mr. Vyshinsky referred to an article by Mr. Chester Barnard in the periodical *Scientific America,* to a memorandum published in 1947 by a group of British atomic scientists, and to Professor Blackett's book *Fear, War and the Bomb* dealing with the scope and limitations of international control. There could be no question of genuine international control in the case of an agency which was to enjoy unlimited powers of ownership in all fields even remotely connected with atomic energy.

21. The agency was to select its own personnel; references to selection on an international basis were pointless, since the leading role in the agency would be played by Powers most of which were parties to aggressive military alliances hostile to the Soviet Union, such as the North Atlantic Treaty, the Western Union and others. It was surely obvious that the Soviet Union would not submit to such a form of international control.

22. The plan had been described as an "international co-operative in the full sense of the word" in a newspaper article by the United States representative, Mr. Osborn. It could not be considered as such if only because it was unacceptable to a large number of States. Furthermore, the plan did not exclude such possibilities of infrac-

[1] See *Official Records of the Third Session of the General Assembly, Part I,* 157th plenary meeting.

[2] See *Official Records of the Atomic Energy Commission, Third Year, Special Supplement,* annex 2.

tion as seizure of atomic facilities, failure to admit international inspection, illegal use of atomic energy for the production of weapons, etc. That fact was admitted by the United States delegation itself. Mr. Vyshinsky referred to an article by Mr. Osborn published in *The New York Times,* containing a statement to the effect that none of the members of the Atomic Energy Commission believed in the possibility of establishing a form of control which would be acceptable to all States under present conditions and which would, at the same time, guarantee the impossibility of the use of atomic weapons in a long war. Yet Mr. Osborn and many of his associates continued to represent the United States plan as a universal panacea.

23. The issue at stake was the salvation of mankind from the horrors of an atomic war. The United States plan did not attempt to deal with that tremendous issue; it was concerned merely with such matters as the violation of national sovereignty, the removal of atomic energy from the sphere of competence of individual States, and the prevention of scientific work towards the utilization of atomic energy for peaceful purposes.

24. The Soviet Union did not use atomic energy for the purpose of accumulating stock piles of atomic bombs, although it would have as many atom bombs as it would need in the unhappy event of war. It was using atomic energy for purposes of its own domestic economy: blowing up mountains, changing the course of rivers, irrigating deserts, charting new paths of life in regions untrodden by human foot. It was doing so as master of its own land, according to its own plans, and in doing so it was not accountable to any international organ.

25. The United States plan was intended to put an end to such constructive work. No one believed that the plan could successfully avert the horrors of atomic war; yet efforts were being made again and again to force it upon an unwilling world.

26. The main argument used in favour of the United States plan was that no other form of control would prove effective. The statements made by five of the permanent members of the Comission alleged (A/1050) that it was impossible to check the actual amounts of atomic materials inside piles or reactors against the amounts shown in the records; a system of inspection alone would be inadequate. Yet it had been admitted by one of the sponsors of the United States plan that the latter offered no guarantees against potential abuses. The measures suggested in the USSR proposals, including such provisions as periodic control, inspection in case of suspicion, and the absence of the veto in the international control organ, provided sufficient guarantee of the Soviet Union's willingness to open its doors wide to inspection within reasonable limits.

27. The representative of the USSR pointed out that Mr. Chester Barnard had also stated that control over the atomic bomb would be much simpler than control over other armaments. He also noted that, although there was a convention prohibiting the use of poison gas,[1] chemical enterprises producing such gases had not been placed under international ownership and control. Moreover, since there were very few sources of atomic raw materials and since complex installations were required for the processing of those materials, control could easily be effected without the necessity for international ownership and management. Mr. Barnard had also indicated that under its plan the United States would relinquish ownership of the atomic bomb only after various countries had given up a considerable degree of sovereignty so that control could be verified. Mr. Barnard doubted whether those conditions were auspicious for successful negotiations among sovereign States. He therefore recognized that there was little possibility that the United States plan would be accepted.

28. The representative of the USSR further stated that a report of the Atomic Energy Committee of the United States stipulated clearly that the decision as to when the United States would cease production of the atomic bomb would be adopted in accordance with constitutional processes and in the light of the prevailing international situation. According to a report by a group headed by Mr. Lilienthal, submitted to the United States Secretary of State, the plan would not require the United States to halt atomic production after the plan was proposed or even after the international control organ came into being. Thus, the United States would not halt production of atomic bombs until its Government saw fit to do so, even though international control might have been established previously. Therefore the control plan presented by the United States to the United Nations would have nothing to do with the end of bomb production by the United States. Instead, the control plan presented a theory of stages whereby control would be exercised over countries which did not yet produce atomic bombs, without controlling the United States, which at that time considered that it had a monopoly in the field. In the light of the United States intentions thus revealed, the emphasis on clandestine activities, difficulties of inspection, seizure of enterprises, were obviously manoeuvres to disguise the true situation.

29. At the current stage of science and technique, in the case of the USSR at least, the technical difficulties involved in the prohibition of atomic weapons and in the establishment of international control were not insurmountable. Ownership by the international control organ would not solve the problem at all and was unwarranted in the light of the example of the Geneva Protocol on the prohibition of poison gas.

30. The proposal for an international organ to control all atomic energy resources and enterprises as well as all related fields was based exclusively on political considerations. In that connexion Mr. Vyshinsky could not agree with the representative of the Philippines in minimizing the political significance of the problem. In fact the political aspect was the crux of the entire matter, since the technical difficulties could easily be overcome. The obvious political purpose of the manoeuvre to create an international control organ was to give control of all atomic energy to a majority controlled by United States monopolies. That plan was not a United Nations plan for international control, but a United States plan for United States control through a super-trust.

[1] See *Protocol Prohibiting the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare,* Geneva, 17 June 1925.

31. The representative of the USSR observed that the statement of the five Powers distorted the attitude of his Government on the question of sovereignty by the false allegation that the USSR refused to accept any measures that would limit its complete national sovereignty. The statement that the USSR rejected international co-operation if its sovereignty was at stake was an obvious falsehood which the USSR delegation had already refuted repeatedly. Its position was that all international co-operation assumed the limitation of sovereignty rights in favour of the collectivity. It was elementary that, in certain circumstances, some measure of national sovereignty must be sacrificed. The question of sovereignty was, however, not the real point of difference. The crux of the matter was the desire to take over all sources of power in order to implement plans for world domination. The Soviet Union adhered steadfastly to its policy of opposing domination of other peoples and of combatting any attempts at world domination. The aim of the USSR was consistently to promote peaceful co-operation among nations.

32. It was apparent that the United States plan could not provide a solution to the problem of atomic energy not only because of the refusal of the USSR and other States to accept it, but also because the plan failed to achieve its purported objectives for the utilization of atomic energy for peaceful purposes alone. Since the basis of the United States plan was ownership by the international control organ of atomic enterprises this would amount to the right to interfere in all phases of national economy. In practice, that organ would have the right to interfere in the economic affairs of all countries and to control all scientific and research activities in the field of atomic energy. Its powers of inspection would be unlimited; it would perform aerial surveys, place special guards in the territory of independent States and set up arbitrary quotas in the production of atomic energy. Such an organ was entirely senseless if agreement had not been reached on the prohibition of atomic energy for purposes of war. The intent of the capitalist circles of the United States to control all atomic energy enterprises and to interfere in the economy of all the countries of the world was thus unmasked. Obviously that plan was unacceptable from the point of view of the development of the national economy of all countries, because it removed economic matters from the competence of States and turned them over to an international organ.

33. The tremendous promise of benefits to mankind through the utilization of atomic energy for peaceful purposes would be nullified by removing the control of atomic energy from the competence of sovereign peace-loving States and turning it over to an all-powerful international organ which would be unable to perform the task effectively. The USSR, which attached considerable importance to the economic, social and cultural aspects of atomic development, would never agree to the adoption of such a plan.

34. The conceited attitude of the United States during the period when it was under the illusion that it had a monopoly in the field of atomic energy was no longer warranted, yet powerful circles in that country sought to maintain mastery by stock-piling a superior number of atomic bombs and thus exceeding USSR production. That attitude involved a sad miscalculation. The desire to build up quantitative superiority in atomic bombs had led to the shameful spectacle of constant discussions about the best methods of destroying cities and exterminating their populations. Such considerations could lead only to disaster.

35. Mr. Vyshinsky stated that the USSR Government steadfastly adhered to its basic proposal for strict international control of atomic energy. In its view, the use of atomic energy for military purposes was intolerable. It was therefore natural that the first step must be the prohibition of the atomic weapon. The problem could not be solved satisfactorily by plans for control, with complex measures for the transference of ownership and management and quotas. The essence of the matter remained the prohibition of the atomic weapon.

36. The USSR proposal of 11 June 1947[1] had at its basis the immediate unconditional prohibition of the atomic weapon, and formed an integral part of the peace programme championed by the USSR regardless of temporary advantages in the balance of power, regardless of monopolies in the atomic weapon, regardless of possession of the secret of the atomic bomb by the USSR. The USSR Government had consistently appealed, and would continue to appeal, for the immediate outlawing from national armaments of so barbarous a weapon of aggression. Recognizing the need for strengthening international security and considering utilization of atomic weapons as incompatible with membership in the United Nations, the USSR Government, which possessed the secret of the atom bomb, again called for unconditional prohibition of the use of atomic weapons. Furthermore, it upheld its position that control of atomic weapons was essential to ensure compliance with the convention for the prohibition of atomic weapons. Although its earlier proposals for the conclusion of two conventions on the prohibition of atomic weapons and the establishment of strict international control had been rejected by the majority, the USSR would not waver in its struggle to achieve the adoption of those proposals which could save mankind from the dire threat of atomic war.

37. Mr. STOLK (Venezuela) recalled his statement during the general debate before the Assembly[2] that the situation with regard to the reduction of armaments and the establishment of an effective international system of atomic energy control was substantially unaltered since 1948. Mutual distrust continued to prevail in the international field and groups of countries had felt compelled to associate together against possible emergencies. The consequent atmosphere of insecurity was unfavourable to the conclusion of agreements, and delay in reaching such agreements heightened fear and made armaments generally accepted as the essential means of protection against possible aggression. That vicious cycle would continue until a minimum degree of confidence and understanding was achieved, especially among the great Powers. Yet, since the menace of atomic war constituted a threat to all mankind, universal efforts must be made to resolve the existing differences.

[1] See *Official Records of the Atomic Energy Commission, Second Year, Special Supplement*, part IV.

[2] See *Official Records of the Fourth Session of the General Assembly*, 226th plenary meeting.

38. The representative of Venezuela pointed out that the records of the discussions on atomic energy in the various organs of the United Nations showed that no progress had been made in implementing General Assembly resolution 191 (III) of 4 November 1948. A majority of the members of the Atomic Energy Commission continued to suuport the plan approved by the General Assembly as a basis for the establishment of a system of effective international control of atomic energy while the USSR and the Ukrainian SSR continue to press for two simultaneous conventions, as outlined in the USSR proposals which had been overwhelmingly rejected at the third session of the General Assembly.

39. Moreover, it appeared that the consultations among the six permanent members of the Atomic Energy Commission had so far produced no basis for agreement between the USSR and the five other permanent members. Careful consideration of the relevant documents revealed two completely divergent views, particularly in connexion with details of the plans proposed.

40. The representative of Venezuela stated that the documents and the discussions of the entire question revealed that a serious international controversy existed in connexion with a problem of such supreme importance that the destiny of civilization depended on its settlement. Unfortunately, unanimous support seemed essential for the adoption of any effective system of international control of atomic energy. The opposition of a minority, or even of a single State, could frustrate the will of the majority, in view of the particular nature of atomic energy. The urgency of the problem was increased by the fact that a member of the minority possessed the atom bomb. It might be held that, in that case, the fear of reprisals would keep States which possessed the bomb from using it, because other States might retaliate. Humanity could not, however, be content with that hypothesis. It must be freed of the fear of the bomb through effective guarantees. An atomic arms race, which would be disastrous and costly, must not be allowed to take place, particularly when the United Nations had so much urgent constructive work before it. The Organization must act, because indefinite continuation of the prevailing deadlock would present a dangerous threat to international peace and security.

41. Mr. Stolk noted that, with due respect to the intentions of their sponsors, the four draft resolutions which had been presented in connexion with the question under discussion did not appear to increase the possibility of agreement. While the draft resolution submitted by India (A/AC. 31/L.26) for the elaboration of a declaration by the International Law Commission was well-founded, it must be noted that any such declaration would not have binding force, that it would not settle the fundamental issue of the relationship between an effective system of international control and the prohibition of atomic weapons, and would not eliminate the fundamental divergencies of views regarding the type of control system. Moreover, it would make no progress in achieving the unanimity which was so essential to any satisfactory solution of the problem.

42. The draft resolution presented by the delegation of Haiti (A/AC.31/L.29) contained a series of provisions which would not alter the fundamental differences of views that prevailed on the question of atomic energy. The proposal to have the General Assembly outlaw atomic weapons through a single convention gave no clear indication of the concept of the prohibition of atomic weapons and international control as simultaneous elements. Nor could the declarations and duties listed under (*c*) in the draft be considered as adequate. Moreover, it would be difficult for the General Assembly to abandon the plan of control approved by a majority of the Atomic Energy Commission in favour of a general plan which had not been thoroughly studied. The proposed commission would duplicate the Atomic Energy Commission and would involve the important issue of membership.

43. The representative of Venezuela stated that the draft resolution presented by the USSR (A/AC.31/L.28) re-stated proposals which the General Assembly had already rejected. While an effective system of international control and the prohibition of atomic weapons were admittedly interdependent, it must be remembered that to be acceptable, the simultaneous application must apply to prohibition and a fully operating system of control. Yet an extended period of preparation would be required for the establishment and organization of an effective system. Moreover, the question of the characteristics of the system of control would remain unresolved.

44. The joint draft proposal of Canada and France (A/AC.31/L.27) contained a series of recommendations and appeals for co-operation among all nations in seeking a solution of the problem of atomic energy. It called for continuation of the consultations among the permanent members of the Atomic Energy Commission and requested that considerations of national sovereignty be subordinated to the interests of international peace and security. While those recommendations were appropriate, there could be little basis for optimism as to their positive effects. Although the consultations among the six sponsoring Powers were useful, those Powers themselves had recognized the serious divergencies in their views on atomic energy. In the opinion of the Venezuelan delegation, the General Assembly should not again limit itself to urge a procedure which it had recommended in resolution 191 (III) of 4 November 1948 and which so far had produced no positive results.

45. It was therefore essential for the United Nations to complement the system of consultation. In view of the prevailing deadlock, it was very likely that, barring some unforseen development, the present stalemate on the question of atomic energy would persist for another year. The Venezuelan delegation sincerely hoped that the existing differences of position would not lead to a complete abandonment of efforts to seek a satisfactory solution. In that spirit it felt that the time had perhaps come for the United Nations to resort to the powerful influence of conciliation and mediation which had been successfully used in such delicate situations as the conflicts in Palestine and Indonesia. It was possible that a mediator appointed by the General Assembly to act as an international official in a personal capacity for the sole purpose of achieving harmony and ensuring peace and security might, with the help of scientists and Secretariat personnel, make a valu-

able contribution to the final solution of the question of the use of atomic energy for peaceful purposes. Although that effort might prove unsuccessful, there was no reason not to make a further attempt, because the peoples of the world looked to the United Nations to free them from the threat of a disastrous atomic war.

46. Mr. GOROSTIZA (Mexico) said that the situation might not be as grave as had been represented. It should not be forgotten that in 1946, when the United States was the only country to possess the atomic bomb, efforts had already been undertaken to explore the possibilities of instituting some stystem of international control of atomic energy. There was no reason to believe that the USSR was pursuing any other objective. Nor was there any justification for the view that either of the two great Powers was preparing aggression against the other or against any other nation which could not defend itself with the atomic bomb. Both the United States and the USSR had made notable contributions to the progress of civilization and there was no foundation for the assumption that they would now fail in their responsibilities.

47. Both great Powers agreed on the actual substance of the problem: that the atomic weapon should be banned, and that atomic energy should come under some effective system of control. That in itself was encouraging. The Mexican delegation believed that the difficulties in reaching agreement on the details of a plan to achieve that end arose not from bad faith but from political differences, and primarily from the general absence of international security. While neither Power intended to use the atomic bomb against the other, each wished to surround itself with the safeguards which would secure it from attack. However, with a progressive lessening of international tension and the gradual development of an atmosphere of peaceful collaboration as predicated in the Mexican proposal adopted by the General Assembly as its resolution 190 (III), it should be possible to reach mutual understanding and agreement in respect of the vital questions arising from the discovery of atomic energy.

48. In the circumstances, the Mexican delegation thought that the permanent members of the Atomic Energy Commission should continue their consultations. They should be prepared to explore all possibilities of reaching agreement and, if necessary, to go beyond the requirements laid down in the recommendations and general findings of the Commission which the General Assembly had approved in resolution 191 (III), on 4 November 1948. In that respect, the Mexican delegation was prepared to associate itself with the draft resolution submitted jointly by Canada and France (A/AC.31/L.27).

49. However, the Mexican delegation could not support paragraph 8 of the draft resolution in its present form. By assuming international obligations, all States voluntarily placed certain limits upon their sovereignty. Moreover, by subscribing to the United Nations Charter, they had, by mutual agreement, pledged themselves to abandon the exercise of such sovereign rights as were incompatible with the maintenance of peace and security. Accordingly, Mr. Gorostiza presented the following re-draft of paragraph 8 of the draft resolution of Canada and France:

"8. *Recommends* that all nations join in mutual agreement not to exercise separately (or, to exercise jointly), in respect of control of atomic energy, such rights of sovereignty as, in the light of the foregoing considerations, are incompatible with the promotion of world security and peace."

50. Turning to the Indian draft resolution (A/AC.31/L.26), Mr. Gorostiza pointed out that if the further consultations called for in the joint draft resolution should fail to provide a way out of the existing deadlock, the concept introduced by the Indian delegation might profitably be applied. The broad masses of the people could not understand nor anticipate all the political, legal and scientific implications of the controversy regarding the priority to be established of prohibition over control. They asked only to be freed from the fear of atomic war and to be able to enjoy the benefits of atomic energy applied for peaceful purposes.

51. The people of Mexico shared that general concern and understood the generous impulses which had led the delegation of India to present its proposal. The Mexican delegation did not consider the question of the control of atomic energy a purely political question; by its very nature, it was also a legal question. Having released a new and titanic force of nature, mankind had to make laws to control it. Moreover, all the efforts of the United Nations for the past three years had been oriented toward the establishment of regulations which were ultimately to be embodied in international law. To the extent that the Indian draft resolution would have the effect of embodying the recommendations and general findings of the Atomic Energy Commission on which there had been agreement in principle in the form of laws, it constituted a step forward in solution of the problem. There was, however, one main objection to the Indian draft resolution: the danger that the rigid centralization of activity in the International Law Commission might prejudice subsequent negotiations among the great Powers, or come into conflict with them. Accordingly, the work of the International Law Commission should be directly related to the progress of those negotiations. Instead of calling upon the International Law Commission to undertake specific tasks, the General Assembly should ask the permanent members of the Atomic Energy Commission to consider the advisability of formulating in a legal instrument the general findings which had met with unanimous agreement. In the event of an affirmative decision on that point, the possibility should be envisaged of entrusting that task to a competent organ of the United Nations. Thus the permanent members of the Atomic Energy Commission themselves would be left free to determine the most effective means of giving expression to the proposals upon which they were all agreed. Mr. Gorostiza was making no formal motion; he had merely wished to contribute to fruitful exchange of views in the Committee.

52. In response to the CHAIRMAN'S request, Mr. Gorostiza said he would be quite willing to consult with the delegations of Canada and France concerning the re-drafting of paragraph 8 of their draft resolution, and with the delegation of India in connexion with his final suggestion.

53. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) pointed out that despite the fact that

the USSR had come into possession of the secrets of atomic energy production, it had not swerved from its insistence upon prohibition of the atomic weapon and the establishment of effective international control. It had never renounced its original purpose: to harness atomic energy so as to procure peaceful and constructive benefits for all peoples. In contrast, the United States had repeatedly demonstrated its desire to use atomic energy exclusively for military purposes in order to consolidate and expand the power of its monopolies. Certain groups which favoured the utilization of the atomic bomb had charted plans for long-range attacks upon targets in the USSR. The bomb had been represented as an absolute weapon before which all resistance would be futile, and as the best safeguard of world security. Peace-loving nations had been asked to renounce their national sovereignty and to subject themselves unreservedly to the will of the United States.

54. Yet, as early as September 1946, Generalissimo Stalin had discounted the absolute effects of the atomic weapon and had confidently predicted that the monopoly of the bomb could not exist for long and that its use would be prohibited. He had also advocated strict international control. Thus, while Government and military leaders in the United States were making every effort to perfect the atomic bomb as an instrument of aggression, the USSR, through intensive scientific research, was striving to find means of using atomic energy to increase the economic productivity, and to raise the standards of living, of the broad masses of its population. In line with that policy, the USSR had submitted proposals to the Atomic Energy Commission calling for an international convention on the prohibition of atomic weapons, together with proposals for the establishment of control over atomic energy.

55. In the circumstances, the assertion of responsible Government leaders in the United States, the United Kingdom and the countries associated with them that the USSR did not seek to ban atomic weapons and to set up international controls, had been made in bad faith. Evidently, their refusal to acknowledge the truth had been based on the illusion to which they clung, under the pressure of United States propaganda, that the USSR could not discover the secret of atomic production before 1952. By his announcement in 1947, that the secret had ceased to exist, Mr. Molotov had shattered that illusion. But even that authoritative statement had failed to shake the confidence of United States warmongers; they had dismissed it as bluff and continued to stockpile bombs on the pretext that the interval before prohibition of the bomb must be used to secure a quantitative advantage over all other nations. In the meantime, the secret was to be kept even from the United Kingdom, the closest ally of the United States.

56. Early in 1949, some scepticism began to be expressed concerning the omnipotence of the atomic weapon. Powerful groups in the United States Navy and Air Forces took advantage of that scepticism to haggle for arms priorities in order to satisfy the desire for profits of competing arms manufacturers. Nevertheless, President Truman's disclosure that an atomic explosion had taken place in the USSR, came as a complete surprise. Yet it merely served to confirm Generalissimo Stalin's earlier statement that no nation could contain a monopoly of the atomic bomb indefinitely.

57. While several representatives had conceded that a new situation had been created by the atomic explosion in the USSR, no new approach to the solution of the problem of prohibition and control had been vouchsafed. The Anglo-American bloc continued to maintain that the original Baruch Plan was the only feasible plan, and that prohibition could not be effected in the absence of an atmosphere of mutual confidence. Such an atmosphere could certainly not be created so long as the United States maintained military bases in foreign countries and fostered aggressive pacts such as the North Atlantic Treaty.

58. Moreover, so long as agreement on the utilization of atomic energy for peaceful purposes was made conditional upon the abandonment of national sovereignty, no such agreement could be reached. It was inconceivable that any State which prized its sovereign independence should willingly submit to the dictates of United States monopolists and to the prying of United States military intelligence. On the other hand, the USSR was fully prepared to assume specific obligations for international inspection and control, but only within the limits imposed by the need to verify whether the convention for the prohibition of atomic weapons and the use of atomic energy for peaceful purposes was implemented in good faith. There was no practical need for a broader interpretation of the rights of an international control organ. Any further extension of those rights could only be designed to serve the imperialistic and expansionist aims of the United States.

59. The Charter of the United Nations contained nothing which would obligate nations to sacrifice their sovereignty. No nation stood to gain by such a sacrifice except the United States; for there could be no question that the international control organ would come under its domination. That prospect had been clearly indicated by the attitude adopted by the majority in the United Nations throughout the discussion of the problem of atomic energy. The majority had persistently rejected the USSR proposals for conventions on the prohibition of atomic weapons and the international control of atomic energy. The representative of France had gone so far as to assert that the utilization of atomic energy for peaceful purposes would encounter overwhelming difficulties. Yet the experience of the USSR in that respect belied such assertions. The truth was that powerful monopolistic interests were exerting every effort to obstruct the utilization of atomic energy for power, because they realized that it would require the complete overhauling of the capitalist structure and the basic reorganization of all its productive processes. They were, in fact, deliberately blocking scientific and technical progress, and their efforts could not but have dire consequences.

60. The opponents of the USSR proposals had employed countless manoeuvres in order to evade and circumvent the substance of the problem; by insisting upon the theory of stages, upon priority of control over prohibition, upon ownership of raw materials and processing plants by the international control organ, upon the insurmountable difficulties implicit in the utilization of atomic energy for peaceful purposes, they had attempted

to fix responsibility for the deadlock upon the USSR. The statement of the USSR representative, however, had revealed the artificial nature of those arguments. He had clearly shown that the original Baruch Plan had in fact undergone no modification at all. He had exposed the real motive of the Canadian-French draft resolution (A/AC.31/L.27) calling upon the six permanent members of the Atomic Energy Commission to continue their consultations: to permit the Anglo-American bloc to continue to sabotage the USSR proposals for conventions on prohibition and control.

61. While the delegation of the Ukrainian SSR did not doubt that the Canadian-French proposal would command the votes of the majority in the Committee obedient to the United States, it was firmly convinced that the atomic weapon would ultimately be prohibited, and the production of atomic energy effectively controlled. The conscience of mankind would not rest until agreement had been reached; the peace and security of all peoples demanded that a just solution should put an end to the horrifying danger of atomic war.

62. For all those reasons, the delegation of the Ukrainian SSR energetically supported the USSR proposals for the prohibition of atomic weapons and for effective international control of the production and use of atomic energy (A/AC.31/L.28).

The meeting rose at 6.15 p.m.

THIRTY-FOURTH MEETING

Held at Lake Success, New York, on Friday, 11 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. Mr. MUÑOZ (Argentina) stated that world public opinion was beset by deep anxiety at the possibility that an armed conflict might occur and that the atomic bomb might be used. He noted that the primary purpose of the United Nations was to maintain peace and prevent war regardless of existing weapons. It was obvious that an agreement on the control of atomic energy would signify improved international relations and would enhance the security of peoples.

2. To that end, the Argentine delegation expressed general support of the joint draft resolution presented by Canada and France, (A/AC.31/L.27), which requested the permanent members of the Atomic Energy Commission to continue their consultations, to explore all possible avenues and to examine all concrete suggestions for an agreement regarding the prohibition and effective elimination of atomic weapons. It was clear that unless the great Powers reached agreement, no solution of the fateful problem of atomic energy could be reached. The course of events in the Atomic Energy Commission and its subsidiary organs proved that the non-permanent members alone were powerless to alter the situation. The political trend of the discussions was likely, however, to widen the existing divergencies of view. The Argentine delegation believed that, for the time being, the system of consultations among the six permanent members should be continued, although the Atomic Energy Commission would still exercise its functions.

3. Mr. Muñoz indicated that the joint draft resolution of Canada and France contained no concrete effort towards a new approach. In that connexion the draft resolutions of Haiti (A/AC. 31/L.29 Rev. 1) and India (A/AC.31/L.26) and the appeal of the President of the General Assembly were commendable.

4. Turning to the text of the Canadian-French draft resolution, the representative of Argentina stated that, in his view, paragraph 8 was open to serious criticism. Not only did it repeat an idea which was more clearly expressed in paragraph 6, although the fundamental premises for effective international control were not indicated, but it contained ideas to which objection could be taken. The reference to "all nations" was inappropriate, since only the great Powers were concerned. Moreover, the constant repetition of recommendations to those Powers would not produce any more satisfactory results. Most important, the call for agreement to renounce the individual exercise of sovereignty would produce a negative result in reaching a solution of the problem of atomic energy. In a general sense that paragraph would establish a dangerous precedent with regard to sovereignty, and its adoption might necessitate consultations with the Sixth Committee regarding the repercussions of that text on the inalienable rights of Member States. Moreover the future implications of such a dangerous precedent were incalculable, since the text might be invoked to limit the rights of sovereign States to ensure their own defense.

5. The Argentine delegation requested a separate vote on paragraph 8, which it would be unable to support, and stated that its final position on the entire resolution would depend on what happened to that paragraph.

6. Since it was otherwise in general agreement with the Canadian-French draft, the Argentine delegation obviously could not accept the draft resolution of the Soviet Union (A/AC.31/L.28) which would imply complete rejection of the principles supported by the majority in the past. If the minority could not be expected to adopt the position of the majority, it was even more obvious that the majority could not submit to the will of the minority. It was to be hoped that reason would prevail, or that nations possessing the bomb would realize that no benefit could be derived by either side from its use.

7. Mr. Muñoz stated that the Argentine delegation favoured the draft submitted by India, since in a sense it presented an approach which was new and different. Although the prospects of success of the draft were not assured, the programme outlined therein would undoubtedly facilitate the elimination of atomic weapons. The

representative of Argentina requested clarification of the method suggested by the Indian delegation which, it would seem, gave priority to the prohibition of atomic weapons and made prohibition independent of effective control, as supported by the majority plan.

8. The doubts of the Argentine delegation regarding the Indian draft resolution applied to a greater degree to the proposal of Haiti, which approached the question in a way that was diametrically opposed to the general provisions of the majority plan. Unless the delegation of Haiti could give a satisfactory explanation of a number of difficulties which arose in connexion with its draft, the Argentine delegation would be unable to vote for it.

9. Mr. Muñoz then presented a draft resolution (A/AC.31/L.30) for the renunciation of the use of the atomic weapon for aggressive purposes. He emphasized that the Argentine draft resolution made no attempt to reach a definitive settlement of the basic problem of the prohibition and control of atomic weapons, since that aspect was dealt with in the Canadian-French draft. The Argentine proposal sought a temporary solution which would apply as long as the existing deadlock continued. The adoption of the Argentine draft would signify that the six permanent members of the Atomic Energy Commission would immediately seek a compromise agreement which would guarantee that the atomic bomb would not be used for purposes of aggression against any State or group of States. The Argentine draft did not, however, aim at preventing any State from using every available method of defending itself against aggression. According to the terms of the Argentine draft the permanent members would report not later than 31 January 1950 on the results achieved. It was to be hoped that the measures outlined in the Argentine draft would be successful. If that should not prove to be the case, the experience would at least serve to clarify true intentions and to indicate the measures which must be adopted to safeguard peace.

10. Mr. Hickerson (United States of America) observed that the USSR representative's statement at the preceding meeting had confirmed his previous impression that either the delegation of the Soviet Union had not read, or else it had misunderstood or misinterpreted the United Nations plan of control and prohibiton, or else it refused to believe in the clear intent of that plan.

11. As an example, he recalled that the USSR representative had quoted the Baruch proposals to support his claim that the international agency would have the power to fix quotas and therefore to interfere in the economic life of nations. The United Nations plan, as elaborated by the Atomic Energy Commission and approved by the General Assembly by resolution 191 (III) of 4 November 1948 contained no clause to that effect; it provided that the various national quotas were to be agreed upon and laid down in the treaty before the latter was ratified and signed by the participating nations. The agency would thereafter be obliged to implement those agreed quotas.

12. The USSR representative had also stated that the plan empowered the agency to prevent and suppress national research in the field of atomic energy. That was not the case; the plan provided that the agency should encourage and promote research in all national and scientific institutions in co-operation with the scientists of all nations, and should publish scientific information so that there would no longer be any secrecy in the field of atomic energy.

13. The USSR representative had referred to the Acheson-Lilienthal report of 1946 in an attempt to substantiate the unfounded charge that the United States might be in a position to retain its atomic weapons even after the control plan had gone into effect. The United Nations plan explicitly prohibited national manufacture, possession or management of weapons as well as possession of nuclear fuel contained in explosive weapons. Once the plan had gone into effect, neither the United States nor any other nation would have possession of atomic weapons or their explosive nuclear ingredients. Those provisions of the United Nations plan would make the prohibition of atomic weapons effective and enforceable.

14. Under the plan, the stages of transition from the existing situation to that of complete international control would be agreed upon in advance and written into the treaty. The Atomic Energy Commission, which operated by majority rule, would determine when one stage was completed and another was to begin. No nation would be in a position to protract or prolong the transitional period. The United States, like the Soviet Union or any other nation, would have to turn over its entire resources of nuclear fuel to the international agency at the prescribed time. All countries would have equal rights and be treated exactly alike in that matter.

15. The USSR representative's remarks had not, in effect, been addressed to the United Nations plan; they had dealt with some sections, taken out of their context, of the original Baruch proposals and the Acheson-Lilienthal report, and with various statements and articles carefully selected from the free Press of countries in which all shades of opinion could be expressed freely.

16. Mr. Hickerson was at a loss to understand how the willingness of the United States to turn over its atomic energy industry and its atomic materials to the possession, operation and management of an international agency under the the United Nations could be construed as an attempt to extend and expand a United States monopoly; yet that was the USSR representative's interpretation. The truth of the matter was that the United States was proposing to take part in a great international co-operative in which all nations would participate on fair and equitable terms, for the purpose of developing and using atomic energy solely for peaceful purposes for the benefit of all mankind.

17. Mr. Hickerson remarked that he would not say whether or not the USSR representative's statements concerning the use of atomic energy in the Soviet Union for such peaceful purposes as moving mountains, irrigating deserts and clearing jungles, were nonsense. He would, however, draw attention to the fact that the statement constituted a recognition by the Soviet Union representative of the basic fact that atomic energy developed for peaceful purposes was automatically and inescapably available for military purposes. If nations had devices in their possession which could level mountains, they also had in

their possession devices which could level cities. If nations were permitted to own and control such power for good or evil, no system of inspection or control could be wholly effective. The United States plan was based on that recognition. The fact that nuclear fuels could be converted easily and almost instantaneously into bombs rendered the USSR proposals wholly ineffective as a means of control. The USSR representative's statement had given further confirmation of that thesis.

18. The United States had not overlooked or neglected the peaceful potentialities of atomic energy; for example, the United States Atomic Energy Commission had for some time been distributing, either free or at very low cost, isotopes for medical and research purposes to all countries which asked for them. Some thirty countries had received shipments so far. Scientists of the Soviet Union were offered the same opportunities as the scientists of all other countries, provided they complied with the conditions applicable to all. Mr. Hickerson wondered what the Soviet Union itself was doing to share the knowledge of the peaceful uses of atomic energy it had developed.

19. Mr. Hickerson then quoted the two last sections of the statement by the representatives of Canada, China, France, the United Kingdom and the United States of America on the consultations of the six permanent members of the Atomic Energy Commission (A/1050). The correctness of every word of that statement had been demonstrated by the USSR representative's speech.

20. In conclusion, Mr. Hickerson said that efforts to resolve existing differences must, of course, be continued; the question was where and how that should be done. The debate in the *Ad Hoc* Political Committee had confirmed the United States delegation's conviction that the best course was to call for the continuation of consultations among the six permanent members of the Atomic Energy Commission, under the terms of the draft resolution submitted by Canada and France (A/AC.31/L.27). The United States, with a deep sense of humility in the face of the immense problem of atomic energy, was prepared to continue to do its full part in meeting the challenge of that problem and to consider sympathetically any proposals or suggestions designed to bring about a satisfactory solution.

21. Mr. KOSANOVIC (Yugoslavia) deplored the fact that the discovery of atomic energy had become a stumbling block in relations among nations, and that its application for beneficent purposes was being blocked for reasons which were not always progressive or humane. In the United Nations, the problem of atomic energy had been reduced to the problem of the atomic bomb. Moreover, that unprecedented danger was not being considered within the general framework of the principal objective of the United Nations: to prevent aggression and war and thus to ensure the maintenance of international peace and security. The efforts of the United Nations seemed to be directed to humanizing war by eliminating the use of atomic weapons, on the assumption that war with conventional armaments was inevitable.That whole concept was fallacious. The question of the prohibition of atomic weapons could not be divorced from the basic problem of war and peace. It should be discussed and solved in that context, for the task of the United Nations was to prevent all aggressive tendencies and actions, regardless of who was the aggressor and of what were the methods of aggression employed.

22. The representative of Yugoslavia appealed to Member States to exercise moderation in the discussion, and to avoid the introduction of exaggerations or disturbing elements which could only exacerbate existing international tension.

23. Yugoslavia had experienced the horrors of modern warfare. No section of its population had been spared those horrors; no corner of its country had escaped some degree of destruction. In the last four decades, Yugoslavia had been a battleground on three occasions. Yet, it provided a living example of the fact that no people had ever been conquered or destroyed by weapons, no matter how effective, and that those who defended a just cause against an aggressor could withstand aggression even with weaker weapons. There was no absolute weapon which could solve the problem of war and peace; the atomic bomb itself was powerless to do so.

24. Consequently, the primary responsibility of the United Nations was to condemn and prevent all forms of war and all instruments of destruction, including atomic weapons. The Yugoslav delegation did not underestimate the importance of the atomic bomb. It felt, however, that the debate on the problem of atomic energy should be oriented in such a way as to inspire confidence in the peoples of the world and to mobilize the forces for peace and progress. An artificially created alarmism could only play into the hands of warmongers.

25. Mr. Kosanovic went on to review the divergent views on the question of atomic energy control which had brought about the existing deadlock. There was little likelihood that those views could be reconciled so as to reach agreement during the present session of the General Assembly. The question of the timing of the prohibition of the atomic weapon and the institution of effective control would have to be settled by simultaneous agreements. A body specially appointed by the Assembly should deal with the question of control and the powers of the control organ. It should have at its disposal all the necessary technical information and the assistance of experts, and should strive to work out a draft convention on prohibition before the next session of the Assembly. At that time, agreed proposals for simultaneous conventions on prohibition and control could be discussed.

26. The delegation of Yugoslavia was prepared to co-operate to the fullest extent in the fulfilment of the United Nations task to settle the problem of atomic energy. It applauded the initiative shown by the delegation of Haiti and considered that the draft resolution submitted by that country (A/AC.31/L.29/Rev.1) most closely represented the general context in which the divergent views on the problem could best be harmonized.

27. Mr. HOFFMEISTER (Czechoslovakia) pointed out that while the two divergent views on the question of the control of atomic energy had undergone no substantial change in the course of three years of discussion, the general context in which they were being weighed by the Gen-

eral Assembly had been radically altered. A new factor had been introduced by the disclosure that the United States no longer enjoyed a monopoly of the atomic bomb. That new development might have been expected to influence the positions of the States directly concerned in the controversy. Unfortunately, they had remained blind to the implications of the new reality. Nevertheless, the possibilities of agreement had increased, for agreement among equals was always easier to achieve.

28. In its draft resolution (A/AC.31/L.28), the Soviet Union had very wisely referred to the first two resolutions adopted by the General Assembly on the subject of atomic energy, resolution 1 (I) of 24 January 1946 and 41 (I) of 14 December 1946. It was encouraging to note that the first reaction of the United Nations to the problem had been sound: It had unanimously pronounced the atomic weapon as a weapon of aggression and had demanded its prohibition and elimination from national armaments, together with the establishment of a system of international control which would ensure its use for peaceful purposes only. However, since that time, scientific research had led to the discovery of new uses for atomic energy. The capitalist countries were now seeking a new method of prohibiting the atomic weapon and controlling atomic energy. The method they advocated was not acceptable to sovereign nations desirous of utilizing the new force to improve the welfare of their peoples.

29. In view of the limitless potentialities of atomic energy, it was not surprising that grasping monopoly interests were profoundly disturbed. Clearly, only States with a socialist structure stood to gain by the newly released force. That explained why economies based on the concept of property and the concentration of wealth, strove to subject the development of atomic energy to international control under the auspices of the United States, while those based on collective ownership and the distribution of wealth favoured the conclusion of simultaneous conventions to ban atomic weapons and to use atomic energy for peaceful purposes.

30. In a statement made in the First Committee during the third session of the General Assembly Mr. Clementis, Foreign Minister of Czechoslovakia, had referred[1] to a particularly significant resolution adopted by the International Association of Scientific Workers, headed by the French scientist, Frederic Joliot-Curie. The resolution had called upon all Governments to halt the manufacture of atomic bombs because it involved a criminal waste of uranium and an important potential source of power, and to bend every effort to apply atomic energy for industrial and other peaceful purposes. The people of Czechoslovakia were proud that the uranium in their Jachymov mines would once again contribute to the welfare of the world, for it was from the same earth that Mme. Curie had extracted the secret of radium which had revolutionized world science.

31. Nevertheless, five members of the Atomic Energy Commission, of whom four were bound together in a military alliance, had fostered an alarmist propaganda campaign designed to prove that war was inevitable, that it would be waged with weapons of mass destruction and that the outcome would be decided by the atomic bomb. Such propaganda was foolish and futile. Yet the Press in the United States continued to feature reports of planes equipped to carry atomic bombs over long distances, as far, for example, as the Russian town of Magnitogorsk. Such reports were apparently intended to keep alive interest in an attack on the Soviet Union. Yet there were no war plants in Magnitogorsk, no military objectives at all; on the contrary, it was an industrial town inhabited by workers and their families.

32. On the other hand, there had been nothing in the Press in the United States regarding the constant danger to which workers in atomic plants were exposed. No one had suggested the possibility that the lethal weapons which they were helping to produce might one day explode in their hands. Yet that possibility was inherent in the economic laws of capitalist countries. And no newspaper had raised the question of safeguarding the populations of towns and cities in the United States against the accidental dropping of an atomic bomb from planes used to transport the weapons from one arsenal to another. Yet such an accident might occur even before all preparations had been made for an aggressive war.

33. The interests of the people of Czechoslovakia were identified with those of all ordinary working people. Czechoslovakia would never attack any nation; it was too busy reconstructing its devastated economy and building a free socialist State.

34. In the controversy on the control of atomic energy, the Czechoslovak delegation held the view that prohibition of the atomic weapon should have priority over the establishment of effective control. To maintain the contrary, as the United States did, was to put the cart before the horse. No one was, however, deceived concerning the true motives of the United States manoeuvres in the controversy: to place the blame for the existing deadlock on the Soviet Union in order that the United States might continue to stock-pile atomic bombs in preparation for war. Those who truly desired peace must demand a ban on atomic weapons before the elaboration of a control system. For that reason, the USSR proposal (A/AC.31/L.28) was realistic and practical, while the Canadian-French draft resolution (A/AC.31/L.27) was blatantly insincere. Unfortunately, the Indian draft (A/AC.31/L.26) was unacceptable because the question of the control of atomic energy was essentially a political question, rather than a legal one. The future of world civilization depended on an effective and positive solution.

35. Mr. HASSAN (Pakistan) stressed the profound concern of all mankind regarding the most serious problem of atomic energy and its important implications as an instrument of destruction or benefit to humanity. The constantly increasing anxiety of the peoples of the world could be allayed only by a genuine agreement providing for effective guarantees amongst the nations possessing atomic energy and atomic weapons.

36. It was the view of the delegation of Pakistan that in the absence of such an agreement no

[1] See *Official Records of the third session of the General Assembly, Part I,* First Committee, 149th meeting.

treaty or convention or declaration would have any practical value. It was therefore essential that the search for an agreement should continue. It must, however, be borne in mind that the atomic bomb could be banished only if the Powers agreed to an arrangement whereby its use was abandoned.

37. It was understandable that nations possessing the deadly atomic bomb should be reluctant to surrender a weapon which was considered as well-nigh decisive. Yet mankind continued impatiently to seek assurance that the atomic bomb would not be used in the event of another war. Conflicting attitudes must be reconciled before any definite step could be taken. Improvement in the political relations of the great Powers might facilitate an understanding on atomic energy. Furthermore the question of the use of atomic energy for peaceful purposes required urgent consideration, particularly in view of the prevailing economic turmoil.

38. Mr. Hassan expressed the view that the Canadian-French draft resolution provided a realistic approach to the problem by seeking the agreement which was considered indispensable for the solution of the problem, and by leaving the door open for the adoption of a more concrete solution if such a solution could be found.

39. Mr. VASQUEZ (Uruguay) stated that, in view of the supreme importance of the question of atomic energy, the peoples of the world could not tolerate the continuation of the existing deadlock. A decision was necessary.

40. The delegation of Uruguay was not in a position to offer a solution but would vote in favour of the joint proposal of Canada and France. Faced with two divergent positions, that of the Soviet Union and that of the five other permanent members of the Atomic Energy Commission, the Uruguayan delegation preferred the solution favoured by the majority, because it considered that effective prohibition depended on effective control, and because in a problem which depended essentially on mutual trust, prohibition could be achieved only if the Powers directly concerned had absolute assurance of the prior establishment of guarantees of control that were accepted as binding on all. There was no assurance that those guarantees of control had been found. For the time being, the delegation of Uruguay concurred in the view that the most satisfactory plan which had been found thus far was the plan approved by the General Assembly on 4 November 1948 in resolution 191 (III). It seemed reasonable that an effective control plan should be considered as a preliminary to a convention on prohibition.

41 An optimistic approach was essential because it was inadmissible that the great Powers should not seek a satisfactory solution. Past consultations had not been in vain, but had already yielded some results and clarified certain aspects of the problem. Further progress would certainly be made through continued consultation. Even the representative of the Soviet Union had admitted that the major difficulties of control lay not in control itself, but in the methods of applying that control. The Uruguayan delegation therefore commended the joint draft declaration of Canada and France which, in addition to an appeal for continued consultations, contained an important new element regarding the renunciation of such rights of sovereignty as were incompatible with the promotion of world security and peace. That attitude opened broader and surer perspectives for international co-operation.

42. To its regret the delegation of Uruguay would be unable to support the proposals of India (A/AC.31/L.26), Haiti (A/AC.31/L.29/Rev.1) and Argentina (A/AC.31/L.30), which, in its opinion, failed to reflect the true importance of the problem. The universal belief that war and all methods of waging war must be prohibited required further development, since aggression must above all be prohibited. If a spirit of universal trust could be achieved, prohibition could follow immediately.

43. With particular reference to the proposals of Haiti and India, Mr. Vasquez noted that if the proposed conventions were to be effective, the technical and political aspects of the complicated problem of atomic energy must be satisfactorily settled before the International Law Commission could appropriately begin its work.

44. Mr. KISELEV (Byelorussian Soviet Socialist Republic) remarked that, when the first atomic bombs had been dropped on Hiroshima and Nagasaki, it had become clear at once that the atomic weapon was an instrument of mass destruction of civilian populations and peaceful cities, and that its use must be regarded as an illegal act directed against humanity. A committee on the social and political implications of atomic energy, formed at Chicago University under the chairmanship of Professor Frank, had, in June 1945, stated in a report to the United States Secretary of War that the United States could not retain the monopoly over atomic weapons, and had urgently recommended that the United States Government should not make use of atom bombs in the war against Japan. Sixty-four American scientists of note, anxious that the results of their labours should not be used for purposes which they considered both inhuman and worthless from a military point of view, had supported the committee's recommendation and had addressed a separate appeal to President Truman not to use atomic weapons for the destruction of Japanese cities. At the same time, the nations which had experienced in their own midst the horrors of the Second World War, had expressed the firm desire that atomic weapons should be prohibited, just as poison gas and bacteriological warfare[1] had been prohibited after the First World War. Conscious of that desire, the General Assembly had adopted its resolution 1 (I) of 24 January 1946 on the creation of a United Nations Atomic Energy Commission. In the four years since the adoption of that decision, the United Nations had signally failed to find a solution of the problem of atomic energy.

45. The statement by five of the permanent members of the Atomic Energy Commission (A/1050) attempted to place the blame for that failure upon the sixth permanent member, the Soviet Union. It championed the United States plan of control of atomic energy, and stressed the majority group's inability to accept the proposals on simultaneous prohibition and control presented by the USSR delegation. The records

[1] See *Protocol Prohibiting the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Warfare*, Geneva, 17 June, 1925.

of the consultations of the six permanent members (A/1045, A/1045/Corr.1) showed that the majority group, while ostensibly favouring the prohibition of atomic weapons, in actual fact categorically opposed such prohibition, and had therefore rejected the USSR proposals.

46. The statement of the five permanent members attempted to represent the USSR proposals as ineffective and even dangerous. The very thought of the prohibition of atomic weapons did, no doubt, seem dangerous to those who, until recently, had believed in the United States monopoly of atomic energy. Atomic energy, used in the Soviet Union as a powerful instrument of technical progress on a hitherto unthought-of scale, was a source of production of lethal weapons and a weapon of blackmail, intimidation and brute force in the hands of the imperialists. In refusing to free humanity from the threat of atomic warfare, the representatives of the Anglo-American bloc were guided solely by their narrow selfish interests. True, President Truman's statement of 24 September 1949 had had a certain sobering effect. Nevertheless, the United States was still pressing for adoption of its plan.

47. Referring to the statement just made by the United States representative, Mr. Kiselev remarked that, instead of attempting to refute the substance of the Soviet Union delegation's arguments, the United States representative had sought refuge in a mass of irrelevant detail. The supposition that the USSR representatives were not fully acquainted with the United States proposals was naive to say the least; it was more likely that the United States representative himself was not sufficiently familiar with the problem of atomic energy.

48. The United States plan was designed to set aside the real issue, by insisting on the precedence of control by stages over immediate prohibition. The basic principle of the Baruch Plan was that the proposed international agency should have full rights over all atomic facilities throughout the world. Vested with almost unlimited powers, the agency would acquire the monopoly of world atomic production. Such a system of control could only serve to deceive the peoples of the world.

49. The representatives of Canada, France, New Zealand and others had alleged that so long as the Soviet Union continued to reject the United States plan, international regulation of atomic energy would be impossible. The USSR proposals on prohibition and control offered a comprehensive, effective and fully satisfactory solution.

50. The United States and United Kingdom representatives, followed by the Press of those countries, slanderously accused the Soviet Union of refusing to submit to international inspection. False allegations to that effect had been made, in particular, by the Prime Minister of the United Kingdom. A reading of the Atomic Energy Commission's second report would show that, far from rejecting international inspection, the Soviet Union made full provision for it in its proposals.

51. Under the United States plan, only atomic raw materials were to come under international control, while atomic energy facilities were to be left outside the scope of such control for an indefinite period. That was to be explained by the fact that the United States intended to continue to use atomic energy for the production of bombs and to accumulate stocks of atomic weapons as part of its aggressive policy of world domination.

52. After reviewing the salient features of the USSR proposals, Mr. Kiselev remarked that the Atomic Energy Commission's failure to solve the most vital problem of the contemporary age, was due to the negative and insincere attitude adopted from the start by the United States delegation. In that connexion, he referred to a statement by Mr. Bernard Baruch, published in *The New York Times* of 4 October 1949 as a reaction to the news of an atomic explosion in the Soviet Union. Mr. Baruch had urged that the United States should exert every effort to retain its overwhelming superiority in atomic weapons. Such a statement by an intimate adviser of President Truman and a close associate of United States leading monopolists had a revealing significance. It reflected the sentiments of the ruling circles of the United States, which understood that agreement with the Soviet Union on the matter of atomic energy would entail the discontinuance of production of atomic weapons and a curtailment of the United States atomic industry, in which many billions of dollars had been invested.

53. Prompted by the desire to free mankind of the threat of atomic warfare, the USSR delegation had submitted its proposals which represented, beyond doubt, a valuable contribution towards the solution of the atomic problem. Those proposals embodied the principle of reciprocity and respect for the rights of countries both large and small; they eliminated the possibility of a monopoly in the field of atomic energy held by a single country or a group of countries, and amply provided for the prohibition of atomic weapons. They guaranteed the political and economic independence of States and safeguarded their national sovereignty.

54. Only by the adoption of the USSR draft resolution (A/AC.31/L.28) could the grave problem of atomic energy be solved. History would pass judgment on those who opposed the Soviet proposals.

55. The Byelorussian delegation considered the draft resolution jointly submitted by the Canadian and French delegations (A/AC.31/L.27) to be unacceptable and would vote against it.

56. Mr. SANSÓN TERÁN (Nicaragua) stated that, in spite of the paramount importance of the problem of the control of atomic energy, the United Nations had so far been unsuccessful in achieving agreement on an international system of effective control. Until the six permanent members of the Atomic Energy Commission arrived at a final settlement, no successful solution of the problem was possible. Unless the erroneous concept of absolute sovereignty was discarded, a disastrous atomic arms race was inevitable.

57. Referring to the various draft resolutions before the Committee, the representative of Nicaragua expressed opposition to the USSR proposal, since the purpose of the Committee was not to cast blame but to prevent atomic production for purposes of aggression.

58. While commending the noble aims of the Indian proposal, the delegation of Nicaragua

would vote against that proposal because, in its view, the problem under discussion was political and technical rather than legal in nature.

59. The delegation of Nicaragua would abstain from voting on the proposal of Haiti which, though it proclaimed lofty principles, was not sufficiently concrete in its terms.

60. The Argentine draft seeking a provisional agreement for the condemnation of the use of atomic weapons for purposes of aggression would receive the support of the delegation of Nicaragua. Nevertheless it was important that such provisional agreement should not be confused with a permanent agreement, which must provide for sanctions if it was to be effective. Without sanctions any pact would be dangerous and would serve merely to help potential aggressors.

61. He reminded members that the Committee was not called upon to discuss the various plans for control of atomic energy, and stated that his delegation continued to support the United States plan as the most workable one yet presented to the United Nations.

62. The delegation of Nicaragua would also support the joint draft resolution of Canada and France which sought methods of limiting absolute national sovereignty in the interest of international security. In that connexion, it might perhaps be preferable to refrain from speaking of renunciation of sovereignty and rather to state that nations mutually agreed, in the control of atomic energy, not to exercise the individual rights of sovereignty.

63. Mr. LOURIE (Israel) stated that the debate on the subject of the control of atomic energy had proved that the agreement of the great Powers was absolutely essential if any progress was to be made in reaching a solution. The majority resolution would not in itself produce the desired results.

64. All five resolutions before the Committee sought the common objective of achieving the prohibition and control of atomic weapons.

65. The delegation of Israel reserved its position with regard to the Argentine draft resolution which had just been presented. The resolution of India sought the consolidation of such modest points of agreement as had already been achieved, and the Argentine resolution sought a more limited objective as a provisional step.

66. All the draft resolutions recognized implicitly that agreement must be sought in a smaller forum than the *Ad Hoc* Political Committee. The resolution of Haiti proposed reference of the problem to a new commission of twelve; the representative of India sought the co-operation of the International Law Commission, while all the remaining proposals looked to the resumption of discussions in the Atomic Energy Commission. The vital need for agreement had been emphasized by the recent appeal of the President of the General Assembly to the six permanent members of the Atomic Energy Commission suggesting new lines of approach which deserved careful consideration.

67. Since all the resolutions before the Committee expressed the desire for further discussions in a smaller body to seek agreement, the delegation of Israel felt that the five sponsoring States might well present a single unified resolution repeating their common purpose and referring the problem to an appropriate committee for further study. To that end a sub-committee composed of the representatives of the States sponsoring resolutions in the Committee might be helpful.

68. No useful purpose could be served by the adoption in the *Ad Hoc* Political Committee of majority and minority resolutions re-stating unresolved differences between the conflicting points of view. On the other hand, a resolution by the five sponsoring States, as indicated, would provide for continued consultation and make it clear that there was profound recognition of the necessity for continuing consultations until agreement was reached.

69. Mr. CISNEROS (Peru) noted that the feeling of impotence with regard to the question of atomic energy which had prevailed at the opening of the discussion had been replaced by a determination that failure to reach agreement could not be tolerated. In that connexion the President of the General Assembly was to be commended for his moving appeal.

70. The representative of Peru emphasized the need of protecting all nations against the menace of the atomic bomb. The General Assembly must therefore continue its efforts to secure agreement.

71. Although the Peruvian delegation recognized the logical intention of the Indian draft resolution, it considered that a juridical approach was superfluous and inopportune at the current stage.

72. The Peruvian delegation supported the Canadian-French proposal, which represented a significant step towards a solution of the vital problem of atomic energy. In voting for it, the Peruvian delegation would express the hope that the proposal might lead to simultaneous statements by groups of States which favoured a moral compromise as a valuable step in approaching a solution of the tremendous problem of atomic energy.

73. Mr. DENDRAMIS (Greece) pointed out that all nations desired effective utilization of atomic energy for beneficent and not for destructive ends. They also desired security from atomic attack. Accordingly, every effort must be made to encourage the great Powers to reach agreement on the problem. They must not be swayed by eloquence to waste their energies in seeking illusory and idealistic solutions; they must be helped to face realities and to reconcile their views in the light of those realities.

74. In order to spare mankind from the catastrophe of atomic warfare, an international control organ must be given extensive powers, including authority to undertake frequent investigations of atomic facilities on the spot. Only after effective control had been established could a convention be concluded on the prohibition of atomic weapons.

75. The question before the Committee was purely political; in dealing with it, prudence was of paramount importance. The USSR had refused to co-operate in the only realistic solution by invoking the issue of national sovereignty. Yet, it was clear that all international co-operation for peace implied certain limitations upon the sovereignty of States. The USSR insisted on jealously guarding its sovereign rights while disregarding

the rights of other peoples. The USSR demanded a treaty governing periodic inspection of atomic facilities, yet its attitude in respect of treaties concluded with certain ex-enemy countries indicated how it was likely to observe such a treaty. If the USSR sincerely desired a fair settlement of the problem of atomic energy, it would not have adopted the obstructionist tactics which it had consistently displayed in the Atomic Energy Commission.

76. In view of those facts, the Canadian-French draft resolution (A/AC.31/L.27) offered an opportunity which should not be allowed to pass.

77. Mr. STOLK (Venezuela) reverted to the proposal he had made at the 33rd meeting for mediation in the international controversy which had arisen between the majority of Member States on the one hand, and the dissident minority which opposed the plan of atomic energy control approved by the General Assembly, on the other. He had suggested that the General Assembly might appoint a mediator who, with the assistance of a group of experts, would be eminently qualified to explore the possibilities of agreement between them. He asked the six permanent members of the Atomic Energy Commission to state their views on his proposal.

78. The CHAIRMAN read out the list of speakers who remained to be heard on the question of atomic energy and pronounced the list closed.

The meeting rose at 5.45 p.m.

THIRTY-FIFTH MEETING

Held at Lake Success, New York, on Saturday, 12 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. Mr. WOLD (Norway) stressed the danger which the discovery of atomic energy involved for civilization and hence the urgent necessity to place atomic energy under international control. Those two points had been constantly developed in the course of the discussion and it was unlikely that anyone would question them. At the same time, everyone knew that if atomic energy were placed under effective international control guaranteeing its use for solely peaceful purposes, the result would be great prosperity for all mankind.

2. In order that such indispensable international control should be instituted and humanity saved from the danger represented by the new scientific discovery, which enabled hitherto unknown weapons of mass destruction to be manufactured, it was essential for the nations to unite and co-operate, as they had united and co-operated against the nazi menace.

3. The debates in the United Nations should be conducted in that spirit. The General Assembly had shown that it was fully aware of that necessity when, on 24 January 1946, it had adopted resolution 1 (I) setting up the Atomic Energy Commission and instructing it to seek a solution to the problem.

4. Unfortunately, it had to be admitted that after several years of effort, the Commission had been unable to reach an agreement and that at the existing stage, with a race in atomic weapons going on, it had become more than ever essential to pursue the task of finding a satisfactory solution to the question. Nothing would be gained by mutual accusations of ill will or by laying the blame for past failures on one or another. The question of atomic energy was of vital importance to everyone, all were equally interested in its solution, and the discussions for its settlement could succeed only if the good faith and sincerity of all Members, whatever their differences of opinion concerning the methods to be used, were questioned by no one. That point should be brought out in the draft resolution to be adopted by the *Ad Hoc* Political Committee, and for that reason the draft resolution of the Soviet Union (A/AC. 31/L.28) was unsatisfactory, since it tended to attribute all the responsibility to the United States and the United Kingdom. The question of atomic energy must on no account be reduced to the level of propaganda.

5. The Norwegian delegation was of the opinion that the question of atomic energy could and must be solved. It had upheld the same point of view at the third session of the General Assembly, when it had refused to share the pessimism of those who thought that the Atomic Energy Commission would never achieve anything, but had voted with the great majority of Members in favour of the recommendations submitted by the Commission and had maintained that the work of that organ should continue.[1] The Norwegian delegation was still convinced that the difficulties so far encountered could be overcome, and to that end it considered it imperative that the direct negotiations between the six permanent members of the Atomic Energy Commission should continue.

6. The Norwegian delegation would therefore vote in favour of the draft resolution submitted by the delegations of Canada and France (A/AC. 31/L.27), which seemed quite satisfactory, especially in the light of the explanations given by the Canadian and French representatives. It had the great advantage of embodying a principle which the Norwegian delegation held to be essential, the principle that the permanent members of the Atomic Energy Commission should explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement. It was interesting to link that part of the draft resolution with the remarks made by the representative of Canada at the 30th meeting. He had stressed that any proposal, from whatever source, should be eagerly welcomed.

7. Admittedly, there were still serious difficulties in the way of the settlement of the question, but

[1] See *Official Records of the Third Session of the General Assembly, Part I,* 157th plenary meeting.

certain events had taken place and there had been changes in the attitudes of both parties, which made it possible to hope that the six permanent members might perhaps be able to reach agreement on a realistic solution corresponding to the requirements of the situation, as the United Kingdom representative had said in a recent speech during the 32nd meeting. The United Kingdom representative had also intimated that the permanent members of the Atomic Energy Commission, who had been studying the question in detail for some years, might perhaps find it difficult to see the question as a whole; that was an important point.

8. As already stated, it was imperative that the six permanent members of the Atomic Energy Commission should continue their consultations and redouble their efforts. It was to be hoped that the delay that had occurred the previous year between the adoption of resolution 191 (III) by the General Assembly on 4 November 1948 and the actual beginning of the talks on 9 August 1949 might be avoided; consultations should be resumed at the earliest possible moment.

9. Those consultations would perhaps be more fruitful than before in view of the fact that the USSR was, in the light of its own experience, in a better position to appreciate the need for a control of atomic energy and would perhaps be more disposed to accept the establishment of a really effective control system. The USSR representative's speech on the subject at the 33rd meeting showed that many points still remained to be elucidated in the course of these talks between the six permanent members.

10. The question of the national sovereignty of States had often been brought up in connexion with the control of atomic energy. Such sovereignty could not, however, be allowed to stand in the way of a settlement that was essential for the security of the peoples. It was obvious that the need for such a settlement was too great to be subordinated to considerations of sovereignty. The problem of atomic energy was international in its very essence and could therefore be settled only at the international level; in such cases, questions of national sovereignty naturally assumed a secondary importance.

11. It had to be admitted that the draft resolution submitted by India (A/AC.31/L.26) was not satisfactory, despite the excellent intentions of its author. The question of atomic energy, being essentially a political question, had to be solved at the political level, of necessity, by the six permanent members of the Atomic Energy Commission; it could not be referred to the International Law Commission or to a commission of twelve members, as the delegation of Haiti had proposed (A/AC.31/L.29/Rev.1). In the existing state of affairs, such action would be unrealistic and possibly even harmful: it would create the illusion that the solution of the question could be something other than a political solution. Only later, when an agreement had been reached at the political level in the Atomic Energy Commission, would the time come to speak of international law and to draw up an international convention.

12. In other respects, however, the Indian draft resolution had the great advantage of being based on the conviction that all the States Members of the United Nations were morally bound to do everything in their power to reach a settlement of the question.

13. In the practical field, Member States could and should insist upon a satisfactory solution to the problem, that would establish an effective control system and dispel all the fears of mankind. The six permanent members of the Atomic Energy Commission would certainly have the support of international public opinion in their efforts to that end.

14. In that connexion, the importance of the initiative taken by the President of the General Assembly, which could not but meet with approval, should be stressed.

15. In regard to the Argentine draft resolution (A/AC.31/L.30) and, in part, the Haitian draft resolution it should be pointed out that it would be dangerous to apply any short-term solutions to the atomic energy question in the hope of overcoming the existing deadlock and facilitating the final settlement of the problem.

16. The intentions underlying those draft resolutions were certainly very praiseworthy, but it could not be too often repeated that, in matters of atomic energy, the security of the peoples of the world could only be ensured if a really effective system of international control were established. Any agreement which left unsolved the question of the international control of atomic energy could have no other result than to mislead public opinion and give the peoples of the world a false sense of security. Moreover, it should be recalled that Governments had already, under the provisions of the Charter, solemnly undertaken to settle their disputes by peaceful means without recourse to arms and hence to atomic weapons.

17. General McNAUGHTON (Canada) was happy to note that a large number of delegations were prepared to support the draft resolution which his delegation had submitted jointly with the French delegation. In the existing situation, when hitherto irreconcilable differences of opinion were separating the delegation of the Soviet Union from the majority on that fundamental question, the General Assembly would be doing useful work in stressing the essential principles involved and requesting the six permanent members of the Atomic Energy Commission to continue their consultations and examine all concrete suggestions that might be submitted, with a view to determining whether they might lead to a satisfactory agreement. The value of such instructions was well demonstrated by the number and variety of suggestions put forward during the present discussion.

18. In regard to paragraph 8 of the draft resolution, the delegations of Canada and France, taking into account the observations made by various representatives, had consulted the Mexican delegation and had agreed on a new text (A/AC.31/L.27/Rev.1), which, while avoiding the difficulties pointed out, nevertheless retained the basic principle that, in the interests of security, States must accept in the field of atomic energy certain limitations in the exercise of their right of sovereignty. The authors of the draft resolution had not intended that States should renounce their right of sovereignty, but rather that they should exercise that right in co-operation.

19. In regard to the Venezuelan suggestion made at the 33rd meeting that the General Assembly might perhaps appoint a mediator to assist the six permanent members of the Atomic Energy Commission, the Canadian delegation, which had consulted several other delegations on the subject, did not think, at first sight, that such a step would be advisable, in view of the fact that the General Assembly had requested the six permanent members to confer together to determine whether there existed a basis for agreement on the control of atomic energy. Despite those reservations, the Canadian delegation was glad that the Venezuelan representative had made that suggestion, which would be carefully considered by the six permanent members of the Atomic Energy Commission, together with all the other suggestions made during the discussion. They would be eager to work on any proposal that might lead to a satisfactory agreement.

20. Mr. COOPER (Liberia) emphasized the concern of his delegation in a question of such fundamental importance to the future of mankind. The world had already had occasion towards the end of the Second World War, to see the disastrous effects of the new atomic weapon, which were ample justification for the efforts made to save humanity from disaster while enabling it to reap the boundless benefits to be derived from the use of atomic energy for peaceful purposes only.

21. He would not go into details concerning the efforts made by the Atomic Energy Commission and various other organs set up by peaceful nations as a proof of their good will and sincerity to prohibit the atomic weapon and to place atomic energy under effective international control that would remove once and for all the danger of atomic war. At the existing stage of the discussion, he would confine himself to considering the various draft resolutions submitted to the *Ad Hoc* Political Committee.

22. The draft resolutions all had the aim of eliminating the atomic bomb from national armaments. They were thus in harmony with resolution 41 (I) adopted by the General Assembly on 14 December 1946 with a view to condemning and prohibiting the atomic bomb, of which certain nations were building up stocks, to the great danger of mankind.

23. There were, however, certain differences between the various draft resolutions; some were more likely than others to make possible the achievement of the objectives recognized by all as fundamental. That was particularly true of the draft resolution submitted by Canada and France, which the Liberian delegation would support.

24. The Liberian delegation also fully supported the appeal from the President of the General Assembly and suggested that the permanent members of the Atomic Energy Commission, especially the Soviet Union and the United States, which were in possession of the atomic weapon, should lay aside their differences of opinion and realize what their acceptance of a plan eliminating the atomic weapon forever would mean to mankind. In the opinion of the Liberian delegation, the permanent members of the Atomic Energy Commission should draw inspiration from the message of the President of the General Assembly and thus enable the Assembly to prepare a convention on the matter with their help during the current session.

25. In conclusion, the Liberian delegation supported the draft resolution of Canada and France and urged that the *Ad Hoc* Political Committee, in its findings, should recommend the Atomic Energy Commission's report to the attention of all.

26. Sir Benegal RAU (India) wished to reply to the criticism of the draft resolution submitted by his delegation (A/AC.31/L.26). It had been said that the atomic energy question was essentially a political one and could not therefore be referred to a legal organ such as the International Law Commission. That argument was, however, based on a misunderstanding of the Indian draft resolution: according to that draft resolution, the International Law Commission would prepare, on the basis of the work already done by the Atomic Energy Commission, a draft declaration to be submitted to the General Assembly, which would deal with it as it thought fit. The members of that body would be perfectly free to consider the draft declaration from a political angle.

27. It had also been said that the draft resolution did not take sufficient account of the facts and that the problem could not be solved simply by a mere declaration, the only result of which would be to create a false impression of security in the world. When submitting the proposal, however, the Indian representative had stated clearly at the 30th meeting that the declaration would only consolidate the results so far obtained by the Atomic Energy Commission, and that the work of that Commission and the consultations of the six permanent members should continue without respite in order that a final solution to the problem should be found. As could be seen, there was no question of hindering the action of the Atomic Energy Commission or of the six permanent members. It could in fact be affirmed that the Indian draft resolution and that of Canada and France were complementary, the former seeking to consolidate the work already done and the latter to ensure that the work would be continued in the future.

28. The argument that the declaration recommended in the Indian draft resolution would create a false impression of security was no more justified than the preceding ones. The Charter formally condemned war, in paragraphs 3 and 4 of Article 2, yet no one attempted to assert that the Charter gave the peoples the dangerous illusion that war and aggression were impossible because the United Nations had signed that Charter. Every one realized that such solemn declarations did not remove every danger of war but that they reduced the risk of conflict and, in the existing state of affairs, when no international police force existed, they gave the only possible guarantee. The same would be true of a declaration of the rights and duties of States and private persons concerning the use of atomic energy.

29. Moreover, it was difficult to understand the attitude of those who feared that the Indian draft resolution would involve overlapping and duplication of work if the International Law Commission were to intervene in the field of atomic energy, for, as was known, the International Law Commission would merely have to prepare a declaration on the basis of the work already done by the Atomic Energy Commission.

There could hardly be any question of overlapping between the work of the International Law Commission and that of the Atomic Energy Commission, since the work of the latter would apparently be suspended until the six permanent members found a basis for agreement.

30. The Indian delegation wished to appeal particularly to all the small Member States to support its draft resolution. They were often inclined to minimize the importance of their role in the United Nations. In the matter of the former Italian colonies, however, it had been seen that the small nations, by refusing to vote in favour of the bad solution of a question, had the power to make the good solution prevail. The small nations possessed a moral force that was even stronger than the power of their vote and, provided that they united, they could bring useful pressure to bear on the rest of the world. The question of atomic energy concerned all nations, including the small ones, which, in spite of themselves, suffered the consequences of conflicts between the great Powers, as the last world war had shown. If they could not prevent war, the small nations could at least lessen the horror of it and to that end they should support the Indian draft resolution. He hoped that the great Powers also would agree to vote in favour of the draft resolution, which did not in any way commit them to support any particular proposal but which was a modest attempt to break the existing deadlock.

31. In conclusion, Sir Benegal said that his delegation would vote in favour of the draft resolution submitted by Canada and France, which complemented his own.

32. Mr. CHAUVEL (France) associated himself with the remarks of the Canadian representative and stated that the French delegation gave its full approval to the alterations made in the text of paragraph 8 of the joint draft resolution of Canada and France.

33. He was amazed that the Polish representative, as well as the representative of the USSR, could have thought that France had renounced its tradition of independence; he reminded them both that in France the Minister of National Defence was a Frenchman.

34. Taking up the substance of the question, he recalled that the USSR representative, replying to observations made by the United Kingdom representative, had as usual called the North Atlantic Treaty an offensive pact; the USSR representative was aware, however, that both technically and historically, that allegation was contrary to the facts. The treaty was merely a defensive reaction against the process of political, economic and military integration which had been followed by the Soviet Union with regard to the States in its neighbourhood and which until very recently had been developing consistently.

35. He had not discovered a single new element in the statements of the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR. Apart from allegations concerning the activity of two of the permanent members of the Atomic Energy Commission, the USSR draft resolution was identical in substance with that rejected by the General Assembly on 4 November 1948 by forty votes to six[1]. According to the spirit of the rules of procedure, that text should not therefore be put to the vote again.

36. The reasons for the proposal to return to an already rejected solution were set out in a long historical review, nearly the whole of which was disputable, and in a number of unproved statements.

37. The basic factor in those reasons was the allegation that the so-called "Anglo-Saxon bloc", namely forty States representing all parts and races of the world, in a desire to prevent the prohibition of atomic weapons, was making that prohibition conditional upon the entry into force of a system of control deliberately rendered impossible of implementation; to that allegation the majority replied that, by deliberately opposing the adoption of effective measures of control, the USSR was making prohibition impossible. Such arguments could continue indefinitely.

38. The General Assembly could find out exactly what the difficulty was by consulting the records of the ten meetings in which the parties concerned had once again reviewed the elements of the discussion. Such an examination made it clear that the questions of prohibition and control were closely linked. Moreover, the USSR draft resolution, which provided for the simultaneous entry into force of the conventions relating to those two matters, itself recognized that prohibition implied effective control, but that the parties were not in agreement upon the conditions for such control. It was impossible to imagine agreement on prohibition without any agreement on control, just as it was impossible to imagine agreement on the simultaneous entry into force of prohibition and control if steps were not taken to enable that control to operate effectively at the moment when prohibition came into force.

39. The question of control was therefore the crux of the matter; it became clear if the draft resolution of Canada and France and the draft resolution of the Soviet Union were compared in the light of the consultations of the six permanent members of the Atomic Energy Commission. Nothing could be changed, he thought, by a different method of presentation, or by discussion with persons other than those who, in the opinion of the Atomic Energy Commission, should consider the matter first. The French delegation could not therefore support the drafts submitted by the delegations of Haiti and India; for the same reasons it could not support the suggestion of Venezuela, although it felt that suggestion also should be borne in mind.

40. Mr. Chauvel emphasized that it was also clear from the records of the consultations of the six permanent members (A/1045, A/1045/Corr.1), that the USSR delegation had limited itself, so far as control was concerned, to maintaining the proposals which the Assembly had rejected as inadequate, without demonstrating the advantages of those proposals. Neither had the delegation of the Soviet Union explained why it considered the draft approved by the General Assembly technically unacceptable; its objections had related to the fact that any international intervention in the operation of enterprises of great economic importance for all the countries concerned, would constitute interference with the economic life of those countries and a violation of their sovereignty.

[1] See *Official Records of the Third Session of the General Assembly, Part I*, 157th plenary meeting.

41. It was imperative for the General Assembly to give its decision on that point. The USSR delegation's objection did not relate to a suggestion by the United States or the United Kingdom delegations or by both those delegations; it was a rejection of the general plan of control adopted by the Assembly. The question whether that objection should be accepted was clear, simple and fundamental, and must be settled, for in the absence of any directives on that point, the work of any organ to which the General Assembly might entrust the question would be paralysed.

42. If the USSR objection was accepted, the entire plan approved as resolution 191 (III) by the Assembly on 4 November 1948 would be challenged. If it was rejected, if the General Assembly considered that the objective at stake was nothing less than the preservation of humanity and that, consequently, it must dictate the means of achievement, the duty of the majority of the Assembly would be clear; it would be its duty to develop the plan of 4 November 1948, and to dispel any misunderstandings concerning its practical scope, its mechanism and the results to be expected from it.

43. He explained that paragraph 8 of the draft resolution of Canada and France had been drafted with the USSR objection in mind; if that objection had not been made, the paragraph would not have been necessary.

44. He agreed with the United Kingdom representative that every State which concluded a treaty agreed to a limitation of sovereignty. The conclusion of treaties was an act of full sovereignty, but once the agreement was concluded, if it involved positive or negative obligations, it then limited the exercise of the sovereignty of the signatory States for the future, for the duration of the treaty and as far as relations between the parties were concerned. Such limitations had become customary in multilateral agreements intended, as it were, to codify international rights and usages. The United Nations Charter involved such limitations, and they had been agreed to by fifty-nine States, including the USSR, in the interests of the maintenance of international peace and security. It therefore seemed natural to expect that in the field of atomic energy Member States of the United Nations would follow the precedent they themselves had established. By declaring its willingness to subscribe to the prohibition of the manufacture of atomic weapons and to the supervision of that prohibition by international inspection carried out on its territory, the Soviet Union appeared to admit that reasoning. But it still refused to accept those limitations. The USSR representative had even rejected the quota system which, in the first part of the third session, he had acknowledged to be advantageous for the world at large and for States themselves.

45. Paragraph 8 of the draft resolution of Canada and France dealt with precisely that type of undertaking; it was a question of guaranteeing the world against the gravest threat to the maintenance of international peace and security. The traditional, narrow and almost feudal anxiety to maintain private prerogatives could surely not be set up as a barrier to that truly essential objective. The authors of the joint draft had not thought so.

46. The Committee had two alternatives: either, in accordance with the USSR proposal, to request the Atomic Energy Commission to resume its work on the basis of the USSR plan which had been rejected on 4 November 1948 by the General Assembly,[1] or to invite the six permanent members of that Commission to continue their consultations, taking into account the General Assembly's resolution 191 (III) of 4 November 1948, and to neglect no channel likely to lead to an agreement in accordance with the principles adopted by the General Assembly, even if such agreement should entail reciprocal renunciation of the individual exercise of certain prerogatives of sovereignty. He recalled that during the current discussion some of those channels had been indicated, during the 34th meeting by the Argentine delegation, for instance; some were, furthermore, indicated in paragraph 8 of the joint draft resolution of Canada and France.

47. It rested with the Committee to decide which of the two above-mentioned solutions was more siutable. The French delegation had confidence in the Committee's choice.

48. Mr. AZKOUL (Lebanon) said that it was clear from the debates in the Atomic Energy Commission, as well as from the consultations between the permanent members of that Commission and the discussions in the General Assembly itself, that the matter had come to an impasse; in fact, although all the parties concerned seemed to agree on the necessity for an effective control of atomic energy and some restriction of national sovereignty in order to make that control effective, they were obviously not in agreement on the control machinery, nor on the extent of the national sovereignty to be renounced for that purpose.

49. Various attempts had been made to find a solution to the problem. He recalled some of the proposals that had been put forward, including that of Canada and France for the continuation of consultations between the six permanent members of the Atomic Energy Commission, the Indian proposal for the preparation of a declaration on the rights and duties of States in the field of atomic energy, the Haitian proposal outlawing the use of the atomic weapon, the Argentine proposal for a provisional agreement, and lastly the suggestion that the discussions should be continued within the Atomic Energy Commission itself. He thought all those proposals might be of some use; nevertheless, he considered that none was sufficent.

50. The problem of atomic energy was only one aspect of the fundamental problem of peace and war; the problem under discussion would disappear if war could be made impossible, as there would be no need for an atomic weapon. A final solution therefore could only be found when war itself had been made impossible. In the meantime, it was necessary to remove the danger that the atomic weapon might be used, and to do so, a system of control agreeable to all the parties concerned must be worked out.

51. The parties concerned were those States which possessed the weapon and which could use it; although the other States were only indirectly concerned in the question, they considered that they were perhaps even more affected by it since the possessors of the atomic weapon were masters of its use, and they might have to suffer the devastation wrought by it.

[1] See *Official Records of the Third Session of the General Assembly, Part I*, 157th plenary meeting.

52. If, therefore, it was essential for the parties directly concerned to come to an agreement on an effective system of control, it lay with the other States to work out such a system and to see that it was accepted, since, as long as only the parties directly concerned submitted proposals, it would be difficult for them to reach agreement in view of the fact that some would always be doubtful of the sincerity of the other's motives.

53. In the opinion of a neutral country like his own, the two systems advocated seemed each to be made up of two factors: one technical and the other political.

54. The technical factor represented the total requirements deemed to be necessary or sufficient for effective control; the political factor was the intention of the State concerned to accept or to refuse, to enforce or to evade those requirements.

55. Only the States directly concerned really knew what those two factors were; the other States could only trust in them.

56. From the statements of the two parties, several assumptions seemed possible. The first might be that one of the parties was convinced that the requirements of its own system were sufficient and those of the opposing one superfluous, whereas the other regarded the requirements of its own system as being the necessary minimum, and the requirements of the other as insufficient. In that case, both parties would be acting in good faith. The difference would be purely technical and no doubt consultations between their experts, rather than their political representatives, could lead to an agreement.

57. On the second assumption, both parties would be aware that all the requirements of one of the two systems were not necessary or that all the requirements of the other system were not sufficient and, for reasons outside the technical aspect of the problem, would be trying to impose additional requirements in order to intervene in the domestic affairs of another State or limit those requirements in order to retain greater freedom of action to use the atomic weapon at some future date. In that case, both parties were acting in bad faith, the disagreement was purely political, and the solution of the problem might perhaps be facilitated by the refusal of the neutral States to give their support to either of the two systems, thus forcing the parties directly concerned to reconsider their attitude.

58. As regards the third assumption, it might be that one of the parties would be acting in good faith while the other was not; in fact, one of the parties might know that its system was the better one and that the other was bad; it must therefore maintain its proposal, while the other, conscious of the inadequacy of its own proposal, might be maintaining its attitude for one of the political reasons to which reference has just been made.

59. As a result, the neutral countries could not easily adopt an objective attitude in the face of all those hypotheses; they lacked the opinion of an independent authority which could determine to what extent political considerations were influencing the technical details of the two systems proposed.

60. The Lebanese delegation was anxious to believe that both sides were acting in good faith. Moreover, it considered that the plan adopted by the Atomic Energy Commission offered greater safeguards; however, it would like its opinion to be confirmed by some independent authority.

61. In that connexion, Mr. Azkoul recalled the Venezuelan suggestion that a mediator should be appointed; through the efforts of such a mediator, the parties concerned might be able to discover a basis for agreement. Obviously, it was impossible to predetermine such a procedure's chances of succeeding, but there was nothing to prevent its being tried.

62. The chief role of the mediator would be to inform the neutral countries of all the elements of the problem, so as to enable them to form an accurate estimate of the situation and, possibly, to determine where the responsibility lay and take the necessary steps.

63. Only a mediator would be in a position to examine all the aspects of the problem, taking into account the technical and political considerations in the various countries directly concerned. Such efforts on the part of the mediator might result in bringing the two points of view closer together and finally make an agreement possible, or they might serve, on the other hand, to show what technical requirements were essential to achieve an effective control of atomic energy; the meditator's investigation would also make it possible to determine to what extent States should accept restrictions on their national sovereignty in order to bring about that end. Lastly, the mediator's investigation might make it possible to determine which of the two parties was placing its own interests and ambition before international peace and security.

64. That was the solution the United Nations should adopt in order to break the deadlock reached in the control of atomic energy.

65. He did not know how far the United Nations was ready at that point to consider such a solution, but he thought that if the consultations between the permanent members of the Atomic Energy Commission were to continue, some eminent person chosen by the United Nations for his personal qualifications, and without political links with either of the parties involved, should take part in them. If the Committee considered such a measure to be premature, the Lebanese delegation would not press the matter, although it was convinced none the less that sooner or later the need for such a procedure would be recognized. However, in order to demonstrate that need, the consultations must continue, and the Lebanese delegation would therefore vote in favour of the joint Canadian-French proposal.

66. He added in conclusion that the Lebanese delegation was currently studying the other proposals.

67. Mr. URRUTIA (Colombia) recalled the claim of the United States delegation that owing to the nature of atomic energy, it could be controlled only by transferring the ownership of all plants to an international organ.

68. On the other hand, it had been said that the quantities of raw materials needed to produce atomic energy were such that its manufacture could not be concealed; if that were so, effective and adequate control should be possible without any surrender of ownership.

69. Mr. Urrutia thought that countries which had neither installations nor raw materials did not

have sufficient basis for evaluating statements of that kind and for expressing an opinion on them.

70. Furthermore, the USSR representative had stated during the 33rd meeting that the use of atomic energy for military purposes could be prohibited without preventing its use for peaceful purposes; in that connexion, Mr. Vyshinsky had declared that in the Soviet Union mountains were being moved by means of atomic energy. The United States representative, for his part, had taken at the 34th meeting a very sceptical attitude and had questioned in particular the possibility of using atomic energy for such purposes without endangering a whole region.

71. Mr. Urrutia would continue to share that scepticism so long as he was not invited to witness such an experiment in the USSR. The Colombian delegation therefore felt that it was unable to express a considered opinion.

72. The Soviet Union was asking the Assembly to condemn the United States and the United Kingdom, before all the Members of the Assembly knew exactly what atomic energy was and how it could be controlled and utilized. Moreover, the USSR felt that it would be sufficient to draw up a convention on the prohibition of atomic weapons in time of war; such a procedure seemed useless, for it would be unwise to believe that such a weapon would not be used in case of aggression.

73. There were two possibilities if war broke out: either no State which possessed the atomic weapon would use it, in which case each would refrain not because a convention existed but because they feared reprisals; or both parties would make use of atomic weapons, in which case, when the war was over, all that the conqueror would have to do would be to condemn the conquered as war criminals, simply repeating what had taken place in Nürnberg. In that case, too, the convention would have served no purpose.

74. He recalled that his delegation had drawn the Security Council's attention to that fact and had submitted a resolution which had been adopted unanimously[1] and which stipulated that both the control and prohibition of atomic energy lay within the jurisdiction of the permanent members of the Atomic Energy Commission. That resolution constituted a warning to the great Powers designed to make them realize their responsibilities.

75. If the six Powers in question did not succeed in reaching an agreement, it would be for the other States to determine what steps they should take. That did not mean that those six Powers must be told what their attitude must be.

76. That was why the Colombian delegation, like the Argentine delegation, was in favour of paragraphs 5 and 8 of the draft resolution of Canada and France. Paragraph 5 must apply to no other Powers than the six permanent members of the Atomic Energy Commission. With respect to paragraph 8, Mr. Urrutia, while accepting the assurance of the great Powers that the control of atomic energy as envisaged by them was the only solution, felt it to be a matter of individual opinion.

77. On the other hand, the Colombian delegation was not in favour of the Venezuelan suggestion as, in its opinion, by taking part in the appointment of a mediator, the States not represented on the Atomic Energy Commission would be assuming a responsibility that was not theirs.

78. For those reasons the Colombian delegation supported the Argentine draft resolution, paragraph 3 of which made it clear that the solution was a provisional one, pending final agreement. In that way, the General Assembly would be confirming its confidence in the six permanent members of the Atomic Energy Commission; the Argentine draft resolution merely asked those Powers to bind themselves until they were able to reach final agreement.

79. If those six Powers asked other States to renounce their sovereignty in order to permit effective international control of atomic energy, Colombia was prepared to accept that condition. Mr. Urrutia did no see, however, why those other States should give up their sovereignty before the six responsible Powers had agreed on the solution to be adopted and had submitted their proposals to the United Nations.

80. Mr. STOLK (Venezuela), replying to the Colombian representative, drew the attention of the Committee to the fact that while the solution of the problem of atomic energy, as also the settlement of all political problems submitted to the United Nations, depended on the agreement of the great Powers, the so-called small Powers could not remain indifferent when it became evident that the great Powers were unable to reach an agreement.

81. The mediator, whose appointment the Venezuelan delegation had suggested, would not be acting in the name of the small Powers; he would defend peace and security, both in his personal and in his official international capacity; he would formally undertake not to receive instructions from any Government; with the assistance of scientists he would carry out his task in the clear and precise manner defined by the Lebanese representative.

82. Mr. ALEXIS (Haiti) stated that his delegation had submitted its draft resolution (A/AC.31/L.29/Rev.1) in the conviction that complete agreement could not be reached on the question unless it was approached from a new angle; if a new element were introduced, the Atomic Energy Commission might be able to change its method and arrive at an agreement. The fact that the Atomic Energy Commission had been marking time while its members had maintained their respective positions, constituted sufficient motive for seeking a new element which might open broader avenues and lead to concrete results. He did not underestimate the work of the Atomic Energy Commission; he thought, however, that it should continue its efforts on a new basis.

83. It would seem from the statements of the delegation of the Soviet Union that it would not accept the Atomic Energy Commission's plan of control in its current form. Nevertheless, Mr. Alexis felt that world peace and security demanded a partial surrender of national sovereignty in some fields; the question was how far a State was prepared to go in that direction.

84. The purpose of the Haitian draft resolution was to induce the parties concerned to make greater reciprocal concessions in the field of

[1] See *Official Records of the Security Council*, Second Year, No. 12. 104th meeting.

national sovereignty and in that of the control required for the abolition of atomic weapons.

85. If all the parties refused to make concessions, an agreement could not be expected in the near future. The world feared that a delay in reaching such an agreement might mean the end of peace. Mr. Alexis did not think that all hope should be abandoned, and for that reason he had attempted in his draft resolution to broaden the problem with a view to making agreement possible. He regretted that some belated realists denied any possibility of solving crucial problems for the simple reason that their solution seemed impossible.

86. The Republic of Haiti was convinced that nothing was impossible where peace and freedom were concerned; it had wrested its independence, some hundred and fifty years ago, in a century of slavery, from Bonaparte himself, although he had brought the whole world to its knees. Mr. Alexis remarked that narrow-minded realists had always failed because they had been overtaken by events they had been unable to foresee; he contrasted them with two idealists who had imposed their conception of good upon the world—Christ and Franklin D Roosevelt. The United Nations itself came into being through the latter's idealism. History would surely distinguish between those idealists and realists such as Hitler.

87. The Committee might not adopt the Haitian draft resolution; but that proposal would at least bear witness to Haiti's will for international peace.

88. Mr. Alexis said in conclusion that his delegation would vote in favour of the joint draft resolution of Canada and France, in view of the fact that the six Powers must be allowed to continue their consultations; he hoped fervently that they would reach complete agreement in the higher interests of mankind.

89. Mr. VYSHINSKY (Union of Soviet Socialist Republics) considered it necessary to make certain observations on the speeches which had been delivered in the *Ad Hoc* Political Committee and wished to study with particular care the criticisms and objections which had been raised to the statements of the representative of the USSR and to the arguments which he had adduced in support of his proposal. Mr. Vyshinsky first examined the observations made by Mr. Hickerson, representative of the United States at the 34th meeting.

90. The representative of the United States had expected to prove with the utmost ease that the criticisms lodged against the United States control plan were without foundation; those criticisms had proved convincingly that the plan had no value whatever as an international plan, that it would not ensure control, that under cover of an international control plan the United States were really proposing to reject any control whatsoever. The United States plan was in fact an attempt to evade the fundamental problem with which the Committee was confronted, namely, the prohibition of atomic weapons. It was not unintentionally that the prohibition of atomic weapons had been the least mentioned subject and that the general discussion had mainly rested on the restriction of the national sovereignty of each State. The main topic had been the necessity for giving the control body proprietary rights over the sources of nuclear raw materials and atomic plants and even that had been discussed in a veiled form. That was due to the fact that the authors of the alleged international control plan were in no way inspired by the desire to free humanity from the terrible threat of an atomic war and the use of atomic weapons should a new war break out. The Soviet Union considered that a new war would be an immeasurable disaster and the most terrible of curses for mankind. Other States, however, were preparing for war and were preparing to use atomic weapons should that war break out. That was an undeniable fact. However much one tried to lull oneself with illusions or to deceive oneself, the threat which hung over humanity remained just as real and terrifying. Only the prohibition of atomic weapons and the establishment of a control which would make it possible to ascertain whether that prohibition were actually being implemented could remove the threat. Mr. Vyshinsky was sorry that was a question about which no one was really much concerned.

91. He had already referred to the report submitted to the United States Government by Mr. Dean Acheson in 1946 in support of his argument, and he would consider that report again. He was surprised, however, that neither the United States delegation nor those delegations which supported it had repudiated that report or attempted to explain it in such a way as to reconcile the flagrant and astounding contradiction between the words and actions of those in control in the United States.

92. Mr. Hickerson had tried to evade all those questions and had preferred to adopt the easy procedure of imputing to his opponent statements which the latter had not made and then proving the ill-founded nature of those statements. For example, the United States representative had stated that the USSR had refused to participate in an international control organization, the existence of which was essential if effective international control were to be ensured. That allegation had absolutely no foundation as all the members of the Committee knew quite well.

93. The United States representative had also repeated certain statements to the effect that the USSR proposal for the prohibition of atomic weapons and the destruction of existing atomic weapons made no provision whatsoever for opening the territory of the Soviet Union or of any other State to the control organization sufficiently to guarantee that the prohibition and destruction would be effectively carried out. That allegation was also devoid of any foundation. One need only study the proposal presented by the USSR delegation on 11 June 1947[1] to be convinced of that; paragraphs 6 and 7 of that proposal enumerated the functions which the Soviet Union control plan proposed should be conferred on the international control commission, and it provided, *inter alia*, that it should:

(*a*) Investigate the activities of facilities for mining atomic raw materials and for the production of atomic materials and atomic energy and check their accounts;

(*b*) Check existing stocks of atomic raw materials, atomic materials and unfinished products;

(*c*) Study production operations to the extent necessary for the control of the use of atomic materials and atomic energy;

[1] See *Official Records of the Atomic Energy Commission*, Third Year, *Special Supplement*, Annex 3 (C).

(*d*) Observe the fulfilment of the rules of technical exploitation of the facilities prescribed by the convention on control, and work out and prescribe the rules of technological control of such facilities.

94. Under that proposal the international control commission could therefore impose such technological rules as it considered necessary on any enterprise producing nuclear fuel. The organization had the right to collect and study data on the mining of nuclear ores, the manufacture of atomic materials and atomic energy and it also had the right to hold an investigation when it suspected violations of the convention on the control and prohibition of atomic weapons. Consequently, it was incorrect to claim that the suggested control agency's functions were insufficient or to state that the Soviet Union refused it access to its territory since that agency would carry out its functions on the territory of any State and, consequently, on the territory of the USSR. It was distortion of the facts for obvious polemical reasons to uphold such allegations. Conversations and consultations with those who were systematically distorting the facts could not produce any results. By virtue of its functions, the international control organization would have the right to enter the territory of any State in order to carry out the task with which it had been entrusted. Thus, the Soviet Union far from closing its territory to the international control organization was on the contrary opening wide its frontiers to it.

95. Agreement, however, should be reached on the meaning of the word "control". In speaking of control the United States had in mind the direction and management of atomic factories. It was no longer a question of inspection or supervision but of usurping proprietary rights. Although the Soviet Union offered the international control organization the widest facilities for carrying out its supervisory functions it would never grant its proprietary rights within its territory, since those rights could only belong to the people of the USSR who had given their blood for the right to be masters in their own land. The USSR was ready to agree to control on condition that it should not be subject to abuse and that its sovereignty and its right to possess and use atomic energy should be respected. It agreed that technological rules, the application of which would guarantee the loyal implementation of the convention on prohibition, should be imposed on it. It was therefore incorrect to say that the Soviet Union was refusing to submit to control and, in making such allegations, the opponents of the USSR were trying to distort the meaning of the word "control".

96. Mr. Vyshinsky then replied to the observations put forward by the United States representative on periodic control. If control were to be periodical, it would be carried out at specific times. The United States wished the control to be continuous, that was to say it should be carried out every hour, every minute, in order to make it impossible for the Soviet Union to undertake the secret production of atomic energy between inspections. Such distrust was surprising to say the least. The plan proposed by the Soviet Union provided that if the control agency suspected abuses or violations of the convention on prohibition it should immediately dispatch a commission of inquiry. The control agency had complete freedom to do so; its decisions in such matters were not subject to any restriction; in particular they were not subject to the unanimity rule. If certain States refused to submit to such inspection they would be committing an international crime in violation of the convention and thus would become subject to the sanctions to be provided therein.

97. Therefore, the allegations made in opposing the establishment of a system of periodic inspection were baseless and in fact were a mere pretext for rejecting the plan of the Soviet Union and for presenting the United States plan as the only acceptable plan. The United States which had established military bases in all parts of the world wished also to take possession of all sources of nuclear fuel and to set up throughout the world so-called organs of inspection which actually would manage atomic production in the best interests of United States trusts.

98. It was claimed that the USSR plan was not satisfactory because it could not ensure against violation of the convention on the prohibition of atomic weapons. Yet what plan could offer such assurance? Did not Mr. Osborn, the United States representative, state at the 33rd meeting, that no member of the Atomic Energy Commission thought a plan could be formulated which would exclude any possibility of violating the convention. Mr. Osborn had also pointed out that even if control commissions should own and manage atomic plants, atomic materials might still be left in the hands of the States which had obtained them, and that the position would then be hopeless. Those statements, Mr. Vyshinsky noted, had been neither denied nor confirmed by Mr. Hickerson, another United States representative, and he wondered which of them, Mr. Osborn or Mr. Hickerson, had expressed the view of the United States Government. If no plan of control could provide an effective guarantee that the convention on the prohibition of atomic weapons would not be violated, and consequently the United States control plan could not provide such a guarantee, what was its advantage?

99. Mr. Vyshinsky then turned to the problem of atomic energy quotas and noted that the United States representative had once more distorted his statements on the matter. Mr. Hickerson had said that from the fact that the international commission would have the right to fix quotas Mr. Vyshinsky had drawn the conclusion that the commission would have the right to interfere in the economic life of States. That conclusion, Mr. Vyshinsky emphasized, was not his own, but had been clearly stated in the *Official Records of the Atomic Energy Commission*, Fourth Year, *Special Supplement* No. 1, part I, chapter 3, section III. Mr. Vyshinsky cited passages from that document, which expressly stated that the control agency should intervene in the activities of atomic enterprises and in economic plans, whether public or private. The latter consideration did not affect the Soviet Union which had a socialist system of economy and consequently no private enterprise, but the USSR delegation wished to point out that certain States had a different political and economic system permitting private enterprise and that the interests of such States should also be protected. The delegation of the Soviet Union

could not agree that the control agency should have full latitude to manage as it saw fit the atomic production of States, especially as the agency might be expected to be composed mainly of persons pursuing a well-defined line of conduct, which was to obstruct the economic development and independence of the Soviet Union and of the people's democracies.

100. The Atomic Energy Commission's second report of 11 September 1947, noted that the United States plan with regard to quotas was based on the principle that comparable national resources should be used proportionately throughout the world. That meant that any given State which had been assigned a definite quota could not obtain additional quotas even if its needs for atomic energy were growing constantly, as was the case in the Soviet Union which had tremendous need for atomic energy and was utilizing it to the maximum extent and exclusively for peaceful purposes. Thus the USSR Government was using atomic energy for levelling work. Some had not failed to stress that levelling work was in fact destructive. History would record, however, the name of the country which had been the first to use atomic energy for the purpose of destroying thousands of human beings, although that had not been necessary either for the conduct of the war or for the achievement of victory.

101. Mr. Hickerson had also stated that the quotas of atomic energy would be allocated with the agreement of the Governments concerned. Mr. Vyshinsky had looked in vain in the United States plan for any indication of that kind. Chapter 3 of the plan[1] containing the main principles on which it was based, clearly showed that the needs of States for atomic energy would be assessed by the agency of control.

102. Mr. Vyshinsky saw no connexion between that aspect of the question and the problem of the prohibition of atomic weapons which after all should be the basic problem. Moreover, an agency of control vested with such functions would become all-powerful, and it was therefore useless to speak of the agreement of the Governments concerned. The agency of control would be entirely free to seize the lion's share and the Governments concerned would be unable to raise a protest. Thirty-two years previously an agreement of that nature had been offered to the Government of the Soviet Union; the USSR had refused it and it hoped that as long as the world lasted it would be able to do without "agreements" or "sharing" of that kind.

103. The United States representative had denied that under the United States plan the international agency would have a monopoly of scientific research. But, in section III of chapter 2 of Special Supplement No. 1, to which reference had already been made, it was expressly stated that "Nations and persons shall be prohibited from engaging in experimental activities requiring the use of, or capable of producing, nuclear fuels or radioactive isotopes in such quantity or quality as the agency determines to be dangerous". Conseequently, it was clear that the international agency would have full power of decision in all matters, whether they involved granting authorization or undertaking experiments; fixing the quantity of atomic matter or determining whether that quantity was dangerous. It was equally clear that if, as could be expected, the international agency was run by the United States, the fact that the Soviet Union was in possession of nuclear matter of any quality or quantity would always be considered dangerous.

104. The truth was that the United States, which had been the first to discover atomic energy, was jealously guarding the secret and refusing to disclose it even to States it considered friendly, such as the United Kingdom. It was still more reluctant to disclose it to the Soviet Union which, without any foreign assistance and thanks to the efforts of its own scientists, had itself discovered the atomic secret in 1947 and had made no attempt to hide that fact. Just as the statements of the USSR delegation had not been believed then, so credence was being denied to the fact that the Soviet Union was already using atomic energy for peaceful purposes, and the statements by the USSR representative were considered absurd. That, however, did not alter the truth, which was that the Soviet Union was in possession of the atomic secret and that it had discovered it without any foreign assistance.

105. If, as was claimed, the international control commission should assist in experimental atomic research, why should States be forbidden to conduct experiments in that field? Mr. Vyshinsky would like his opponents to reply to that particular question. He agreed that an article in the United States plan permitted a State to pursue research in the field of atomic energy. The scope of that article was, however, limited by the following principle: as soon as that research had reached the stage at which the use of nuclear fuel became necessary, the international control commission, which alone had the right to determine when the dangerous stage of the work had been reached, would have to authorize expressly the continuation of that work and might detail its own staff for that purpose.

106. Mr. Vyshinsky then recalled his statements with respect to the Acheson-Lilienthal report of 1946; he had emphasized that in preparing a plan of international control, the United States Commission composed of Mr. Acheson, Mr. Baruch and Mr. Lilienthal, had seen no need for the United States to give up further production of atomic weapons after the adoption of the plan. On the contrary, that Commission had expressly stated that the adoption of the plan would in no way oblige the United States to cease manufacturing atomic weapons, even though the plan of control should come into force. In that connexion, Mr. Vyshinsky quoted excerpts from a letter dated 17 March 1946 from Mr. Acheson to Mr. Byrnes, accompanying the report of the United States Atomic Energy Commission; that letter stated expressly that there would be no need for the United States to suspend the manufacture of atomic weapons even after the international control commission had come into being and that such a decision would always depend on the United States Congress and on high policy considerations.

107. Thus, while preparing the alleged plan of control supposedly designed to free mankind from the threat of the atomic weapon, the Commission had frankly recognized that the United States would be under no obligation to stop production

[1] See *Official Records of the Atomic Energy Commission*, Fourth Year, *Special Supplement* No. 1, Part I.

of the atomic bomb. Mr. Vyshinsky observed furthermore that the same letter emphasized that the plan provided for the establishment of control by stages; it contemplated the control, first, of the extraction of raw materials, next of industrial production, and lastly, of explosive materials; in other words, of the bomb. The letter further stated that the preparation of detailed proposals on the subject would require time and the use of a competent staff. It added that the final decision would be dictated by political considerations, which would also determine how long the United States would continue to manufacture the bomb. The letter said that the plan in no way required cessation of such manufacture by the United States either when the plan was adopted or when it came into effect, or even when the international organ had begun to function.

108. Mr. Hickerson had called the USSR representative's statement absurd; Mr. Vyshinsky, for his part, thought that the statement of the United States representative, seen in the light of the letter just cited, was a fabrication and in fact a crime. The United States representative had claimed at the 34th meeting that Mr. Vyshinsky had not taken cognizance of the plan for, had he done so, he would have seen that the plan prohibited States from manufacturing atomic weapons and owning explosive atomic materials. Mr. Vyshinsky wondered why the United States had brought about the rejection, in the Atomic Energy Commission, of a proposal for the destruction of explosive raw materials—a proposal for which the United Kingdom representative had voted. The prohibition contained in the United States plan related not to the atomic weapon but to general control by stages. The first stage of control—which incidentally would be determined by the control agency itself—would apply to raw materials; with regard to the stage of bomb manufacture, however, no control was planned in the immediate future. The United States had conceived the plan when it had believed itself to be the only country in a position to manufacture atomic bombs. Knowing that the Soviet Union might possess atomic raw materials, the United States had thought that the control of those raw materials would prevent the USSR from manufacturing atomic weapons, even while such manufacture could be carried on freely in the United States for an indefinite period.

109. The United States, which possessed atomic bombs, did not wish to submit their manufacture to international control and therefore stated that the control of the manufacture of bombs would belong to another stage.. The question at which time that stage would be entered upon would be decided "later"; in fact it would never be decided, as high policy considerations would intervene.

110. It was claimed that the United States plan was the best and the only one which might be considered. It was obvious that the only interests which it could serve were those of United States policy. The intention of the United States was clear; since the adoption of some form of atomic energy control seemed inevitable, the United States was doing its utmost to make the control a supervision in form only, so that it would not prevent those who were currently the masters in atomic matters from continuing to exercise their rights. For that reason the USSR delegation could not support a plan of that nature.

111. In conclusion Mr. Vyshinsky made some remarks with regard to the Colombian representative's intervention. He wished to point out once again that he had never said that the Soviet Union utilized atomic energy to move mountains, but to raze them. It might, moreover, be well for the Colombian representative to acquaint himself with certain facts which had become general knowledge. If the Colombian representative had no first hand information on the fact that the Soviet Union was in possession of atomic energy, he could verify the USSR representative's statement by studying official documents.

112. Furthermore, Mr. Vyshinsky was surprised at the Colombian representative's statement that a convention would be useless since a war in which atomic weapons were used was always possible and that whatever the outcome of the war, guilty ones would always be found, as had been shown at Nürnberg. Mr. Vyshinsky hoped that the Colombian representative had not intended to say that the accused at Nürnberg had not been responsible for the crimes for which they had been convicted. Such an assertion would be extremely serious and Mr. Vyshinsky would merely ask that question without attempting to find the answer to it. He regretted that the Colombian representative had so lightly made such a serious statement.

113. Mr. NASZOWSKI (Poland), in reply to the remarks of the French representative who had chosen to recall that in France the Minister of National Defence was French, wished to point out that—if he were to speak of marshals, rather than of ministers, he could point out that Fontainebleau, a historic French town, now harboured the headquarters of a foreign marshal. That fact was more decisive in French policy than the nationality of the Minister of National Defence.

114. The CHAIRMAN declared the incident closed. He proposed the adjournment of the meeting and that voting on the various draft resolutions before the Committee should be deferred until the following meeting. He recalled that the draft resolutions had been submitted and should consequently be put to the vote in the following order: draft resolution presented jointly by Canada and France (A/AC.31/L.27/Rev.1), the Indian draft resolution (A/AC.31/L26), the USSR draft resolution (A/AC.31/L28), the Haitian draft resolution (A/AC.31/L.29/Rev.1), and the Argentine draft resolution (A/AC.31/L.30).

The meeting rose at 2 p.m.

THIRTY-SIXTH MEETING

Held at Lake Success, New York, on Monday, 14 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050) (*continued*)

1. The CHAIRMAN stated that before the Committee proceeded to the vote on the five draft resolutions before it, as agreed at its 35th meeting, any member who wished to explain his vote might do so.

2. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) wished to explain the vote of the delegation of the Ukrainian SSR on the three main draft resolutions before the Committee: the resolutions of Canada and France (A/AC.31/L.27/Rev.1), India (A/AC.31/L.26) and the USSR (A/AC.31/L.28).

3. The joint draft resolution submitted by Canada and France distorted the entire question of atomic energy and would make it impossible for a serious decision to be reached on the question. Instead of logically dealing with the prohibition of atomic weapons as well as the establishment of strict international control, the joint draft resolution followed the main lines of the United States plan of control and disregarded the question of prohibition. Obviously it was essential to have an international agreement on prohibition with guarantees that atomic energy would be used for peaceful purposes only.

4. The revised draft of paragraph 8 in no way altered the substance of the recommendation that sovereign States should waive certain inherent rights to sovereignty. The purpose of the manoeuvre could not be disguised by clever wording; the international control of atomic energy was being used as a pretext to achieve the subordination of the economies of sovereign independent States to the will of United States monopolies.

5. Paragraph 3 of the joint draft resolution confirmed the contention that atomic energy plants would be turned over to a super-trust which, though ostensibly international, would operate under the control of the United States.

6. Moreover, the real purpose of paragraph 7, requesting the permanent members of the Atomic Energy Commission to continue their consultations, was to wind up the Atomic Energy Commission. The aim of the proponents of the draft resolution was to prevent prohibition of the atomic weapon. Mr. Manuilsky further noted that the joint draft resolution ignored the fact that the United States no longer had a monopoly in the field of atomic energy.

7. The delegation of the Ukrainian SSR would therefore vote against the joint draft resolution of Canada and France and would continue to strive for the unconditional prohibition of the atomic weapon and the establishment of an effective international system of control.

8. Regarding the draft resolution submitted by India, Mr. Manuilsky considered that the question before the Committee was above all political in nature and could not therefore be regarded solely as a legal problem to be referred to the International Law Commission. It must be remembered that that Commission would be faced with the question of the basis on which the conventions on the prohibition of the atomic weapon and the establishment of international control would rest. That decision must be made by Governments rather than by jurists whose sole function would be to formalize preliminary agreements on the matter reached by Governments. The procedure suggested in the Indian draft resolution would make no positive contribution to the settlement of the problem and in addition would have the important disadvantage of binding the International Law Commission to the general findings and specific proposals of the Atomic Energy Commission as a basis for its work. Thus, the United States plan which had been rejected by a group of countries, including the Soviet Union, would be the starting point of the Commission's work and the disagreements between the USSR and the United States on the question of atomic energy would remain unresolved. Since final settlement of the question would certainly be hampered by the adoption of the Indian resolution, the delegation of the Ukrainian SSR would be unable to vote in its favour.

9. In the opinion of Mr. Manuilsky, the draft resolution of the USSR provided a real basis for reaching agreement on the question of atomic energy. In the first place, that proposal was based on the main provisions and principles of the fundamental decisions of the General Assembly in the matter adopted on 24 January 1946 and 14 December 1946, in resolutions 1 (I) and 41 (I).

10. The Soviet Union draft resolution was also commendable because it provided for the resumption of the work of the Atomic Energy Commission which had ceased to operate because of the unilateral action of the Anglo-American bloc in violation of the resolution of the General Assembly. Even the later resolution 191 (III) of 4 November 1948 made no provision for consultations among the six permanent members of the Atomic Energy Commission. Clearly those consultations served only as a pretext for further delay in reaching a solution of the vital question of the prohibition of the atomic weapon. It was therefore correct to place the responsibility for the impasse which the Atomic Energy Commission had reached on the Governments of the United States and the United Kingdom.

11. Finally, the Soviet Union resolution pointed the way to agreement, by proposing that two conventions on the prohibition of the atomic weapon and the international control of atomic energy should come into force simultaneously. Adoption of those conventions would be greatly facilitated by the fact that the USSR had already submitted draft conventions on 19 June 1946 and 11 June 1947.[1]

12. The delegation of the Ukrainian SSR would therefore vote in favour of the USSR draft reso-

[1] See *Official Records of the Atomic Energy Commission*, Third Year, *Special Supplement*, annex 3 (A) and (C).

lution in the convention that the adoption of that proposal would serve to resolve the existing deadlock and lead to agreement on the question of atomic energy.

13. Mr. DE SOUZA GOMES (Brazil) expressed appreciation of the idealism which had motivated the Indian draft resolution, but stated that the Brazilian delegation could not concur in the proposal to request a legal commission to consider a purely political and technical question.

14. The USSR draft resolution revealed the true intentions of the Government of the Soviet Union in the matter. That document, which was controversial in nature, served no constructive purpose, but merely emphasized the divergencies which already existed. In calling for a decision which had already been rejected by a majority of the General Assembly, in laying the blame for that rejection upon the United States and the United Kingdom and in adhering steadfastly to a position based on the national interests of one country, the USSR draft resolution would certainly not contribute to a satisfactory solution of the problem. The Brazilian delegation would therefore be unable to vote in its favour.

15. While the draft resolution of Haiti (A/AC.31/L.29/Rev.1) displayed a commendable spirit of conciliation, it was not completely objective and made no substantial contribution to the solution of the problem. Its proposal for a new committee to perform a task entrusted heretofore to the Atomic Energy Commission represented an original approach.

16. The representative of Brazil expressed appreciation of the motives which had led to the Argentine draft resolution, (A/AC.31/L.30) but considered that the principle of outlawing the use of atomic weapons for purposes of aggression while permitting the use of such weapons for defensive purposes was unacceptable, since there were numerous examples of wars which had not been declared, precisely to avoid accusations of aggression.

17. In the view of the Brazilian delegation, the draft resolution of Canada and France was entirely acceptable, since it approached the problem realistically and supported the position adopted previously by the General Assembly. Moreover, it contained the important principle that the individual exercise of rights of sovereignty in the control of atomic energy be limited in the common interest. The Brazilian delegation was fully aware of the rights inherent in national sovereignty, and it supported the draft resolution of Canada and France in the hope that its generous spirit would contribute to a satisfactory solution of the problem.

18. KHALIFA Bey (Egypt) stated that after careful study of the various proposals before the Committee, the Egyptian delegation would support the revised Canadian-French draft resolution which, in its view, represented the most practical solution to the problem of the control of atomic energy.

19. Mr. MUÑOZ (Argentina) stated that, although the revised text of paragraph 8 of the Canadian-French draft resolution was not entirely satisfactory, the Argentine delegation realized that it sought a solution of the very serious problem of atomic weapons and was therefore prepared to withdraw the objection it had indicated previously during the 34th meeting if the Committee agreed that the report of the Rapporteur would include a paragraph to the effect that the recommendation contained in paragraph 8, which referred to the particular case of atomic energy, should in no way be invoked as a precedent in future situations with regard to any other matters in order to require States to renounce their rights of national sovereignty or the exercise of those rights individually or collectively.

20. Mr. ANZE MATIENZO (Bolivia) stated that the failure of the Bolivian delegation to participate in the discussion of the problem of atomic energy was not to be attributed to lack of interest, but rather to its feeling of scepticism in connexion with the prevailing deadlock. Countries which did not possess the secret of atomic energy or the industrial resources to exploit that secret could make no contribution in settling the difference of views except in expressing their fears and their hopes and thereby exerting moral pressure.

21. To that end, the Bolivian delegation would vote in favour of the Canadian-French draft resolution, with particular emphasis on paragraph 8 which it considers essential, since international co-operation could not be achieved without voluntary limitation of the rights of sovereignty.

22. Although the Bolivian delegation appreciated the spirit of the Indian draft resolution, it would have to obstain from voting because in its view the deadlock which had been reached on the question of international control made the juridical approach impractical. The same considerations applied to the draft resolution of Haiti, on which the Brazilian delegation would also abstain. With regard to the Argentine draft, the Bolivian delegation would also abstain because the important definition of an aggressor had not been made clear.

23. The Bolivian delegation could not vote in favour of the Soviet Union's intransigent draft resolution which would serve only to prolong the existing deadlock.

24. Mr. EUSTACE (Union of South Africa) reaffirmed the statement made at the third session of the General Assembly by the head of the South African delegation, Mr. Louw, then Minister of Mines, to the effect that his Government supported the principle of atomic energy control in so far as it was intended to prevent the use of atomic energy for purposes of warfare.

25. The economy of South Africa was based mainly on its production of gold. As gold and uranium were intermingled in the same ores, the Government had undertaken a study of the proposed measures of atomic energy control as they might affect gold production. It could not commit itself on the question of the control of atomic energy until completion of that study. Accordingly, the delegation of South Africa would abstain on paragraph 8 of the Canadian-French proposal and, consequently, on the joint draft resolution as a whole.

26. Mr. TOBARZALDUMBIDE (Ecuador) explained why his delegation would vote in favour of the Canadian-French draft resolution in preference to the other four proposals before the Committee.

[1] See *Official Records of the Third Session of the General Assembly, Part I*, First Committee, 150th meeting.

27. While it appreciated the spirit of the Indian draft resolution, it would abstain from voting on it. To ask the International Law Commission to consolidate the very inadequate results of discussions on atomic energy held so far might imply that the Assembly was satisfied with the stalemate which had developed.

28. Similarly, the delegation of Ecuador understood the lofty principles underlying the Haitian draft resolution. It could not, however, support it, because it considered it impracticable at the present stage.

29. It also recognized the merits of the Argentine draft, but would abstain from voting on it for reasons similar to those which determined its position with regard to the Indian proposal.

30. It could not vote for the Soviet Union draft resolution, because it failed to provide adequate means to achieve the dual objective of prohibiting atomic weapons and establishing effective control of atomic energy.

31. Finally, the delegation of Ecuador would vote in favour of the Canadian-French draft because it considered effective international control a prerequisite for a positive solution of the problem. It supported the recommendation to the permanent members of the Atomic Energy Commission to continue consultations with a view to exploring all possibilities of reaching agreement and it agreed with the appeal to the States concerned to accept the principle of limiting national sovereignty to the extent necessary for the promotion of world peace and security. It should be noted that certain delegations which now opposed that principle, had, on previous occasions, when it suited their political interests, adopted a very different position.

32. Mr. DJERDJA (Yugoslavia), in explaining his vote, once again stressed the importance of considering the entire question of the prohibition of atomic weapons and the establishment of effective international control of atomic energy as part of United Nations efforts to strengthen world peace and security. His delegation remained firmly convinced that control of atomic energy and elimination of atomic weapons from national armaments should be effected simultaneously and that effective control should be accompanied by guarantees adequate to ensure absolute prohibition. Every effort should be exerted by the States directly concerned to attain those objectives.

33. The Yugoslav delegation had many serious reservations and objections concerning the draft resolutions before the Committee. While there were a number of useful and acceptable points in both the Canadian-French and the Soviet Union proposals, neither one offered an adequate or effective solution. Both draft resolutions failed to foster the atmosphere of mutual confidence without which no agreement could be reached, and by reaffirming the positions previously held by the parties concerned, prejudiced the outcome of any future negotiations. Furthermore, the Yugoslav delegation did not agree with the priority of control over prohibition advocated in the Canadian-French proposal. Although it had held another view on the problem of atomic energy at previous sessions of the General Assembly, the existing deadlock had led it to adopt a new and more realistic approach more closely related to the possibilities of reaching agreement. It therefore could not support the USSR proposal either.

34. The Indian draft resolution would also be ineffective, and was unacceptable if only on the grounds that it would shift the main burden of work on the problem to the International Law Commission.

35. The Argentine draft resolution recommended a half-measure and its effect would be moral, rather than practical. It might be acceptable as an amendment to the draft resolution of Haiti for it constituted an added moral encouragement to the States concerned to press for a final solution of the problem of atomic energy in the interests of world peace.

36. Finally, the Yugoslav delegation would support the Haitian draft because it offered the most solid basis upon which negotiations could proceed with a view to unanimous agreement on a total solution of the problem.

37. Mr. MALIK (Union of Soviet Socialist Republics) said that he would comment first on the draft resolutions submitted by Canada, France, India and the Soviet Union. His delegation's position in respect of the other two drafts before the Committee—the draft resolutions submitted by Haiti and Argentina—would, to some extent, be determined by the outcome of the voting on the first three texts.

38. The USSR delegation considered the Indian draft resolution unacceptable because its main purpose was to transmit the problem of atomic energy to the International Law Commission. The problem was, however, a political rather than a legal one, and the International Law Commission was not the proper organ to deal with it.

39. Furthermore, the Indian draft invited the International Law Commission to take into consideration the recommendations of the Atomic Energy Commission approved by the General Assembly. As the USSR delegation had repeatedly pointed out, those recommendations merely represented a restatement of the notorious Baruch plan and had been forced upon the Commission by the Anglo-American bloc, largely by virtue of the fact that the majority of both the permanent and the non-permanent members of the Commission were States linked to the United States by a series of military alliances. It was not surprising that those States, which until recently had regarded the atomic weapon as the only factor bound to ensure a United States victory in case of war, were violently opposed to its prohibition. Mr. Malik noted that the representative of the United States and the United Kingdom had failed to comment on that point.

40. There were grounds for assuming that the adoption of the Atomic Energy Commission's recommendations by the General Assembly at its third session had been due to deliberately created misapprehensions in the minds of many representatives. Those recommendations could not, therefore, be considered as fair, objective, or corresponding to the wishes and aspirations of the peoples of the world. Any declaration or international agreement based upon them would be useless and even dangerous, because it might create the false impression that it provided for the immediate prohibition of atomic weapons.

41. Despite the fact that the Soviet Union was in possession of atomic weapons, it would con-

tinue to insist on the unconditional prohibition of the use of atomic weapons. It believed that the problem of atomic energy could only be solved by the simultaneous conclusion of two conventions on prohibition and control respectively, and considered that the elaboration of those conventions should be entrusted to the Atomic Energy Commission and the Security Council, which were undoubtedly better equipped to deal with that task than the International Law Commission or any other organ of the United Nations.

42. For all those reasons, the USSR delegation was unable to support the Indian draft resolution and would vote against it.

43. Turning to the draft resolution submitted by Canada and France, Mr. Malik said that the reference to the General Assembly resolution 191 (III) of 4 November 1948 contained in paragraph 1 of the draft was unacceptable for the reasons he had stated in connexion with the Indian draft resolution.

44. He also objected to the statement in paragraph 2 that atomic energy, if used for war, might "bring about the destruction of civilization". The lesson of Hiroshima showed that the effect of the atom bomb was to destroy civilian populations and peaceful cities. Resolutions intended for adoption by the General Assembly should be worded in accordance with the facts and should not be excessively grandiloquent.

45. The Soviet Union delegation categorically opposed the assertion in paragraph 3 that a danger to humanity would continue to exist as long as States retained under their individual control the development and operation of atomic energy facilities. It believed, on the contrary, that such a danger would exist so long as there was no prohibition of atomic weapons and no strict international control to ensure the observance of that prohibition. The United States plan was designed to substitute control for prohibition; moreover, it did not even provide for immediate control of all stages of atomic production but only for that of atomic raw materials. In view of that fact, the phraseology of paragraphs 3, 4 and 5 of the draft resolution could only mislead world public opinion and divert attention from the basic issue of prohibition. The USSR delegation could not, therefore, accept those paragraphs.

46. Paragraphs 6 and 7 offered no concrete suggestions on the substance of the problem but merely provided for the continuance of the six-Power consultations, which could not produce positive results because of the disruptive attitude of the United States delegation and its supporters.

47. Lastly, paragraph 8 recommended that all nations should agree to limit the individual exercise of their rights of sovereignty for the promotion of world security and peace. The head of the Soviet Union delegation had already pointed out that the authors and supporters of the United States plan had no intention of ceasing to prepare for the use of atomic energy for military purposes. That being so, the suggestion that States should relinquish their sovereign rights by accepting that plan was not only unacceptable by its very nature but also pointless, since such acceptance would not produce the desired effect of ensuring world peace.

48. The theory of stages on which the United States plan was based had had a certain *raison d'être* so long as the authors of the plan had believed that the United States held the monopoly of atomic energy. Now that it was known that two or more States had the secret of atomic energy production, that theory had become an absurdity because it did not provide for prohibition until a very late stage, which would be reached only after the establishment of effective international control.

49. Under the United States plan, no control would be imposed upon atomic energy production facilities during the initial stage which, judging from the amount of scientific work contemplated, would extend over a period of years. The United States representative had been unable to deny that fact, although he had avoided giving a definite reply to the USSR delegation on that point. He had confined himself to general remarks to the effect that his Government was, in principle, in favour of control over all stages of atomic production as well as of the prohibition of atomic weapons as provided in the recommendations of the Atomic Energy Commission. The point was, however, that those recommendations did not provide for the establishment of simultaneous control over all stages of production, and certainly did not provide for prohibition until the completion of the transitional stages, the duration of which could not as yet be accurately gauged.

50. The absence of prohibition of the use of atomic energy for military purposes meant, in a world where the secret of atomic energy production was shared by two or more States, that the atomic armaments race would continue. Consequently, the United States plan did not remove the danger of atomic war; there was therefore no reason for nations to sacrifice their rights of sovereignty in favour of that plan.

51. The United States delegation and its associates had failed to give a satisfactory reply to the USSR delegation's arguments on that point. They had been unable to show that they were genuinely anxious to ensure international peace and security.

52. The proposals contained in the draft resolution submitted by Canada and France served no purpose other than to disguise the aggressive plans of the United States. The delegation of the Soviet Union therefore was unable to accept those proposals as they stood, and would vote against them.

53. The USSR delegation would support its own draft resolution because it firmly believed that international peace and security could be ensured only by the adoption of the positive measures provided in that draft resolution, i.e., the simultaneous conclusion of conventions on prohibition and control and the immediate resumption of the work of the Atomic Energy Commission for the purpose of elaborating those conventions.

54. General McNaughton (Canada), speaking on behalf of the authors of the draft resolution of Canada and France, said that they had no objection to the proposal of the Argentine representative to include in the Committee's report a statement clarifying the meaning of paragraph 8 of that draft. The Argentine text had accurately interpreted the intention of the sponsors of the joint draft resolution.

55. Mr. Naszkowski (Poland) announced his intention of voting against the Canadian-French proposal. It did not bind any of the parties con-

cerned and actually concealed the intentions of the Anglo-American bloc to maintain the present deadlock. The Polish delegation was not deceived by the assertion of the United States representative that his Government's position on the problem would not be altered until a new and better plan for the control of atomic energy had been perfected. It was not deceived by rhetorical distinctions drawn between limitations of the sovereignty and the waiver of sovereign rights. In fact, the revised draft of paragraph 8 in no way modified its substance, and the Polish delegation still found it unacceptable. It was clear from the Canadian-French draft resolution that the so-called majority, led by the United States, was not seeking a basis for agreement; the Polish delegation would vote against their proposal.

56. The Indian draft resolution was an attempt to submerge the essentially political question of agreement on control of atomic energy in a mass of legal arguments. Its effect would be to make more final the existing stalemate and the Polish delegation could not support it.

57. Finally, the Polish delegation would vote in favour of the USSR proposal. It clearly showed the reasons for the deadlock and proposed the correct course for resolving it: resumption of the activities of the Atomic Energy Commission with a view to the elaboration of simultaneous conventions on the prohibition of atomic weapons and the establishment of effective control of atomic energy.

58. Mr. LUNS (Netherlands) would vote for the Canadian-French draft resolution because it represented the most appropriate and practical way out of the stalemate. His delegation still entertained some doubt concerning paragraph 8 which, as it stood, seemed to imply that international law was merely the joint exercise of the sovereign rights by many nations. In fact, it was a law beyond and above individual national rights. The paragraph might be redrafted to render that idea.

59. Mr. ALEXIS (Haiti), referring to paragraph 7 of the draft resolution of Canada and France, noted that the door had been left open for agreement through continued consultations on all possible methods and the consideration of all concrete suggestions. That had essentially been the objective of the Haitian proposal. Accordingly, Mr. Alexis withdrew his draft resolution (A/AC.31/L.29/Rev.1).

60. Mr. AZKOUL (Lebanon) suggested a drafting change in the Canadian-French proposal, designed to ensure that mediation should be considered together with all other suggestions for a way out of the existing deadlock between the principal States concerned with the question of atomic energy. Specifically, the phrase "including that of mediation" should be inserted after the word "suggestions" in paragraph 7.

61. Mr. MONTEL (France) assured the representative of Lebanon that the possibility of mediation came within the very broad scope of paragraph 7 and would be given due consideration in the course of the consultations. However, if he wished further assurance, the representative of Lebanon might ask the Rapporteur to include his suggested amendment in the report of the Committee.

62. In view of those assurances from one of the permanent members of the Atomic Energy Commission, Mr. AZKOUL (Lebanon) did not press his drafting amendment.

63. Mr. J. MALIK (Union of Soviet Socialist Republic) presented several amendments (A/AC. 31/L.31) to the text of the Canadian-French draft resolution.

64. General MCNAUGHTON (Canada) said that the amendments of the Soviet Union actually constituted a new draft resolution and were therefore out of order.

65. Mr. MONTEL (France) agreed with the representative of Canada and pointed out that the USSR amendments would have the effect of nullifying the entire substance of the Canadian-French proposal and of replacing it by the original draft resolution of the Soviet Union upon which the Committee was to vote in any case.

66. Mr. J. MALIK (Union of Soviet Socialist Republics) insisted that his proposals constituted amendments within the meaning given in the rules of procedure and should be voted upon despite the objections raised by the representatives of Canada and France. If the latter were sincerely anxious to facilitate a solution of the problem before the Committee, they would not prevent the Committee from taking a decision on the amendments.

67. The CHAIRMAN said that it would not be possible for him to determine whether or not the USSR proposals actually were amendments under rule 119 of the rules of procedure until the text had been distributed. At that time, his ruling would be open to challenge by any Member State and the final decision would be left to the Committee itself.

The meeting rose at 1 p.m.

THIRTY-SEVENTH MEETING

Held at Lake Success, New York, on Monday, 14 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

International control of atomic energy: (A/993, A/1045, A/1045/Corr.1, A/1050) (*concluded*)

DRAFT RESOLUTION SUBMITTED BY THE DELEGATIONS OF CANADA AND FRANCE (A/AC.31/L.27/Rev.1)

1. The CHAIRMAN drew the attention of Committee members to document A/AC.31/L.31, which contained the USSR amendment to the draft resolution proposed by Canada and France (A/AC.31/L.27/Rev.1).

2. He recalled that some doubt had been expressed as to whether the USSR proposal could be considered as an amendment to the draft resolution proposed by Canada and France. In his opinion paragraphs 1 and 2 of the USSR amendment could undoubtedly be considered as amending that draft resolution; the nature of paragraphs 3 and 4 of the amendment, however, was more debatable, seeing that they completely altered the meaning of the original proposal. The Chairman left it to the Committee to take a decision.

3. General MCNAUGHTON (Canada) did not think that paragraphs 3 and 4 of the USSR amendment could be accepted as an amendment to the draft resolution submitted by his delegation and the French delegation jointly. He would therefore confine his remarks to paragraphs 1 and 2.

4. Paragraph 1 deleted any reference to resolution 191 (III) adopted by a very large majority of the General Assembly. In the opinion of the Canadian delegation, it was essential to refer explicitly to that resolution of the General Assembly, upon which all the sincere efforts to reach a solution of the vital problem of international atomic energy control had been based and, it was to be hoped, would continue to be based.

5. Paragraph 2 of the USSR amendment weakened the draft resolution submitted by Canada and France by exchanging the idea of the destruction of civilization for the more limited one of the extermination of the civilian population. The atomic danger, however, did more than endanger the existence of the peaceful populations of the world, terrible though that was; it did actually threaten to wipe out human civilization entirely. The word "civilization" should therefore be maintained in the draft resolution.

6. For the reasons given, the Canadian delegation would vote against paragraphs 1 and 2 of the USSR amendment.

7. Mr. MONTEL (France) concurred in the statement made by the Canadian representative.

8. The CHAIRMAN put paragraph 1 of the USSR amendment (A/AC.31/L.31) to the vote.

The paragraph was rejected by 40 votes to 6, with 4 abstentions.

9. Mr. J. MALIK (Union of Soviet Socialist Republics) wished to make a few observations in support of paragraph 2 of his amendment. He pointed out that the warmongers, because they were themselves afraid, were attempting to arouse fear all over the world by exaggerating the possible results of the use of the atom bomb. The Japanese militarists had also talked about the extinction of civilization, which had nevertheless survived the Japanese attack; in the end it was those who threatened civilization who had themselves been defeated. The truth was that aspirants to world domination came and went, but civilization remained.

10. There was thus no justification for attempting to frighten the world by prophesying the ruin of civilization, simply because there were some, as, for example, the United States Senator Cannon, who allowed themselves to be carried away by the possibilities of atomic weapons and talked of destroying civilization by means of atom bombs.

11. There was a danger, however, that if such persons had their way and an atomic attack was launched, peaceful civilian populations would be exterminated and towns destroyed.

12. The USSR had submitted its amendment with a view to avoiding any exaggeration and keeping strictly to the facts.

13. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) considered that the Canadian representative, who was well acquainted with military history, must be aware that each time a new weapon had been invented there had always been people to exaggerate its importance. For instance, when the first tanks were made, the British military authority Fuller had announced that the new machine would completely transform the art of war by substituting automatons for soldiers; others had expressed the fear that air raids would wipe out civilization.

14. There was no doubt that the atom bomb was a means of wide-spread destruction, which would affect especially the civilian population; it was a barbarous and inhuman weapon and the delegation of the Ukrainian SSR would like to see it abolished, at the same time as all other weapons. There was no necessity, however, in order to achieve that end, to create an atmosphere of world-wide panic by statements which were not in accordance with reality; there was still less justification for doing so when, as was the case, the United Nations provided a means of averting the danger by eliminating atomic weapons from national armaments.

15. It was for such reasons that the delegation of the Ukrainian SSR greatly preferred the wording proposed by the USSR in paragraph 2 of its amendment.

16. General MCNAUGHTON (Canada) emphasized that he could state, in the light of the experience gained during his long military career and of a thorough study of questions connected with atomic energy, that the draft resolution submitted by his delegation and the French delegation contained no exaggeration. He was convinced that the question was extremely serious, and considered that the terms of the draft resolution accurately represented that fact.

17. The CHAIRMAN put paragraph 2 of the USSR amendment (A/AC.31/L.31) to the vote.

The paragraph was rejected by 39 votes to 6, with 7 abstentions.

18. Mr. J. MALIK (Union of Soviet Socialist Republics) maintained that paragraphs 3 and 4 of the USSR amendment were acceptable. If support were required for that view, it would be found in the observations made by the Canadian representative. The draft resolution submitted jointly by Canada and France and the USSR amendments had the same end in view, which was to eliminate the threat to humanity that the existence of atomic weapons would constitute. The only difference between the draft resolution and the amendments bore on the methods to be adopted; the delegations of Canada and France wished to restrict the rights of States regarding the use of atomic energy, while the USSR delegation was proposing the prohibition of atomic weapons and a strict international control of atomic energy.

19. Furthermore, the amendments proposed by the USSR were in accordance with the definition given in the last sentence of rule 119 of the General Assembly's rules of procedure.

20. It was his opinion that those delegations which voted against the USSR amendments thereby showed they in no way desired the prohibition of atomic weapons. Such an attitude was prompted by motives which the General Assembly was not called upon to consider.

21. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) stated that paragraphs 3 and 4 of the USSR amendment were covered by the definition given in rule 119 of the General Assembly's rules of procedure. He added that if the man in the street were asked his opinion of those amendments he would express the strongest approval, as by their adoption a terrible nightmare would be banished. The representative of the Ukraine believed that the rejection of the amendments in question would be most unfavourably received by public opinion in many countries.

22. The CHAIRMAN put the question of whether paragraph 3 of the amendment submitted by the USSR was acceptable.

Paragraph 3 of the USSR amendment was rejected as unacceptable by 37 votes to 6, with 10 abstentions.

23. The CHAIRMAN put the question of whether paragraph 4 of the amendment submitted by the USSR (A/AC.31/L.31) was acceptable.

Paragraph 4 of the USSR amendment was rejected as unacceptable by 42 votes to 6, with 6 abstentions.

24. The CHAIRMAN put the joint draft resolution submitted by Canada and France to the vote (A/AC.31/L.27/Rev.1).

The draft resolution submitted jointly by Canada and France was adopted by 48 votes to 5, with 2 abstentions.

DRAFT RESOLUTION SUBMITTED BY THE DELEGATION OF INDIA (A/AC.31/L.26)

25. The CHAIRMAN put the draft resolution of India (A/AC.31/L.26) to the vote.

The draft resolution submitted by India was rejected 24 votes to 15, with 18 abstentions.

26. Mr. DE MARCHENA (Dominican Republic) stated that he had voted for the resolution submitted jointly by Canada and France. He had also voted for the Indian draft resolution, because there were certain juridical aspects of the international control of atomic energy which were covered by the Indian draft resolution.

DRAFT RESOLUTION SUBMITTED BY THE DELEGATION OF THE SOVIET UNION (A/AC.31/L.28).

27. Mr. J. MALIK (Union of Soviet Socialist Republics) requested that the vote should be taken by roll-call and by parts on the USSR draft resolution (A/AC.31/L.28).

A vote was taken by roll-call on paragraph 1 of the USSR draft resolution.

Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Against: Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Liberia, Luxembourg.

Abstaining: Yemen, Yugoslavia.

Paragraph 1 of the USSR draft resolution was rejected by 51 votes to 5, with 2 abstentions.

A vote was taken by roll-call on paragraph 2 of the USSR draft resolution.

Belgium, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Afghanistan, Argentina, Australia.

Abstaining: Israel, Yemen, Yugoslavia.

Paragraph 2 of the USSR draft resolution was rejected by 50 votes to 5, with 3 abstentions.

A vote was taken by roll-call on paragraph 3 of the USSR draft resolution.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics,

Yugoslavia, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Against: El Salvador, France, Greece, Honduras, Iceland, Iran, Iraq, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador.

Abstaining: Ethiopia, Guatemala, Haiti, India, Israel, Mexico, Yemen, Afghanistan, ~~Ethiopia~~.

The third paragraph of the USSR draft resolution was rejected by 43 votes to 6, with 9 abstentions.

DRAFT RESOLUTION SUBMITTED BY THE DELEGATION OF ARGENTINA (A/AC.31/L.30).

28. The CHAIRMAN called upon the Committee to give its opinion on the Argentine draft resolution (A/AC.31/L.30).

29. Mr. J. MALIK (Union of Soviet Socialist Republics) pointed out that throughout the discussion of the question of atomic energy his delegation had firmly maintained its stand and had endeavoured by every possible means to obtain the prohibition of atomic weapons and the establishment of a system of international control of atomic energy. The draft resolution it had submitted to that end had been rejected as had the amendments which it had proposed to the joint Canadian-French resolution. It had, therefore, been impossible to reach an agreement, and that because of the position taken by the United States delegation. In the circumstances, the USSR delegation, whose attitude had never varied, signified its willingness to accept the Argentine draft resolution if the latter were amended so as to provide for the unconditional prohibition of atomic weapons. He pointed out that as it stood the Argentine resolution which called for the prohibition of atomic weapons only for aggressive purposes was insufficient and even dangerous. There was no lack of historical example to prove that warmongers and aggressors always found a pretext to carry out an act of aggression and then denied that it was an act of aggression. It therefore would be vain to hope that those who would use atomic weapons for aggressive purposes and for the destruction of thousands of human beings would fail to find a subsequent pretext to justify themselves and prove that they had not committed an act of aggression. That was why it was necessary that any convention on the prohibition of atomic weapons and especially any provisional agreement, should expressly provide for the unconditional prohibition of atomic weapons. For such reasons, the USSR delegation proposed to amend paragraph 4 of the Argentine draft resolution so that it would read (A/AC.31/L.32):

"Instructs the Atomic Energy Commission to make every effort to secure, in the shortest possible time, a provisional arrangement which would provide for the unconditional prohibition of atomic weapons".

30. Secondly, the USSR delegation proposed that the beginning of paragraph 5 of the Argentine draft resolution should be replaced by the following (A/AC.31/L.32):

"Instructs the Atomic Energy Commission to keep the Security Council . . ."

The rest of the text of paragraph 5 would remain unchanged.

31. Mr. MUÑOZ (Argentina) pointed out that the object of the USSR amendments differed from that pursued by the Argentine resolution. In the first place, the Argentine delegation had expressly mentioned in paragraph 4 the permanent members of the Atomic Energy Commission, because it was convinced that only agreement between the permanent members would enable a solution to be found for the problem of atomic energy. In the second place, Mr. Muñoz did not consider it advisable to replace the words "for purposes of aggression" by the mention of an unconditional prohibition, for the original wording had been intended to emphasize the concession that each of the permanent members would thus make. For those reasons, the Argentine delegation could not accept the USSR amendments and would vote against them.

32. The CHAIRMAN put to the vote the USSR amendment (A/AC.31/L.32) to paragraph 4 of the Argentine resolution (A/AC.31/L.30).

The amendment was rejected by 40 votes to 5, with 11 abstentions.

33. The CHAIRMAN put to the vote the USSR amendment (A/AC.31/L.32) to paragraph 5 of the Argentine resolution (A/AC.31/L.30).

The amendment was rejected by 37 votes to 5, with 14 abstentions.

34. The CHAIRMAN put the Argentine draft resolution (A/AC.31/L.30) to the vote.

35. Mr. MUÑOZ (Argentina) asked for a vote by roll-call.

A vote was taken by roll-call.

Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Yemen, Yugoslavia, Afghanistan, Argentina, Burma, Colombia, Egypt, Haiti, India, Iran, Iraq, Nicaragua, Philippines, Saudi Arabia, Syria.

Against: Belgium, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Venezuela, Australia, Bolivia, Brazil, China, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Greece, Guatemala, Honduras, Israel, Mexico, Pakistan, Panama, Paraguay, Peru, Thailand, Turkey, Union of South Africa.

The draft resolution was rejected by 20 votes to 15, with 23 abstentions.

36. Mr. LOURIE (Israel) wished to explain the vote of his delegation. Convinced that the problem of the control and prohibition of atomic weapons could not be solved except by agreement between the Powers concerned, the Israel delegation had decided to abstain on the various draft resolutions submitted on that subject. It

had, however, voted against that section of one of the draft resolutions which sought to attribute the blame for the current situation to two Governments which it identified by name. His delegation had abstained from voting on the Argentine draft resolution because it made a distinction between different forms of aggression which the Israel delegation could not accept.

The meeting rose at 4.20 p.m.

THIRTY-EIGHTH MEETING

Held at Lake Success, New York, on Tuesday, 15 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permament members of the Security Council: report of the Security Council (A/1020 and A/1042)

1. Mr. MONTEL (France) presented a draft resolution sponsored jointly by his delegation and that of Norway (A/AC.31/L.33/Rev.1) calling for the implementation of the sixth paragraph of resolution 192 (III) adopted by the General Assembly on 19 November 1948. In submitting the draft resolution, the French delegation had been guided by its concern for the strengthening of peace and security through effective international co-operation.

2. Despite the efforts of the Commission for Conventional Armaments, the provisions of the Assembly's resolution had never been implemented. In August 1949, the Commission had adopted[1] a French proposal for checking information received from Governments concerning their armaments and armed forces, as a first step towards an ultimate reduction in those armaments and armed forces. Its provisions were to come into force upon approval by the Security Council. It had, in fact, obtained nine votes in the Council[2], but its implementation had been blocked by the veto of one of the permanent members.

3. Nevertheless, the French delegation felt that the General Assembly should once again urge the Security Council, through its Commission for Conventional Armaments, to continue its study of the regulation and reduction of conventional armaments and armed forces. Moreover, it should endorse the proposals of the Commission, placing special emphasis on the fact that no agreement could be reached on a reduction of armaments so long as each State lacked accurate and authenticated information concerning the armaments and armed forces of other States. Submission of such information as early as possible was therefore essential.

4. The French proposal was not intended to benefit any one State more than another. All the permanent members of the Security Council were placed on a footing of absolute equality. All were to furnish information regarding their armaments and armed forces; in turn, all were to receive such information from the other permanent members. The proposed measures could be enforced only with their unanimous agreement.

5. The principal defect of the proposal submitted by the USSR delegation to the Security Council on 8 February 1949[3] consisted in its failure to provide some method of verification of the information furnished. The international control agency to which it referred would confine its activities to measures for the reduction of armaments and the prohibition of the atomic weapon; it would not concern itself with the verification of statistics on the arms and armed forces of each State. Yet, strict and adequate verification was a prerequisite to an effective census.

6. Objection might be raised to the French proposal on the grounds that it dealt separately with conventional armaments and atomic weapons. In that connexion, Mr. Montel referred to a statement by the French representative in the Security Council[4] to the effect that the question of atomic energy was being dealt with by a Commission which derived its authority from the General Assembly and could not, as the USSR proposal had suggested, be transferred to the Commission for Conventional Armaments, a subsidiary organ of the Security Council. On the other hand, the French delegation had repeatedly stressed that no reduction and regulation of conventional armaments could be effective unless it was closely related to control of atomic energy and prohibition of atomic weapons. The Security Council was the appropriate body to co-ordinate action on those two aspects of the same question.

7. Furthermore, it would be difficult for any State to consider a reduction of its armaments and armed forces as long as it did not know what armed forces, assistance and facilities it might be called upon to make available to the Security Council under Article 43 of the Charter. The implementation of that Article was of paramount importance. Not only would it demonstrate the willingness of Member States to fulfil their international obligations and thus contribute to the restoration of mutual trust; it would make it possible to reduce national armaments in proportion as the international force was augmented.

8. For all those reasons, the French delegation hoped that the draft resolution of which it was a co-sponsor would find favour in the Committee, and reserved its right to clarify certain points or reply to whatever objections might be raised.

9. Mr. WOLD (Norway) stated that his delegation, which was co-sponsor of the draft resolution

[1] See *Official Records of the Security Council*, Fourth Year, Supplement for September 1949, document S/1372.
[2] See *Official Records of the Security Council*, Fourth Year, No. 48.
[3] See *Official Records of the Security Council*, Fourth Year, No. 10.
[4] See *Official Records of the Security Council*, Fourth Year, No. 47.

before the Committee, fully concurred with the views just expressed by the French representative.

10. Mr. Wold recalled that his country had actively participated in the League of Nations' work in the field of the international regulation and reduction of armaments. The challenge before the United Nations was as great as that which had faced the League of Nations. If the United Nations failed to meet that challenge, it, too, would have failed in its principal task of maintaining and safeguarding world peace. Such questions as atomic energy, the establishment of an adequate system of agreements under Article 43 of the Charter, and the regulation and reduction of armaments, were separate aspects of that supreme task. Those issues were interrelated, and no over-all success would be possible until each one had been brought to a satisfactory solution with the help, respectively, of the Atomic Energy Commission, the Military Staff Committee and the Commission for Conventional Armaments the final work of co-ordination being done by the Security Council.

11. However, Members should not make their readiness to work for an agreement on any one of those issues dependent on simultaneous agreement on the others. Sincere and earnest work in any one of those fields would bring the United Nations closer to the ultimate achievement of its aims.

12. The complex and difficult nature of the problem of the reduction and regulation of armaments was indisputable; nevertheless, the fact that the United Nations had so far made little progress in that field was one of the most disappointing phenomena of the post-war period. At a time when world resources should be used for purposes of rehabilitation and reconstruction, it was to be regretted that, owing to increased international tension, a considerable part of national incomes was being allocated for rearmament. The countries of Europe, which had suffered most from the war, were most gravely affected by that situation. The United Nations should make every effort to reach agreement on the question of the regulation and reduction of conventional armaments and armed forces, in order that the heavy military burdens now hampering the process of reconstruction might be reduced as promptly and as radically as possible. That was essential for the economic and social welfare of the nations.

13. In accordance with the terms of General Assembly resolution 192 (III) of 19 November 1948, the Commission for Conventional Armaments had adopted a plan for its future work[1]. The Norwegian delegation had supported that plan in the Commission and in the Security Council, because it believed that its implementation would be an important step towards the effective regulation and reduction of armaments. It further believed that transmission to the United Nations of full and verified information regarding the armaments and armed forces of all Member States would greatly facilitate the Organization's preparatory work in that field.

14. The difficulties which had arisen in the Security Council in connexion with that aspect of the Commission's work should not deter the latter from continuing its studies in accordance with the plan it had adopted. The two concluding paragraphs of the joint draft resolution stressed the urgency of continuing that effort. It was essential that a first step towards the reduction of armaments should be taken as soon as possible.

15. For all those reasons, the Norwegian delegation had, together with the delegation of France, presented the draft resolution now before the Committee, and hoped that the text would meet with the Committee's approval.

16. Mr. González Allendes (Chile) noted that there was frequently a delay in the distribution of the translation of documents in the various working languages and that the work of certain delegations was slowed down thereby. In order to promote efficiency, he suggested that the Secretariat should be requested to arrange for simultaneous distribution of documents in all of the working languages.

17. Mr. Chai (Secretary of the Committee) explained that because of the time required for translation, it was impossible to issue documents in all of the working languages simultaneously. Efforts were, however, made to distribute translations as promptly as possible.

18. It was proposed that the Committee meet the following morning.

The proposal was adopted by 29 votes to 15.

The meeting rose at 12.5 p.m.

[1] See *Official Records of the Security Council*, Fourth Year, Supplement for September 1949, document S/1372.

THIRTY-NINTH MEETING

Held at Lake Success, New York, on Wednesday, 16 November 1949, at 11 a.m.

Chairman: Mr. H. D. CASTRO (El Salvador).

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (A/1020 and A/1042) (*continued*)

1. The CHAIRMAN drew attention to the fact that while the question of the prohibition of the atomic weapon was formally included in the item under consideration, it had already been discussed and disposed of under the preceding item on the Committee's agenda. Accordingly, the co-sponsors of the French-Norwegian draft resolution (A/AC.31/L.33/Rev.1) had amended the title of their text to read: "Draft resolution regarding regulation and reduction of conventional armaments and armed forces". A new revised text (A/AC.31/L.33/Rev.2) would be distributed forthwith.

2. Sir Alexander CADOGAN (United Kingdom) remarked that the record of the work of the Security Council and the Commission for Conventional Armaments during the past three years on the problem of the regulation and reduction of conventional armaments and armed forces was not encouraging. There had, of course, been a positive side to the Commission's activities, which had been expressed by the continuous and sincere endeavour of nearly all its members to observe the provisions of the Charter and carry out the wishes of the General Assembly; that positive aspect was reflected in the various proposals which the Commission had, after careful study, submitted to the Security Council. Unfortunately, however, an automatic minority in the Commission had consistently refused to accept the majority's definition of the subject to be discussed, its plan of future work, and the general principles which, in the majority's view, should govern the proposals to be formulated. Having adopted that attitude of non-co-operation, the minority had taken no real part in the Commission's constructive efforts but had, instead, persisted in indulging in recrimination and abuse. Such a position frustrated hopes of ultimate agreement and could hardly be reconciled with the USSR delegation's avowed championship of world peace.

3. Despite all obstacles, however, the Commission had made steady progress. The preliminary studies undertaken by it were of considerable importance. It was difficult to see how, without such planning, the structure of collective security could ever be built. The Government of the Soviet Union, disregarding that fact, insisted on its proposal for immediate reduction of armaments and denied the need for any preparatory measures. Sir Alexander believed that view to be short-sighted and unrealistic.

4. A notable example of constructive work accomplished by the Commission was the plan it had submitted to the Security Council on census and verification of armaments and armed forces[1]. That plan, prepared in accordance with General Assembly resolution 192 (III), was an honest and an essential one, although it could not be either hailed or branded as a drastic action. It was surely an incontestable fact that no large-scale scheme of regulation of armaments would be possible until authentic figures were made available of the armaments and armed forces of most States, including all the major Powers. The Commission's proposals on that subject were reasonable, realistic and practicable. They rightly emphasized that an effective system of verification was essential for any adequate plan on the submission of information. It was not sufficient for States to publish facts and figures about their national armaments; they also had to admit within their borders international inspectors and grant them the necessary facilities and freedom of movement to verify the accuracy of the data submitted. That essential point was covered in section III of the Commission's working paper, which contained proposals and recommendations on the international organ of control.

5. After careful consideration, the United Kingdom delegation in the Security Council, together with most other members, had decided to accept the Commission's proposals. The USSR delegation, however, claiming that more sensational measures were needed, had vetoed those proposals, which were by no means inconsistent with the Soviet Union delegation's aspirations, and which, if implemented, would have constituted a substantial step forward.

6. The reason for the USSR delegation's refusal to adopt the proposals was that the Soviet Union was not prepared to sacrifice or share any part of its sovereignty in the interest of establishing a system of international collective security. That was why the Soviet delegations denounced the idea of United Nations inspection for purposes of verification as an Anglo-American attempt at espionage, although no State would be required under the plan to submit more information than any other, and all States would be equally liable to inspection. The real core of the Soviet Union's objections to the Commission's proposals was that it was unwilling to let the rest of the world know the actual state of its armaments and armed forces, or even to divulge such information on those matters as was made public as a matter of course in the democratic countries.

7. The United Kingdom Government could only hope that, in due course, the Soviet Union would come to appreciate the value of such a plan in creating international confidence and establishing a system of collective security. In the meantime, however, it was clear that no further action could be taken to put the plan into effect so long as one of the largest world Powers persisted in a policy of obstruction.

[1] See *Official Records of the Securiy Council*, Fourth Year, Supplement for September 1949, document S/1372, Section II.

8. The definition adopted by the Commission for Conventional Armaments of the type of armaments and armed forces which came within its jurisdiction excluded atomic weapons and other weapons of mass destruction. This definition followed naturally from the terms of reference of the Commission itself. The decision to divide the responsibility for dealing with the two interrelated categories of armaments between the Atomic Energy Commission and the Commission for Conventional Armaments was a wise one. That division of competence made abundantly clear the overwhelming urgency with which the United Nations viewed the problem of atomic weapons, a problem unique in the experience of man, and which could not be considered merely as one factor in the general question of the reduction and regulation of ordinary armaments.

9. In the Commission for Conventional Armaments, the United Kingdom delegation had outlined the essential principles of the effective regulation of armaments. Those principles had formed the basis of the resolution adopted by the Commission. They had emphasized that any system for the regulation and reduction of armaments and armed forces could be put into effect only in an atmosphere of international confidence and security. That should not be interpreted to mean that no progress towards disarmament was possible until utopian conditions of complete security had been attained. It did, however, mean that even a slight improvement in international confidence might facilitate preliminary measures of disarmament. Thereafter, a degree of disarmament, however small, might foster an atmosphere of security which might in turn lead to further disarmament.

10. The United Kingdom delegation also deemed it of vital importance to establish an adequate system of agreements under Article 43 of the Charter. No country was in a position to estimate the extent to which it was entitled to disarm until its contribution to an international armed force had been determined, nor the extent to which it could safely disarm until it felt protected by an adequate system of collective security. International control of atomic energy was also vitally important; without it the necessary international confidence could not be created.

11. Finally, no State could consider disarmament as a practical possibility unless it was certain that other States were also discharging their obligations to disarm in good faith. For that reason, the United Kingdom delegation had placed special emphasis on the establishment and an effective system of international control and verification as a prerequisite for any definitive regulation and reduction of armaments.

12. All those considerations had, however, been rejected by the USSR as an attempt to confuse the real issue and to prevent the adoption of positive measures of disarmament. Such arguments might sound more plausible from a delegation which had not itself endeavoured to confuse the issue by injecting the problem of atomic weapons into the debates of the Commission for Conventional Armaments and which did not refuse to take part in such an elementary initial step as an exchange of verifiable information on armed forces and conventional armaments. The problem of disarmament was necessarily a complicated one, entailing laborious work, and the answer to it would not be found in the spacious plan for a percentage reduction proposed by the USSR delegation. In any case, without verifiable information on the level of arms in all countries, it would be impossible to evaluate the effects of any such reduction. The people on whose behalf the delegation of the Soviet Union claimed to speak, however, would not be so easily deceived; after the experience of the past twenty years they understood the need for practical long-range measures which would lead to a genuine and secure form of disarmament.

13. While it did not wish to minimize the importance of the work completed by the Commission for Conventional Armaments, the United Kingdom delegation felt that it was the duty of the Assembly not to delude either the people of the world or itself. Although, among all the problems which had to be studied in order to prepare the way for a scheme of disarmament, there still remained certain important subjects which the Commission for Conventional Armaments had not yet examined, the time was clearly approaching when the General Assembly would have to face the question whether, until the attitude of the Soviet Union had altered, there was any more work that the Commission for Conventional Armaments could usefully undertake. It was not that the United Kingdom delegation was not ready to continue discussions and to make every possible endeavour to find a solution to the problem; it was simply that it believed that the United Nations must be careful not to delude even itself into believing that something useful, conciliatory and constructive was being accomplished when, in fact, only time was being wasted and friction engendered. Nevertheless, there still remained certain subjects upon which the Commission could usefully set forth its views and recommendations; the United Kingdom delegation would therefore support the draft resolution submitted jointly by France and Norway, and it would, of course, continue to co-operate as fully as it had done in the past in the future activities of the Commission.

14. Mr. HICKERSON (United States of America) stated that resolution 192 (III) of the General Assembly, which called for the taking of an actual inventory or count of conventional armaments and armed forces, and for the checking of that count by some practical and effective system of verification, had involved more than planning or theory alone; it had sought to make a real, though admittedly modest, incursion into the field of actual operations. It was interesting to recall how that decision[1] of the third session of the General Assembly had evolved from the discussion of the sweeping and specious proposal of the USSR[2] that armaments be reduced by one-third. That General Assembly decision had been based on the common sense consideration that accurate and precise information regarding the size and scope of the armaments and armed forces of Member States would have to be obtained before intelligent attention could be devoted to any practical plan of disarmament.

15. The census and verification proposals introduced by France and approved by the majority of the Commission for Conventional Armaments

[1] See *Official Records of the third session of the General Assembly, Part I*, plenary meetings, 163rd plenary meeting.

[2] *Ibid.*, plenary meetings, annexes, document A/723.

and by nine of the eleven members of the Security Council[1] would, in the opinion of the United States delegation, provide a practical basis for achieving the objective sought by the General Assembly. Unfortunately, however, the USSR had thus far refused to accept them. In what was an apparently obvious situation, a mild note of hope was introduced by the fact that some significance might possibly be found in the repeated assertions of the representative of the USSR, in connexion with the discussion of atomic energy, that his Government was not opposed to the principle of international inspection and verification. While those statements had been made in connexion with a different matter, the principle which they reflected applied equally in the field of conventional armaments and armed forces. Although it might be too much to suggest that there was any significance to be found in those statements as applied to the French proposals for census and verification of conventional armaments and armed forces, Mr. Hickerson noted that if the representative of the USSR had meant what he said when he asserted that his Government would not be opposed to international inspections and checks on a "periodic" basis, at intervals which might occur even as frequently as each week, there was no reason for the Soviet Union to object to the French proposals which involved so much less in the way of checking and inspection. Indeed, since the proposed inspection was not part of a plan of disarmament or of regulation and control, verification would not be periodic, but would merely represent a simple operation designed to obtain essential preliminary information and to engender a little confidence which might result in real progress toward actual reduction of armaments and armed forces. Such an operation would involve no impairment or sacrifice of the national sovereignty which the USSR insisted upon maintaining so rigidly.

16. The representative of the United States pointed out that the General Assembly would be disappointed to learn that efforts to implement resolution 192 (III) had failed solely because of inability to obtain the agreement of the Soviet Union. Quite naturally a question would arise as to the advantage of continuing work in the Commission for Conventional Armaments, if agreement could not be reached on even the simplest aspects of the task. Nevertheless, in the belief that the door should be left open for discussion, the joint resolution of France and Norway called upon the Security Council, through its Commission for Conventional Armaments, to proceed with the study of the regulation and reduction of conventional armaments and armed forces, in accordance with the Commission's established plan of work. It seemed abundantly clear that there was little hope of any real progress unless some positive change took place in the attitude of the USSR, which had not only opposed the Commission's census and verification proposal, but had also prevented the Security Council[2] from approving the Commission's second progress report consisting of a definition of the Commission's jurisdiction and a delineation of general principles essential to any plan of disarmament. The definition of jurisdiction merely recognized that the Commission for Conventional Armaments dealt with all matters of armaments and armed forces, with the exception of atomic weapons and other weapons of mass destruction, which fell within the competence of the Atomic Energy Commission. The statement of general principles enumerated fundamental considerations which should govern any system for the regulation and reduction of conventional armaments and armed forces. Each of those items in substance was clear, straightforward and relatively simple. The refusal of the Soviet Union to accept them, coupled with its refusal to accept the elementary first step represented by the French census and verification proposals, certainly afforded little promise of success for the task that lay ahead.

17. The United States delegation hoped, however, that with continued patience, the resistance of the USSR might ultimately be overcome and it would therefore vote for the resolution submitted by France and Norway.

18. General McNAUGHTON (Canada) said that his delegation would support the draft resolution presented jointly by France and Norway because it considered that the course of action it proposed was fully justified and would constitute an important step toward meeting current world requirements.

19. In view of the many important issues which remained to be discussed by the Committee within a relatively short time, it was the duty of every delegation to present its views on the question of the regulation and reduction of conventional armaments and armed forces as briefly and as rapidly as possible. Accordingly, if no other representatives signified a desire to speak, the Chair would be justified in calling for a vote on closure of the debate.

20. Mr. Chung-fu CHANG (China) stated that his delegation would also vote in favour of the joint draft resolution. The reluctance of representatives to take the floor could be explained by the fact that the question of the regulation and reduction of conventional armaments and armed forces had been thoroughly discussed in the various competent organs of the United Nations over a period of three years, and no new factor had been introduced to warrant a fresh analysis. The representative of China therefore agreed with the Canadian representative that the Chairman should fix a time-limit for the closure of debate.

21. Mr. KATZ-SUCHY (Poland), supported by Mr. HOFFMEISTER (Czechoslovakia), considered it too early to close the list of speakers and objected in principle to undue haste in doing so. He pointed out the difficulties confronting smaller delegations when plenary meetings of the General Assembly and of many Committees were being held simultaneously. Full account should be taken of those difficulties and meetings arranged accordingly.

22. The CHAIRMAN appealed to the members of the Committee to signify their desire to be included on the list of speakers. Unfortunately, plenary meetings could be expected to go on well into the next week, and it would be impractical to suspend meetings of the Committee on those grounds. Consequently, the Chairman urged rep-

[1] See *Official Records of the Security Council*, Fourth Year, No. 48.

[2] See *Official Records of the Security Council*, Fourth Year, No. 46.

resentatives to indicate their desire to participate in the discussion by the close of the next meeting, at which time he might call for a vote on the closure of the debate.

23. It was proposed that the Committee meet the following morning.

The proposal was adopted by 32 votes to 2.

The meeting rose at 12.10 p.m.

FORTIETH MEETING

Held at Lake Success, New York, on Thursday, 17 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran)

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (A/1020 and A/1042) (*continued*)

1. Mr. Jacob MALIK (Union of Soviet Socialist Republics) remarked that the title of the item under consideration referred to a report of the Security Council on the subject of prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council. No such report had, however, been submitted by the Council.

2. The question under discussion had arisen in connexion with General Assembly resolution 192 (III), which had been adopted by a majority in the General Assembly following the rejection of a draft resolution on the same subject submitted by the USSR delegation.[1] It was hardly surprising that all Soviet Union proposals on that subject, though enjoying the support of a number of peace-loving States, had been consistently rejected in the General Assembly and the Security Council, since a large majority of members of both bodies were parties to military alliances hostile to the Soviet Union. Thus, twelve of the fifty-nine Members of the General Assembly were parties to the aggressive North Atlantic Treaty, while twenty-one were members of the Pan American Union. The United States was a member of both those blocs and thus served as the connecting link between them. A similar situation existed in the Security Council, seven of the members of which were parties to those alliances. The delegation of "Kuomintang China", though not a member of either of those blocs, was nonetheless entirely obedient to the wishes of the United States. Only three members of the Security Council, the USSR, the Ukrainian SSR and Egypt—were not parties to any military alliance with the United States. As a result, the United States was sure of a guaranteed majority in the General Assembly, the Security Council and the Commission for Conventional Armaments and was therefore in a position to reject all proposals of the Soviet Union on reduction of armaments and prohibition of the atomic weapon.

3. That situation was largely responsible for the fact that at its third session the General Assembly, instead of accepting the concrete and feasible proposals submitted by the Soviet Union, had adopted the futile resolution of 19 November 1948, which retained nothing but the title of the original USSR text. That resolution was composed of vague generalities on the desirability of a reduction of armaments, and of hypocritical statements to the effect that no such reduction was possible so long as States had not submitted exact and authenticated information regarding their own armaments and armed forces. By adopting it, the Anglo-American bloc had openly shown its intention to substitute the secondary issue of an arms census for the all-important questions of reduction of armaments and prohibition of the atomic weapon, thus violating the terms of General Assembly resolution 41 (I) of 14 December 1946. At the same time, the United States was determined to withhold from the United Nations and the world all information on the quantity of atomic weapons in its possession.

4. The resolution of 19 November 1948 had recommended the Security Council to pursue the study of the regulation and reduction of armaments through the agency of the Commission for Conventional Armaments, in order to obtain concrete results as soon as possible. That recommendation had, however, been included solely in order to disguise the real intentions of the United States, which meant to stop all work on the preparation of practical measures in that field.

5. Resolution 192 (III) had been transmitted to the Security Council by the Secretary-General in January 1949. When, in February of that year, the Council had proceeded to its consideration, the representatives of the Anglo-American bloc had immediately demanded the deletion of the title of the resolution from the text as a whole, thus giving an indication of their negative attitude towards the matter. The USSR delegation had naturally opposed that demand, which represented an attempt to make corrections in texts adopted by the General Assembly.

6. On 8 February 1949,[2] the USSR delegation had submitted a draft resolution to the Council proposing a number of practical measures of implementation of the General Assembly's resolutions on the subject of reduction of armaments and prohibition of the atomic weapon. That draft, as well as a subsequent USSR proposal[3] to submit it, together with resolution 192 (III), to the Commission for Conventional Armaments and, separately, to the Atomic Energy Commission, had been rejected by the Anglo-American bloc. That action constituted a violation not only of the General Assembly resolution of 14 December 1946

[1] See *Official Records of the third session of the General Assembly, Part I*, plenary meetings, annexes, document A/658.

[2] See *Official Records of the Security Council*, Fourth Year, No. 10.

[3] See *Official Records of the Security Council*, Fourth Year, No. 11.

but even of that of 19 November 1948 presented by the Anglo-American bloc, which recommended to the Security Council to pursue the study of the question in order to obtain concrete results as soon as possible. The United States, United Kingdom and French delegations had ignored that part of the resolution and had concentrated their whole attention on the question of an arms census. Accordingly, the French delegation had submitted its working paper on that question[1].

7. The USSR delegation had been unable to support the proposals contained in that working paper because they failed to deal with the transmission of information on atomic weapons and the preparation of practical measures on reduction of armaments. It had abundantly proved that both the authors and the sponsors of those proposals were bent solely on evading any decision on reduction of armaments and prohibition of atomic weapons, hoping at the same time to collect information on the armaments and armed forces of other States, and above all of the Soviet Union, the country against which the aggressive alliances centered around the United States were directed.

8. The real intentions of the Anglo-American bloc could best be understood if viewed against the background of world events during the three years since the adoption of the resolution of 14 December 1946. In that period, the United States and its followers had carried on a frenzied armaments race, extended the network of their naval and air bases in all parts of the world, particularly in the regions adjoining the Soviet Union and the people's democracies, and had created the system of military alliances of which Mr. Malik had already spoken. They were keeping up an unbridled campaign of propaganda against the Soviet Union, discussing plans of attack and publishing maps of so-called strategic objectives for United States long-range bombers. Their newspapers and broadcasting stations daily inundated the world with streams of lies and slander against the USSR, lies even more fantastic than those fabricated by the late Dr. Goebbels.

9. The conclusion of peace treaties with Germany and Japan was being deliberately put off in violation of the Yalta and Potsdam agreements; at the same time, everything was being done to transform those countries into military bases, and their inhabitants into potential cannon fodder.

10. While diplomats from the United States, the United Kingdom and France tried to drown the Soviet Union's concrete proposals in interminable academic discussions, the Governments of those States were zealously accelerating their armaments production and preparing for a new war.

11. In that connexion, Mr. Malik cited articles from *The New York Times* to the effect that the armed forces of States members of the North Atlantic Treaty and Western European Union would be increased fourfold or fivefold within the next few years. An article in the *United States News and World Report* stated that the cost of the five-year programme of rearming the countries of western Europe would be as high as that of the lend-lease programme during the Second World War and specified that the United States would be prepared to cover only about two-fifths of the total cost, while the remaining expenditure would have to be covered by the countries concerned.

12. Mr. Malik also referred to an article published in *The New York Times* in connexion with the current debate in the *Ad Hoc* Political Committee, to the effect that the rearmament of Europe would proceed as contemplated under the North Atlantic Treaty regardless of the burden it imposed upon the economies of European States. The same article indicated that, in the view of leading United States circles, a reduction of conventional armaments and atomic weapons would render the North Atlantic rearmament plan unnecessary. Mr. Malik remarked that the main reason for United States opposition to any proposals on reduction of armaments was that such a reduction, as well as the prohibition of atomic weapons, would deal a fatal blow to its plans of world domination.

13. By forcing its so-called assistance on the countries of western Europe, the United States was seeking an outlet for its war surpluses and obsolete armaments. That had also been true in the case of United States aid to "Koumintang China". The purpose of the Marshall Plan was not only to transform the countries receiving assistance into military satellites of the United States, but also to force them to spend more on rearmament than they received in credits under the Marshall Plan. In that context, Mr. Malik cited part of the speech made by Mr. Malenkov at a special meeting of the Moscow Soviet on 6 November 1949. He also referred to an article in the *New York Post* stating that the military expenditures of the Marshall Plan countries were considerably higher than the sums requested from Congress for implementation of the plan. The article compared the expenditures of various Marshall Plan countries to the credits allocated to them, stating in particular that as the result of a study by United States representatives, the French national budget had been decreased by 110,000 million francs, largely at the expense of a programme for modernizing French industry, while the military budget had had to be increased by 30,000 million francs. In other words, the effect of the United States policy in France was to paralyse the development of French industry, thus creating a favourable market for United States products in that country, and at the same time to further the militarization of France in the interest of the aggressive plans of the United States.

14. Against that background, it was not surprising that the discussions on the reduction and regulation of armaments and armed forces had made no progress in the past three years. It was naïve to believe that the members of the Anglo-American bloc were sincerely seeking a practical solution of the problem. In the Security Council, they had deliberately prevented a decision which would have implemented the provisions of General Assembly resolution 41 (I) of 14 December 1946. Instead, they had resurrected the 1947-1948 report of the Commission for Conventional Armaments[2] and attempted to persuade the Council to approve the two resolutions it contained. Those resolutions, adopted by the Commission for Conventional Armaments in August 1948, outlined a

[1] See document S/C.3/SR.3/21.

[2] See documents S/C.3/32/Rev. 1 and S/C.3/32/Rev.1/Corr.1.

number of preliminary conditions artificially introduced by the opponents of genuine disarmament in order to impede progress toward that end. Their effect would have been to shelve permanently any implementation of the Assembly's original resolution calling for a reduction of armaments and armed forces. The USSR could not permit the Security Council to concur in what was a patently false and hypocritical action. Furthermore, while all the documents relating to the question of the regulation and reduction of armaments and armed forces had been transmitted to the members of the General Assembly for information, it was significant to note that the Security Council had never submitted a report to the Assembly on the question.

15. It was clear that the position of the Anglo-American bloc remained unchanged. The influence of the United States was once more apparent in the French-Norwegian draft resolution (A/AC. 31/L.33/Rev.2). Its objective was obviously to delude the members of the Assembly into believing that information on atomic weapons was not necessary for the solution of the question relating to the reduction of armaments. It made no reference to the basic Assembly resolution of 14 December 1946, which had specifically recommended that the Security Council should work out proposals to provide practical safeguards in connexion with the control of atomic energy, as well as with the general regulation and reduction of armaments.

16. It was equally evident that the United States and the United Kingdom recognized the weakness of their position. In an attempt to conceal it, they had resorted to falsifying facts and invoking specious procedural arguments. They had gone so far as to allege in the Security Council that the Atomic Energy Commission had recommended a census of atomic weapons; in fact, no such information had ever been requested. On procedural grounds, they had objected to consideration of atomic weapons along with conventional armaments and armed forces, because, they had asserted, they were two separate issues being dealt with by two different Commissions, and the Security Council was not competent to take decisions on both of them. They had totally disregarded the fact that the Security Council, as the organ empowered to co-ordinate the activities of all United Nations bodies concerned with questions of peace and security, had the right to take an over-all decision calling for information both on conventional armaments and armed forces and on atomic weapons.

17. Protestations that the Anglo-American proposals would place all States on a footing of equality could not disguise their true objective, which was to obtain full information from other States regarding existing conventional armaments and armed forces, while concealing data on atomic weapons. Surely the atomic bomb had not ceased to be a military weapon. Why, then, should it be exempted from any census of existing armaments? Moreover, in statements to the Press, high officers of the United States Army and Navy had acknowledged the close interrelationship of conventional armaments and atomic weapons. General Vandenberg, Chief of Staff of the United States Air Force, had conceded that the basic objective of the United States was to counteract the superiority of the potential enemy in land forces by strategic bombing which would include the use of the atomic bomb.

18. The United States and the United Kingdom had produced further procedural objections to the USSR draft resolution of 8 February 1949. The draft resolution had called upon the Security Council to instruct the Commission for Conventional Armaments to prepare a plan for a reduction by one-third of existing conventional armaments and armed forces, and to instruct the Atomic Energy Commission to prepare draft conventions on the prohibition of atomic weapons and effective control of atomic energy, to come into force simultaneously. Its opponents had urged that since the Commission for Conventional Armaments was a subsidiary organ of the Security Council, the Council could not transmit to it a resolution containing reference to the collection of information on atomic weapons or their prohibition. That question, they had insisted, was exclusively within the competence of the Atomic Energy Commission, which had been created by the General Assembly and not by the Security Council. Nevertheless, the same delegations were now asking the General Assembly to approve directly the proposals formulated by the Commission for Conventional Armaments, which had failed of acceptance in the Security Council itself.

19. The only change in the deadlocked situation regarding the regulation and reduction of armaments and armed forces had been the addition of a new prerequisite for the achievement of that objective by those who opposed positive practical measures. Hitherto, they had insisted that no progress could be made until peace treaties had been signed with Germany and Japan, and until agreement had been reached on control of atomic energy and on the contributions by Member States to an international armed force under Article 43 of the Charter. They now demanded the collection of full information on existing armaments and armed forces as a prior condition to reduction of armaments. If, however, no disarmament was possible until the first three conditions had been fulfilled, there did not seem to be any purpose in carrying out the proposed arms census. The USSR representative asked whether the earlier conditions still applied or whether they had been superseded by the fourth prerequisite.

20. The inconsistency and artificiality of the arguments adduced by the Anglo-American bloc reflected their real intention, which was to delude the peoples of the world, who looked forward anxiously to a workable agreement for the reduction of armaments and the use of atomic energy for peaceful and constructive purposes.

21. The USSR delegation firmly opposed any plan for the collection of information on conventional armaments only. Full information must include a census of atomic weapons, for the two questions could not be divorced; they must be taken together. Accordingly, the USSR delegation was submitting the following draft resolution (A/AC.31/L.35):

"*The General Assembly* deems it essential that the States should submit both information on armed forces and conventional armaments and information on atomic weapons."

22. The slanderous allegation that the Soviet Union proposals made no provision for adequate control of atomic energy and the prohibition of

atomic weapons was without foundation. As the representative of the Byelorussian SSR had pointed out (34th meeting), even such responsible statesmen as Mr. Attlee, the Prime Minister of the United Kingdom, persisted in that error. In fact, all the USSR proposals dealing with the closely linked questions of disarmament and the ban on atomic weapons had called for the establishment of an international agency, within the framework of the Security Council, to supervise the reduction of armaments and the prohibition of atomic weapons. The Security Council had rejected the USSR proposals. During the third session, the Soviet Union had once again proposed that an international control agency should deal with the collection of information on all armaments, including atomic weapons. The General Assembly had also rejected that proposal.

23. KHALIFA Bey (Egypt) noted that the joint draft resolution of France and Norway called attention to resolution 192 (III) of the General Assembly, which contained an important paragraph stating that the aim of reduction of conventional armaments and armed forces could be achieved only in an atmosphere of improved international relations, which implied, in particular, the application of control of atomic energy involving the prohibition of the atomic weapon. That paragraph had not been haphazardly included, but was based on a resolution of the Commission for Conventional Armaments of 12 August 1948[1] which outlined the principles that should govern the formulation of practical proposals for the establishment of a system for the regulation and reduction of armaments and armed forces and clearly indicated that such a system could be put into effect only in an atmosphere of international confidence and security and that measures for the regulation and reduction of armaments would follow the establishment of the necessary degree of confidence.

24. Instead of the essential prerequisites of confidence and security, fear and mistrust prevailed. That situation was not the fault of the small nations which, during the drafting of the United Nations Charter, had constantly been urged to confide in the wisdom of big nations and entrust the fate of the world to the all-powerful permanent members of the Security Council. The small nations now demanded proof that that wisdom derived from greatness, rather than from bigness alone. The small nations were entitled to demand that the big Powers resolve the differences obstructing the road to international peace and security and that they renounce power politics.

25. Egypt, which was situated at the crossroads between the East and the West, was particularly interested in the problem of peace and had compelling reasons for anxiety. Khalifa Bey recalled that the resolution of the Commission for Conventional Armaments to which he had referred stressed some of the conditions required for achieving confidence prior to, rather than following, the coming into force of a system of regulation and reduction of armaments and armed forces: implementation of the provisions of the Charter regarding security, particularly Articles 43 and 106, and establishment of international control of atomic energy. In that connexion, the small nations were given no ray of hope, but were merely confronted with oratory, lack of any adequate measure of agreement and general lack of confidence.

26. Referring to the draft resolution of France and Norway (A/AC.31/L.33/Rev.2) recommending continuation of studies to make such progress as was possible, the representative of Egypt expressed the view that it was disheartening to employ such extremely modest terms on so vital a problem. While the Egyptian delegation had no objection to that resolution, it felt that the text left much to be desired. In particular the Egyptian delegation would have preferred a more practical draft of paragraph 6, along the following lines:

"Recommends that the Security Council, despite the lack of unanimity among its permanent members on this vital issue, continue its study of the regulation and the reduction of conventional armaments and armed forces, particularly through the agency of the Commission for Conventional Armaments and taking into special consideration its plan of work in order to make as much progress as possible."

27. The Egyptian delegation shared the conviction that resolutions and counter-resolutions had not advanced the United Nations at all on the road to peace. It was, however, to be hoped that wisdom and objectivity would henceforth prevail.

28. With that constructive policy in view, the Egyptian delegation was prepared to support the joint resolution of France and Norway on the understanding that it made no alteration or modification in resolution 192 (III) of the General Assembly, particularly the paragraph which had already been noted.

29. The representative of Egypt reserved the position of his delegation with regard to the USSR draft resolution which had just been submitted.

30. The CHAIRMAN suggested that, since there were no further speakers, the Committee might suspend the discussion and proceed to the next item on its agenda.

It was so decided.

Report of the Security Council (A/945)[2]

31. The CHAIRMAN indicated that previous sessions of the General Assembly had merely taken note of the report of the Security Council. Although it was not the usual practice for a Chairman to present a draft resolution, he suggested that, if there was no discussion of the item, the Committee might follow the precedent of previous sessions and approve the following resolution (A/AC.31/L.36):

"The General Assembly

Takes note of the report of the Security Council covering the period from 16 July 1948 to 15 July 1949".

The resolution was adopted by 46 votes to none, with 2 abstentions.

The meeting rose at 12.35 p.m.

[1] See document S/C.3/32/Rev.1.

[2] See *Official Records of the fourth session of the General Assembly*, Supplement No. 2.

FORTY-FIRST MEETING

Held at Lake Success, New York, on Friday, 18 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (A/1020 and A/1042) (*continued*)

1. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) observed that the USSR proposals embodied in General Assembly resolution 41 (I) of 14 December 1946 had failed to be implemented in the three years since their adoption only because they were at variance with the wishes of those who were actively planning a war against the Soviet Union and the people's democracies.

2. Aggressive United States circles were dreaming of a world hegemony which was to surpass the wildest hopes of the former rulers of Germany and Japan. Their plans were evidenced in the rapid rise in armaments production, the increase of the United States military budget, the setting up of aggressive alliances and blocs, and, lastly, in the creation of naval and military bases in areas close to the frontiers of the Soviet Union.

3. Mr. Udovichenko quoted figures showing the strength of United States armed forces as reported by *The New York Times* of 16 April 1949, adding that those figures indicated that the United States intended to limit its contribution to a future war to naval and air forces, while the cannon fodder would be provided by the youth of the countries of western Europe. He also quoted statements revealing that purpose, made by General Omar Bradley, Chairman of Joint Chiefs of Staff, in the House Committee on Foreign Affairs on 20 July 1949, and by Senator Cannon of Missouri.

4. Despite the fact that it already had at its disposal considerable armed forces and large stocks of armaments, the United States was carrying on a frenzied armaments race, laying particular stress on the production of atomic weapons. The atomic industry was one of the most profitable enterprises in the United States; Mr. Udovichenko cited an article to that effect published in the *United States News and World Report* on 11 February 1949. Similar admissions appeared in the report to the Senate of the United States Atomic Energy Commission, dated 1 August 1949.

5. The United States military appropriations for the year 1949-1950 constituted 34 per cent of the total national budget. A further 36 per cent was devoted to atomic production and similar expenditures, military assistance to Greece, "Kuomintang China" and other countries, and the rearmament of States parties to the North Atlantic Treaty.

6. Other States, in particular the United Kingdom and France, followed closely behind the United States in the armaments race. Thus, allocations for military expenditures constituted 30 per cent of the United Kingdom national budget for the year 1949-1950, while the sum allocated for the rearmament programme exceeded that of the preceding year by 107 million pounds sterling. As for the French national budget, 20 per cent was devoted to military expenditures, over and above the credits received by France under the Marshall Plan.

7. On the other hand, military allocations constituted only 19 per cent of the budget of the Soviet Union, while one-quarter of the budget was devoted to social and cultural measures.

8. The growing military budgets of the United States, the United Kingdom and France imposed a heavy burden upon the taxpayers of those countries. During 1949-1950, 43 per cent of the United States national income was to be derived from direct taxation of individual citizens, while only 23 per cent was to be drawn from corporation taxes. In other words, the large monopolistic firms were making profits at the expense of workers, farmers and employees in the lower income brackets. It was sufficient to recall that nearly the whole atomic industry in the United States was in the hands of the DuPont, General Electric and Westinghouse Companies. The recent case of the "five-percenters" had disclosed that in other branches of war production as well, the United States Government was bent on guarding the interests of private firms.

9. Every working family in the United Kingdom was obliged to give up roughly one-third of its income for rearmament purposes. At the same time, the Labour Government offered ample opportunities for profit-making to the monopolists, who were acquiring large fortunes free of tax. An admission to that effect had been made by Sir Stafford Cripps in the House of Commons at the end of May 1949.

10. In France, private capitalistic profits, which had constituted 29 per cent of the national income in 1938, had risen to 42.5 per cent in 1948.

11. The Governments of the United States, the United Kingdom and France claimed that the armaments race and the growth of military budgets were necessary for purposes of national defence. It was impossible to give credit to such assurances in the face of the creation of United States air and naval bases in all parts of the world, and particularly in areas adjacent to the Soviet Union, and of the setting up of military alliances, obviously for purposes of aggression against the Soviet Union and the people's democracies.

12. During the Second World War, the United States had set up 484 military bases in the Atlantic and Pacific areas. All those bases were being maintained and a number of new ones had been added. Mr. Udovichenko cited a statement by Mr. Royall, made in the Senate Armed Forces Committee in 1948 when he was United States Secretary of War, calling for the creation of military air forces capable of bombing Europe from overseas land bases. In January 1949, Mr. Royall had confirmed in a statement to the Supreme Court

that military bases were being built in the Philippines, Newfoundland, Okinawa, Bermuda, Iceland, Greece and Canada. Bases existed also in the United Kingdom, western Germany, Iran and Saudi Arabia, not far from Tripoli.

13. The creation of those bases was not motivated by concern for the national defence of the United States but by sinister plans of aggression against the Soviet Union. Realizing that it would be difficult to induce American soldiers to take part in a new war, the United States Government was anxiously recruiting other States into its military alliances and blocs. In that connexion, Mr. Udovichenko referred to the military alliance between the United States and Canada, the joint Anglo-American Chiefs of Staff in Washington, the Pan American Union, the Western Union with its Military Staff Headquarters at Fontainebleau and the North Atlantic Treaty with its Defence Council.

14. The provisions of the North Atlantic Treaty were radically inconsistent with the democratic principles of international co-operation laid down in the United Nations Charter and the war-time agreements between the great Powers. The Treaty was mainly responsible for the rejection of USSR proposals on prohibition of the atomic weapon and the reduction by one-third of the armaments and armed forces of the five permanent members of the Security Council. It was also the underlying cause of the submission of the French working paper[1] to the Commission for Conventional Armaments, the approval of which was being proposed in the French-Norwegian draft resolution (A/AC.31/L.33/Rev.2).

15. The delegation of the Ukrainian SSR had already indicated in the Commission and in the Security Council that the working paper could not be taken seriously. Its authors replaced the issues of reduction of armaments and prohibition of the atomic weapon by the secondary question of an arms census. The Soviet delegations had never contested the need for the transmission of information on armaments and armed forces, providing agreement existed among the five permanent members of the Security Council regarding the prohibition of atomic weapons and the reduction by one-third of their armaments and armed forces. In that connexion, Mr. Udovichenko referred to the USSR draft resolution submitted to the Security Council on 8 February 1949[2]. However, the authors and sponsors of the French proposals had no intention to make such agreement possible; they merely wished to obtain information on armaments and armed forces. In such circumstances, it was obvious that the transmission of information would not facilitate the reduction of armaments but would merely serve the interests of the United States military intelligence.

16. The French proposals provided for transmission of information on all types of armaments with the exception of atomic weapons, the deadliest of them all. They contained impossible demands, such as that for information regarding the military potentialities of each country; they insisted on the transmission of information on potential reserves of armed forces, and proposed the granting of excessive and superfluous powers to the international organ of control, without offering any guarantee against abuses.

17. No self-respecting country could agree to transmit military information unless its partners manifested a genuine intention to reduce their own armaments and armed forces. The Anglo-American bloc had no such intention. It was clear, therefore, that the French proposals bore no relation to the fundamental issue of the reduction of armaments and armed forces and the prohibition of the atomic weapon.

18. For all those reasons, the delegation of the Ukrainian SSR would vote against the French-Norwegian draft resolution calling for approval of the proposals of the Commission for Conventional Armaments based on the French working paper.

19. The delegation of the Ukrainian SSR would vote in favour of the USSR draft resolution (A/AC.31/L.35).

20. Mr. KHALATBARY (Iran) stated with reference to the remarks of the representative of the Ukrainian SSR, that no military or air bases belonging to the United States or any other Power existed in Iran.

21. Mr. WIERBLOWSKI (Poland) pointed out that the French-Norwegian draft resolution actually asked the General Assembly to sanction the failure of the Commission for Conventional Armaments to take any positive action for the regulation and reduction of conventional armaments and armed forces since 13 February 1947, when the Commission had been established. By recalling that the unanimity among the permanent members of the Security Council, without which action was impossible, had not been achieved, it implied that the Assembly was to approve the postponement for an indefinite period of concrete measures for disarmament. That position was in flagrant contradiction of the General Assembly resolution 41 (I) of 14 December 1946.

22. It was important to discover the real reasons for the absence of the necessary unanimity among the permanent members of the Security Council. They could be found in the manoeuvres of the United States and of the countries which accepted its leadership. By those strategems, the same group of States had prevented the adoption of effective measures for the control of atomic energy, as well as the implementation of the Assembly's resolution on conventional armaments. By the introduction of new conditions and proposals which did not appear in that resolution, they had falsified the true situation in order to prove that the Assembly's decision could not assume the form of an international convention. In order to support that contention, the Commission for Conventional Armaments had simply altered its terms of reference. Although the Assembly's resolution had made no distinction between atomic weapons and other categories of arms, the Commission had arbitrarily decided that atomic weapons and weapons of mass destruction did not fall within its jurisdiction.

23. Thus no convention had been concluded. Instead, many States led by the United States and bound to it by alliances such as the North Atlantic Treaty, had embarked upon a frenzied armaments race. By word and deed, they were attempting to convince the peoples of the world

[1] See document S/C.3/SR.3/21.

[2] See *Official Records of the Security Council*, Fourth Year, No. 10.

that a new war was inevitable. They had formulated doctrines, plans, pacts and arms programmes; they had stockpiled heavy armaments and bombs; they had boasted that recent discoveries would make it possible for them to produce weapons unsurpassed in their destructive power.

24. It should be remembered that the United States had never directly experienced the horrors of war or of fascist occupation; its population had never suffered bombing and destruction. But other countries, like Poland, which had known the ravages of war and suffered untold losses in life and resources, understood the meaning of war and of an armaments race. They were not deluded by demagogic tactics intended to disguise bad faith and to conceal preparations for a new war through allegedly defensive alliances and programmes.

25. It was significant that those who opposed the USSR plan for disarmament had never put forward a concrete counter-proposal which could be discussed on its merits. They had never suggested another figure to replace the one-third reduction suggested by the Soviet Union. They had never made any proposal for effective regulation of armaments and armed forces, precisely because they did not favour such regulation, just as they did not want to establish control of atomic energy.

26. On the other hand, the USSR delegation had expressed its willingness to co-operate with an international agency established along the lines it had proposed, if the other States concerned would do likewise. But the majority was insisting that if the United States were not allowed to impose its views, both on the question of disarmament and on that of atomic energy, all the peoples of the world, including their own, would have to bear the consequences. Yet the United States proposal merely represented the views of one great Power, views diametrically opposed to those of another great Power.

27. In refuting the argument that the Soviet Union would subject international control to the rule of unanimity in the Security Council, Mr. Wierblowski recalled that both Mr. Molotov and Mr. Vyshinsky had repeatedly stated that the functions of the control agency and the Security Council were quite separate and distinct, and that the veto would not operate in the control organ. The Polish delegation itself had proposed the establishment of an international control body within the framework of the Security Council, specifying that the rule of unanimity of the permanent members would not affect the adoption of decisions taken by the control agency and bearing upon inspection and verification measures it had decreed. That proposal had nevertheless been rejected in the First Committee during the third session.[1]

28. In a further effort to prevent a solution of the problem of disarmament, the United States had asserted that it was linked with the conclusion of peace treaties with Germany and Japan. In the meantime, the United States was helping to rearm those countries. That was another manoeuvre designed to obstruct action and to prevent implementation of the Assembly's resolution of 14 December 1946.

[1] See *Official Records of the third session of the General Assembly, Part I, First Committee*, annexes, document A/C.1/356/Rev.1.

29. Moreover, the United States was proving by its daily actions that the conditions it had outlined as necessary prerequisites for disarmament had been artificially invoked in order to circumvent and shelve the Assembly's decision. It was increasing its armed forces and its military expenditures. According to the *United States News and World Report* of 26 August 1949, it had prepared a detailed plan for the invasion of Europe which called for a series of bases for atomic bombing, and had ordered the French who would ultimately fight on its behalf, to increase their land forces from seven to forty divisions. By concluding the North Atlantic Treaty, it had placed itself in a better position to interfere in the internal affairs of other countries. It was preparing to spend, in addition to the money contributed by the signatories to that treaty, another 1,500 million dollars on rearmament. Its Press and radio were pouring out war propaganda in open contravention of General Assembly resolution 110 (II) of 3 November 1947. It was attempting to prevent the implementation of Article 43, which called for contributions to an international armed force under the authority of the Security Council. Surely, those actions were not conducive to an alleviation of international tension and a restoration of international confidence. Arms treaties and the division of Germany were certainly not intended for that purpose.

30. There were still other reasons for the general lack of confidence. Certain countries of Latin America were at the mercy of United States economic aggression. Their dollar needs were being used as the artificial stimulant of mutual trust. No real international collaboration could be built on such a basis.

31. The United Nations was confronted with the alternative of abandoning its principal objective, the maintenance of peace and security, or sanctioning, by its failure to act, the armaments race now in progress. The General Assembly should demand that the Commission for Conventional Armaments proceed immediately to implement the provisions of the resolution of 14 December 1946, and submit to the fifth session a concrete plan for the regulation and reduction of all types of armaments and armed forces. It should do so in the interest of all peoples in the world who continued to live in fear of attack and extermination.

32. The USSR draft resolution would accomplish those objectives. It very rightly recognized that there could be no general disarmament without atomic disarmament and that information on existing weapons must include data on atomic weapons. Surely the latter would not be a matter of indifference if a third and then a fourth Power were shortly to announce that they were producing atomic bombs. Member States should weigh that possibility in determining their vote on the two draft resolutions before the Committee.

33. Mr. ASTAPENKO (Byelorussian Soviet Socialist Republic) said that the adoption and prompt implementation of the USSR proposals for the reduction by one-third of conventional armaments and armed forces and the prohibition of atomic weapons would have contributed immeasurably to the strengthening of world peace and security. Those proposals would have effectively checked the present arms race, curtailed

military expenditures and freed huge sums of money to raise standards of living of peoples all over the world. They would have eliminated the threat of a new war which was being prepared by reactionary circles in the United States and the United Kingdom to implement their plan of world hegemony.

34. However, the Anglo-American block had defeated the USSR proposals and forced the adoption in November 1948 of a worthless resolution[1] which did nothing to ensure action toward disarmament and the prohibition of atomic weapons. The statements of its representatives at the fourth session confirmed their unwillingness to find a positive solution of those problems.

35. The French-Norwegian draft resolution was actually a restatement of the resolutions adopted in the Commission for Conventional Armaments upon the initiative of the French delegation, in August 1949.[2] As was the case in those earlier proposals, it emphasized the subsidiary question of the submission and collection of information on existing conventional armaments and made no provision for their reduction and a ban on atomic weapons. Clearly, the collection of that information could only serve the purposes of Anglo-American intelligence. It would encourage the United States and the United Kingdom to continue their armaments race, and thus defeat all efforts to promote the atmosphere of mutual confidence which they themselves insisted was an essential prerequisite for any reduction of armaments and armed forces.

36. The United States military budget had reached almost 16,000 million dollars. That amount was shocking when compared to the appropriations for such vital services as social insurance, health and education. The United Kingdom had also been compelled to increase its military expenditures to a large extent. As President Truman had pointed out in his message to Congress in July 1949, the five countries signatories of the Brussels Agreement together with Norway, Denmark and Italy, were spending about 5,500 million dollars annually for military purposes.

37. In their campaign in preparation for a new aggressive war, the ruling circles of the United States had imposed the Marshall Plan upon the countries of western Europe and had bound them by the North Atlantic Treaty. They were hatching new programmes of aggression and building a huge network of military, naval and air bases to ring the USSR and the countries of the people's democracies. In order to justify their plans for world domination, the warmongers were concocting wild stories of a threat from the East. But the peace-loving peoples were not deceived; the movement for peace was gaining and the efforts to defeat the aggressive designs of the inciters to a new war were gaining in strength.

38. For all those reasons, the delegation of the Byelorussian SSR could not support the French-Norwegian draft resolution. On the contrary, it whole-heartedly endorsed the USSR draft resolution because it represented an honest and practical proposal for the reduction of armaments and the prohibition of atomic weapons. It would prove to the world that the United Nations was in fact working toward the establishment of peace and security.

39. Mr. DJERDJA (Yugoslavia) stated that, instead of the broad and detailed discussion which might have been expected with regard to a question so vital to peace as the reduction of armaments, most delegations, particularly those of small countries, had been reluctant to intervene because the question of the reduction of armaments was so complicated that an impasse had been reached and many delegations therefore felt helpless in the matter. The statement made by the representative of Egypt at the preceding meeting, expressing the hope that the great Powers would reach agreement, was a typical example of the anxiety experienced by small nations.

40. In the opinion of the delegation of Yugoslavia, the primary reason for the lack of any progress towards a solution of the problem of the reduction of armaments during the three years it had been before the United Nations was that there had not been sufficient efforts by any party to create an international atmosphere which would make it possible to consider and resolve so important and delicate a problem with greater confidence, good will and a better chance of success. On the contrary, the possibility of a satisfactory solution was constantly decreasing through war propaganda, war hysteria, a growing feeling of insecurity, particularly among the small nations, a tendency to interfere in the internal affairs of other States, lack of respect for the sovereignty of other nations, and systematic establishment of military coalitions. The situation was further aggravated by a tremendous armaments race. During the three years of discussion, there had been many statements and resolutions on the need for maintaining and strengthening world peace. Those statements were never, however, implemented by corresponding action or real efforts of even limited character. While nothing had been done to create a more favourable international atmosphere, many very tangible and convincing steps had been taken to impede a satisfactory solution of the question of reductions in armaments. Of the many possible cases to support this thesis, the representative of Yugoslavia stated that no example was more striking than the recent action of the Committee (37th meeting), during its discussion of the prohibition of the atomic weapon and the control of atomic energy, in rejecting a modest, though morally significant, resolution proposing a provisional solution by outlawing the use of atomic energy for purposes of aggression. Moreover, careful study of the work of the fourth session of the General Assembly afforded no particular grounds for optimism with regard to the prospects, in the near future at least, of assuring peace and finding a satisfactory solution of the problem of reducing armaments.

41. The prevailing deadlock could be broken only by serious and sincere efforts on the part of all Members of the United Nations, particularly the permanent members of the Security Council. It was therefore understandable that the delegations of many small nations adopted the attitude of helpless observers although they shared the responsibility for the solution of the

[1] See *Official Records of the third session of the General Assembly, Part I*, Resolutions, No. 192 (III).

[2] See documents S/C.3/32/Rev.1 and S/C.3/32/Rev.1/Corr.1.

problem. It would be difficult to attempt to outline the steps which the Yugoslav delegation felt should be taken. Nevertheless, the discussion of the reduction of armaments could not be allowed to continue on the same basis, but must be broadened so that the question could be conscientiously and objectively studied in all its aspects and every effort made to consider even the most modest steps toward a common solution of the problem.

42. The Yugoslav delegation felt it duty bound to point out that even a partial and provisional formula guaranteeing the necessary agreement would be preferable to any other solution which would not break the deadlock. No results could be achieved without the agreement of all, particularly the States most directly responsible for the maintenance of peace. It was also most important that the permanent members of the Security Council exert greater efforts than heretofore to dispel the prevailing lack of confidence, to remove the fear of war and to end all war and all imperialistic propaganda, regardless of its form or of the pretext for it.

43. It was, in the opinion of the Yugoslav delegation, impossible to reach sincere agreement on the question of the reduction of armaments in a world which was beset by anxieties regarding the future, in a world where the intentions of other nations must be regarded suspiciously, in a world where it was generally believed that strong nations had a right to oppress smaller and weaker nations. It was only in an atmosphere of a mutual good will, co-operation and respect for the independence and sovereignty of small and large States that, through common efforts, progress could be made toward a reduction of armaments which would give all nations greater security and allow them to devote their energies to the development of their own country.

44. Turning to the two draft resolutions before the Committee, the representative of Yugoslavia expressed the view that both were substantially the same. They showed that the permanent members of the Security Council had so far not succeeded in reaching agreement on armaments. Since those Powers had not agreed even on the preliminary conditions for considering the question, the prospects for agreement could easily be deduced. Accordingly, the Yugoslav delegation considered that the greatest contribution it could make toward ending the prevailing deadlock was to appeal to the permanent members of the Security Council to intensify their efforts to reach as complete agreement as possible on that question at the earliest possible date. In view of the prevailing circumstances, the Yugoslav delegation did not consider that the adoption of either of the draft resolutions would constitute substantial progress towards a solution. Needless to say, the Yugoslav delegation would follow future developments closely and would be prepared to support any sincere effort for impartial consideration or satisfactory solution of the problem.

45. Mr. HALIQ (Saudi Arabia) stated that the remark of the representative of the Ukrainian SSR regarding the existence of military bases in Saudi Arabia obviously had been made with the airfield at Dahran, on the eastern seaboard of Saudi Arabia, in view. It was not, however, true that that territory was used as a military base or airfield for any foreign Power. He recalled that that field had originally been established by the Allied Military Command during the Second World War to help in the fight against Germany and Japan and had been used to supply military aid to the USSR. The Saudi Arabia Government had consented to the use of that territory by the Allied Military Command in order to contribute to the common cause of peace. The agreement with the Allied Military Command had, however, been terminated at the close of hostilities, and the Dahran airfield was now under the sole authority of the Government of Saudi Arabia and was used only for commercial aviation. There were no United States military establishments there.

46. Mr. MONTEL (France) wished to refute some of the arguments which had been presented against the French-Norwegian draft resolution and also to reply to attacks made against France.

47. He stated that it would be helpful if proposals were submitted to the competent organs for careful study, rather than at the end of a discussion when it was apparent that they were merely intended to create confusion or to defeat proposals already submitted. To the thesis that the French-Norwegian proposal violated previous General Assembly decisions in order to avoid disarmament and prevent the discussion of a one-third reduction of armaments as proposed by the USSR, the representative of France stated that that principle was unacceptable as a basis for disarmament. It was obvious that before disarmament could be initiated, a census would be required to determine the armaments of each nation.

48. Moreover, it was inaccurate to assert that the requirement of a census was a new condition which had been imposed by France in particular. Although the Soviet Union might not find that provision acceptable, it must nevertheless be admitted, on the basis of the text of the General Assembly resolution of 19 November 1948, that that condition had always been established, since it was really an important aspect of the problem.

49. The third charge, that the western Powers, banded together in regional pacts, had aggressive designs and therefore opposed disarmament in connexion with atomic energy as well as conventional armaments, was a charge that had become familiar in the years preceding the Second World War and ranked with well-known spectacular peace proposals.

50. Furthermore, the charges of United States imperialism had no basis, since United States troops had fought side by side with French troops to achieve liberation. Despite the repeated warnings of continued United States occupation of French territory after the liberation, all United States troops had been withdrawn. Certain States which constantly referred to United States imperialism might well be asked if they had withdrawn from all territories which they had occupied.

51. The French representative stated that the Marshall Plan had never been intended to force the French or any other nation to rearm. Further, it should be recalled that the French budget had always provided for military expenditures in

varying amounts. The allegation that the military budget corresponded to the Marshall Plan funds plus further sums which France was compelled to add was without basis in fact, since the military budget had no connexion with the Marshall Plan or the North Atlantic Treaty. It was true that preparations were made for military assistance for common defence, since past experience had proved that nations must band together to resist aggression.

52. It had also been charged that at the same time that France proposed a study of disarmament, it had hypocritically proceeded to rearm. The representative of France noted that certain countries found it unnecessary to rearm because they had never disarmed. After all the figures which had been quoted, the USSR might be asked to indicate how many divisions it maintained on a war-footing and how many reserves, including members of para-military organizations, it could mobilize.

53. Mr. Montel stated that the reference to Frenchmen as cannon fodder was particularly unjustified, since the French had always been prepared to fight in defence of their freedom and most fervently wished to be spared from future fighting. They remembered that they had been victims of aggression and that they had been invaded but, unlike certain other nations, they had not been invaded and occupied simultaneously by two aggressors. Moreover, the nations which expressed so much concern about Frenchmen as cannon fodder had signed, in 1939-1940, treaties with nations which had allowed Frenchmen to become cannon fodder.

54. The representative of France rejected the assertion that obstinate attempts were being made to make an artificial distinction between atomic energy and conventional armaments. He reaffrmed the view that the two questions could not be considered together because entirely different technical controls were involved and because nuclear energy required the creation of an international control organ with agreed rights of ownership. The USSR seemed to be troubled by the fact that there would be no possible fraud and no hidden monopoly. If a monopoly was to be established, the dangerous element would be to have it hidden. For those reasons certain specialized organs had been created within the United Nations to consider atomic energy, on the one hand, and conventional armaments, on the other. The fact that France was equally concerned with both problems was amply supported by the fact that it had been a sponsor of resolutions on both subjects in the *Ad Hoc* Political Committee.

55. Referring to the French budget which was published and therefore available to all, the representative of France indicated that the reference to increased military appropriations in that budget should have been accompanied by the explanation that the increased funds were required because of the war in Indo-China which had been unleashed, provoked and supported by the Government of the USSR.

56. Furthermore, the General Staff at Fontainebleau was a group which drafted defence plans, and which had no functions of military command. The charge was particularly ill-advised since France, which had renounced a part of its sovereignty, had never gone so far as to accept a National Defence Minister who was a Marshall of a foreign power. It must be emphasized that when Frenchmen fought, they fought freely for their liberty.

57. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic), replying to the representative of Iran, quoted an extract from the Egyptian newspaper *Al Misri* of 14 January 1949, to the effect that under the terms of a secret agreement between the Governments of the United States and Iran, the former had been granted military and air bases in Iran for the defence of United States oil interests in the Middle East.

58. Replying to the representative of Saudi Arabia, he referred to an interview with an official representative of the United States Air Force published in the Press in the United States in the summer of 1949, to the effect that United States military bases existed in a number of countries, including Saudi Arabia. Mr. Udovichenko conceded that the creation of such a base might have been necessary during the Second World War, but wondered why it still continued to exist.

59. Turning to the French representative's statement, Mr. Udovichenko stressed that his earlier reference to "cannon fodder" had been based exclusively on statements by such prominent United States personalities as General Bradley and Senator Clarence Cannon.

60. KHALIFA Bey (Egypt) stated, in connexion with the remarks of the representative of the Ukrainian SSR, that no newspaper in Egypt represented the official views of the Government of that country, since the Egyptian Press was a free one, at liberty to publish whatever it wished.

61. The CHAIRMAN pointed out that the competent authority to issue information or deny statements regarding any State was the Government of that State. Governments could not be held responsible for reports appearing in the Press of their own countries, let alone in that of others.

62. Mr. J. MALIK (Union of Soviet Socialist Republics) pointed out that statements by a United States Senator and the Chairman of the Joint Chiefs of Staff could hardly be considered as unofficial Press rumours.

63. The CHAIRMAN remarked that such statements, while having a certain official force as regards the United States, did not represent official information regarding France.

64. He read out the list of speakers and suggested that, if there was no objection, it should be considered closed.

It was so decided.

The meeting rose at 1.10 p.m.

FORTY-SECOND MEETING

Held at Lake Success, New York, on Saturday, 19 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (A/1020 and A/1042) (*continued*)

1. Mr. HOFFMEISTER (Czechoslovakia) said that the principal concern of the current session of the General Assembly was clearly the maintenance of peace. It had found expression in the USSR proposal which was being discussed in the First Committee[1] and which was closely related to the item before the *Ad Hoc* Political Committee. It should be noted that certain delegations, among them the French delegation, had manoeuvred to delete mention of the prohibition of the atomic weapon from earlier resolutions on the item. The same motive had led to a second revision of the French-Norwegian draft resolution (A/AC.31/L.33/Rev.2).

2. While there had been a few uninspired speeches against the USSR draft resolution (A/AC.31/L.35), the French-Norweigian draft had evoked very little enthusiasm. The representative of Egypt had as much as admitted that he would vote for it although he considered it valueless. The representatives of many small States had withheld all comment because they realized how little it fulfilled the desire expressed by the United Nations in 1946 for rapid progress toward disarmament. They were aware that the adoption of the French-Norwegian draft would not satisify the eagerness of the peace-loving peoples whom they represented for the prohibition of the atomic weapon and the regulation and reduction of armaments and armed forces. They knew that they could not dismiss the first question by explaining, as the United States representative had done, that it had been disposed of by the adoption (37th meeting) of the earlier Canadian-French draft resolution on the control of atomic energy (A/AC.31/L.27/Rev.1).

3. The Czechoslovakian delegation remained firm in the belief that the two questions were inseparable and that atomic weapons could not be excluded from measures for the reduction of armaments. At the first session of the General Assembly in 1946, Mr. James Byrnes, former Secretary of State of the United States, had conceded the logic of that belief when he had pointed out that, after the discovery of gunpowder, it would have been ludicrous to start disarming by limiting the use of the bow and arrow.[2] It was regrettable to be forced to the conclusion that the States which insisted that the questions of the prohibition of atomic weapons and the reduction of conventional armaments should be dealt with separately were, in fact, unwilling to seek constructive solutions of both of those problems.

4. In the meantime, several of the States supporting the French-Norwegian proposal were discussing large-scale plans for the rearmament of western Europe, possibly including Germany, and perhaps even for rearming Japan. Although the *communiqué* issued after the recent Paris meeting of the Foreign Ministers of France, the United Kingdom and the United States was vague and shrouded in mystery, persistent Press reports held that they had decided to rearm Germany. Despite Mr. Acheson's denial, that possibility was borne out by further reports of statements by high military officers of western European States concerning the advisability of raising a small German army. Further light had been shed on the rearmament plans of the Anglo-American bloc during the recent controversy between the United States Navy and Air Force officials in Washington. Those plans could not be concealed by pious resolutions. General of the Army Bradley could soon be expected to reveal further information concerning German rearmament which General Vandenberg would supplement by details of atomic war preparations. The certainty that the signatories of the North Atlantic Treaty, led by the United States, were arming at full speed was strengthened by an examination of their respective military budgets and a reading of the Press in the United States.

5. Ironically, while that feverish arms race was proceeding, the Commission for Conventional Armaments was expected to continue its sterile study of the regulation and reduction of conventional armaments and armed forces. It was expected to achieve concrete results at a time when the cold war had reached a new pitch of intensity throughout the world, and particularly in Europe, and when the absence of international confidence and security constituted an overwhelming obstacle to agreement among the great Powers. Yet the sponsors of the French-Norwegian proposal had not seen fit to mention the urgent need for such an atmosphere of international confidence.

6. The adoption of the USSR peace plan and its proposals for the prohibition of atomic weapons and the reduction by one-third of conventional armaments and armed forces, would have immediate and profound effects on the international community. Not only would it relieve the peoples of the world of fear and anxiety; it would reduce the burden of the taxpayers, the ordinary citizens of all countries and, more particularly, of the United States taxpayers, for they bore the brunt of the vastly expanded military expenditures of the Anglo-American bloc.

7. When the General Assembly had adopted its resolution 41 (I) of 14 December 1946 on the regulation and reduction of armaments and armed forces, its decisions were still dominated by the spirit of the Charter. It was apparent, however, from the peace plan offered by Mr. Austin in the First Committee[3] that the Charter had now become a shield for the aggressive designs of certain big Powers.

[1] See *Official Records of the fourth session of the General Assembly, Annex to the First Committee*, document A/996.

[2] See *Official Records of the second part of the first session of the General Assembly*, 60th plenary meeting.

[3] See document A/C.1/549.

8. Mr. Hoffmeister then referred to the remarks of the representative of France concerning the requirements of the war in Indo-China. He strongly doubted that its outcome warranted the huge expenditure of 30,000 million francs. The fact that Indo-China was an important military base had been admitted by the United Kingdom Minister for Defence, Mr. A. V. Alexander. In his last visit to Hong Kong, he had declared that Indo-China together with Hong Kong and Singapore, formed the vital triangle of Far East military bases. It was well known that France was attempting to regain its positions in Indo-China with the help of the puppet Emperor Bao Dai, whom it had restored to the throne, and that the unpopular war in Indo-China was being carried on against the will of the French people in order to suppress the Viet-Nam movement for national liberation.

9. As representative of Czechoslovakia and as its Ambassador to France, Mr. Hoffmeister deplored the fact that France was sponsoring a worthless draft resolution which could not contribute to the solution of the problem before the Assembly and would, on the contrary, shatter the hopes of peace-loving peoples. He would vote against that proposal and in favour of the USSR draft resolution.

10. Mr. HICKERSON (United States of America) noted that if the speeches made in the previous twenty-four hours had been made earlier in the debate, the work of the Committee on the item before it would have been greatly expedited. The same false propaganda had once again been repeated by the States of the Soviet bloc; Mr. Hickerson preferred to leave the record and the good faith of the United States to the judgment of the Committee.

11. The draft resolution of the USSR was identical with the proposal it had introduced in the Security Council.[1] While the USSR proposal recognized the necessity for the submission of information, it failed to recognize the equal necessity for adequate verification of the information submitted. Moreover, the proposal failed to recognize that the submission of full information not only on atomic weapons, but also on all atomic material and facilities, was an integral part of the United Nations plan of control and prohibition approved by the General Assembly in its resolution 191 (III) of 4 November 1948. In the Security Council, the French delegation had offered to amend the USSR proposal in order to correct those two deficiencies. The French amendments, submitted in the form of a draft resolution on 14 October 1949,[2] had obtained eight affirmative votes but had been rejected as a result of the veto of the USSR.

12. The USSR draft resolution before the Committee, like most other proposals of the Soviet Union, including that country's proposal that armaments and armed forces should be reduced by one-third, was devoid of real substance. Despite repeated assertions of the authors that the USSR proposals provided for international control, careful examination proved that none of them recognized that the principle of adequate verification was essential. Because the French proposal provided for a system of adequate inspection and control, it had met with the opposition of the Soviet Union. Unfortunately, the slight hope which had been engendered by the two speeches of Mr. Vyshinsky before the Committee had been quenched by the later statement of the USSR representative.

13. As the representative of France had pointed out, the submission of full information concerning armaments and armed forces, together with adequate provision for verification, was no new condition to a plan for disarmament. It was rather a necessary preliminary part of any such intelligent and effective plan. In its draft resolution the USSR conceded the importance of submitting information; it refused, however, to admit that it was equally important that such information should be verified.

14. As to the second fundamental defect in the Soviet Union draft resolution—its failure to recognize that in the field of atomic energy and atomic weapons there was already in existence a plan which not only embraced full exchange of information, but went much further and provided for effective prohibition and control—Mr. Hickerson pointed out that the Soviet Union held that the United Nations plan for the control of atomic energy adopted on 4 November 1948 did not provide for the submission of information on atomic weapons. But by requiring the transfer to an international agency of atomic materials and facilities, the plan provided for the most effective system of assembling information and verifying its accuracy.

15. Nevertheless, the new and unique problems arising from the discovery of atomic energy could not be dealt with by conventional methods and systems. The system which might be suitable for the collection of adequately verified information on conventional armaments and armed forces would be inapplicable to atomic energy and atomic weapons. In recognition of that fact, the General Assembly had created the Atomic Energy Commission as a special and separate body to deal with those unique problems, while the regulation and reduction of conventional armaments and armed forces had been entrusted to a subsidiary body of the Security Council, namely, the Commission for Conventional Armaments. Work on those two very closely related questions had not proceeded at an equal pace; the Atomic Energy Commission had made substantially greater progress. If and when the two Commissions succeeded in formulating acceptable plans in their respective fields, it would remain for the Security Council to co-ordinate the two plans in an over-all system of collective security.

16. The USSR draft resolution would contribute nothing to the programmes of work of the two bodies. It would have the effect of establishing a false equivalence between them. The purpose was obviously to confuse and thus excuse the Soviet Union's failure to agree to the steps necessary to carry out either programme.

17. As the representative of Egypt had pointed out, the French-Norwegian draft resolution was decidedly modest in scope. While it emphasized the urgent need to implement the sixth paragraph of General Assembly resolution 192 (III), the French-Norwegian proposal was in no way intended to depart from or discard the other parts

[1] See *Official Records of the Security Council*, Fourth Year, No. 46.

[2] See *Official Records of the Security Council*, Fourth Year, No. 48.

of the Assembly's resolution—particularly that part which stated that "the aim of the reduction of conventional armaments and armed forces can only be obtained in an atmosphere of real and lasting improvement in international relations". It was precisely because of the continuing lack of an atmosphere of real and lasting improvement in international relations that the French-Norwegian draft resolution had been unable to go further.

18. Mr. Hickerson deplored the increasing world tension which had forced peace-loving nations to take measures to protect and defend themselves against the threat of armed aggression. The countries of western Europe were rearming with United States assistance because they feared the intentions of the Government of the Soviet Union.

19. The second progress report of the Commission for Conventional Armaments[1] which the USSR representative had termed a useless document, had a useful function to perform. It contained a statement of the principles essential to any plan for disarmament, among which was the paramount principle that no plan could be put into effect in the absence of international confidence and security. The USSR had delayed transmission of the report to the Security Council until August 1948. Nevertheless, it was precisely the Soviet Union which had to be reminded of the continuing urgency to restore international confidence. The United States was prepared at all times to co-operate with the USSR and redouble its efforts to attain that end.

20. For all those reasons, the United States would vote against the USSR draft resolution and in favour of the French-Norwegian draft.

21. Mr. GLASHEN (Australia) supported the French-Norwegian draft resolution as a practical and realistic proposal in the existing situation. His delegation considered the question of reduction and regulation of armaments and armed forces as of the greatest importance and was therefore disappointed that more real progress had not been achieved. As stated in the resolution adopted by the Commission for Conventional Armaments on 12 August 1948 (A/1020, annex II), the basic principle governing the effective regulation and reduction of armaments was the establishment of an atmosphere of international confidence and security. The Australian delegation had pointed out in the proposals it had submitted to the Commission that the first prerequisite for the creation of such an atmosphere was the establishment of effective international control of atomic energy and the prohibition of atomic weapons. In that respect, it sympathized with the position of the minority in the present discussion.

22. The Australian delegation, however, shared the view of the United States representative that entirely different considerations applied to the related but separate questions of the regulation of conventional armaments and the prohibition of atomic weapons. Their solution should be sought simultaneously, but separately, by the two competent organs established by the United Nations for the purpose. The work of the two bodies should be co-ordinated, in the final stage, by the Security Council or the General Assembly.

23. The USSR draft resolution, as it stood, was unacceptable because it failed to take into account the stage reached by the two Commissions in the study of the two questions, and because it omitted any provision for the verification of the information collected. Information on atomic weapons was clearly part of the effective control of atomic energy and the elimination of atomic weapons from national armaments.

24. The Australian delegation was convinced that the adoption of the French-Norwegian proposal would not in any way diminish the force of General Assembly resolution 192 (III). It agreed with the views expressed by the Egyptian delegation concerning the emphasis to be placed on the restoration of international confidence. The elaboration of a system of agreements under Article 43 of the Charter and of a plan for the control of atomic energy as well as the conclusion of peace treaties with Germany and Japan constituted steps in that direction. Measures for disarmament, however preliminary and modest in nature, would increase confidence and justify further disarmament. While Australia had some reservation concerning the working definition of conventional armaments as adopted at its 13th meeting by the Commission dealing with that subject, it continued to subscribe to the principles adopted at that time. Accordingly, it would vote in favour of the French-Norwegian draft resolution.

25. Sir Alexander CADOGAN (United Kingdom) recalled once again that the USSR draft resolution was identical to its earlier proposal which had obtained only three votes in the Security Council. The United Kingdom had not supported that proposal and would vote against the present draft. It could best be described as *"simpliste"*—simple to the point of absurdity—for it bracketed together information on conventional armaments and information on atomic weapons, and failed to state to whom the information would be supplied and by what methods the data would be verified.

26. Far from being artificial, as the Soviet Union had contended, the distinction between the two categories of armaments had been recognized by the General Assembly. Clearly, the problems involved in the submission and checking of information on atomic weapons were essentially different from those relating to conventional armaments. There was no foundation for the allegation that the proponents of the French-Norwegian draft would withhold such information, for it was an integral part of the plan of international control of atomic energy adopted in resolution 191 (III). Under an effective system, all States would be obligated to submit the same amount and kind of information on all types of weapons. In fact, had it not been for the obstruction of the Soviet Union in the face of the overwhelming majority of the United Nations, there might have been a new and effective control of atomic energy in the world, and no atomic weapons in existence. Similarly, the compilation of a complete and verified inventory of conventional armaments and armed forces might already have been commenced.

27. For those reasons, the United Kingdom would vote against the USSR draft resolution and in favour of the French-Norwegian draft.

[1] See documents S/C.3/32/Rev.1 and S/C.3/32/Rev.1/Corr.1.

28. Mr. STOLK (Venezuela) stated that the question of the reduction of armaments and armed forces was one of those basic matters which were deadlocked because of the complete disagreement of the great Powers. Moreover, the prevailing international tension made it difficult to achieve any progress towards settlement.

29. Careful consideration of all aspects of the discussion of the question of the reduction of armaments and armed forces in various organs of the United Nations had led the Venezuelan delegation to the conclusion that the great Powers not only had divergent criteria about questions of substance relating to the various aspects of the problem, but also regarding the jurisdiction of the Commission for Conventional Armaments. As in the case of atomic energy, the question of disarmament was an element of controversy among the great Powers.

30. The majority view was that atomic weapons and other weapons of mass destruction were outside the competence of the Commission for Conventional Armaments, and required special, separate treatment. The majority also believed that the establishment of a system of regulation and reduction of armaments and armed forces required an atmosphere of international confidence and security, and recognized the importance of measures for regulation in increasing the level of security and confidence. According to that thesis, the essential conditions for achieving the desired international atmosphere were the establishment of an adequate system of agreement in accordance with Article 43 of the Charter, effective international control of atomic energy, and the conclusion of peace treaties with Germany and Japan. Armaments and armed forces should be reduced to the minimum essential for maintaining international peace and security and for exercising the rights and discharging the obligations established by the Charter. That system should guarantee that, under international supervision, the undertakings of countries would be fulfilled, and should provide measures of enforcement in case of violation of them. In accordance with resolution 192 (III) of the General Assembly, the majority had adopted certain bases for obtaining accurate and verified information regarding the conventional armaments of each State, as well as its armed forces, and had agreed that reduction of armaments would be on a proportional basis rather than on the basis of a uniform reduction for all nations.

31. On the other hand, the minority rejected that position on the basis that resolution 41 (I) of the General Assembly established the principles governing the general regulation and reduction of armaments; considering that question an indivisible unit, the minority requested the formulation of practical measures not only for the regulation and reduction of conventional armaments, but also for the prohibition of the use and production of atomic weapons and other weapons of mass destruction and for the destruction of existing supplies of those weapons.

32. The minority also indicated that resolution 41 (I) of the General Assembly established no prior conditions for the formulation and application of such practical measures. It maintained that the general principles of a system of reduction must be established for all nations and must include prohibition of atomic weapons and other weapons of mass destruction. It further maintained that the majority had prevented the implementation of that resolution and had unleashed an armaments race which resulted in increased armed forces and larger military budgets. As a practical step towards reducing international tensions and initiating disarmament, the minority had unsuccessfully advocated a recommendation to reduce by one-third the armaments and armed forces of the five great Powers, and had contended that the collection of information on armaments and armed forces was conditional on the prior achievement of agreement among the permanent members of the Security Council on principles for prohibition of atomic weapons and reduction of armaments. The minority advocated the simultaneous settlement of both problems and the collection of information on atomic weapons as well as on conventional armaments.

33. Mr. Stolk indicated that that difficult question had led to a vicious circle. The majority considered that disarmament was impossible without increased international security and confidence, and invoked resolution 192 (III), which called for the submission of complete and verifiable information regarding the conventional armaments and armed forces of each State as a means of restoring international confidence and security, and which also required effective control of atomic energy to ensure the prohibition of the atomic weapon. On the other hand, the USSR and the States supporting its position maintained that the only means of improving international relations was to proceed to a reduction of armaments and armed forces, to prohibition of the production and use of the atomic bomb, and to destruction of atomic bombs already in existence. To further complicate the matter, the conditions set forth for the reduction of conventional armaments could not be achieved unless each group of Powers was willing to accept conciliation, a condition which, in turn, required the re-establishment of a certain measure of confidence. Thus the factors involved were interrelated and, since circumstances were unfavourable, it seemed unlikely that any progress towards settlement of the problem could be made through the methods which had been used previously. Mistrust and fear remained, and armaments, like alliances, appeared, in the view of States, as the recourse against eventual aggression.

34. While both sides agreed that disarmament could not be achieved without effective international control of atomic energy and prohibition of atomic weapons, they held divergent views regarding the characteristics of such control and the kind and application of prohibition. The two problems of atomic energy and disarmament were closely linked in the sense that, while it was not necessary for them to be given identical treatment, the absence of agreement on the first would have a direct influence on preventing progress in achieving a solution of the second. In consideration of the supreme importance of the problem of atomic energy as a factor in the disagreement among the great Powers, the representative of Venezuela recalled that his delegation had previously suggested mediation and conciliation, which had proved so successful in settling other disputes. It was necessary to return to such methods before it was too late.

35. Mr. Stolk stated that the joint draft resolution of France and Norway presented proposals which were limited in scope, since they referred solely to the census and its verification in general terms. The question of the organ of control had been left in suspense. Because of the prevailing political situation, the information involved would be very limited and the measures suggested could not in themselves guarantee security. Within those limitations, it was the opinion of the Venezuelan delegation that those proposals were reasonable and well advised. While they might be improved in the light of new developments, they offered a sufficient basis for proceeding along the lines recommended by the General Assembly. Nevertheless, in order to leave the door open for conciliation on various bases, and also with due regard to prevailing political conditions, the Venezuelan delegation would prefer to have paragraph 3 broadened in scope by the replacement of the words "the necessary bases" by the words "adequate bases". In the same spirit, the suggestion of the representative of Egypt regarding the drafting of paragraph 6 deserved consideration, since it left the Security Council greater latitude to use any method it considered appropriate to achieve a *rapprochement* between the disputing parties.

36. The USSR draft proposal, which called for information on atomic bombs as well as conventional armaments, was inadequate because it contained no indication as to what information was involved, to whom information would be submitted, whether there would be a verification and, if so, what procedure would be used. From the discussion, it would seem that quantitative information was sought in order to reduce the mistrust and fear which prevailed in international relations.

37. Referring to the provisions of resolution 41 (I) of the General Assembly, the representative of Venezuela pointed out that a radical distinction was established between armaments which would be subject to reduction and regulation, and atomic weapons and other weapons of mass destruction, which would be prohibited and eliminated from national armaments.

38. The USSR proposal seemed to suggest a modification of the fundamental principles approved by the General Assembly by seeking to subject atomic bombs to the procedure of requiring complete information, which the General Assembly itself had established as a prior condition for the establishment of a system of reduction and regulation of conventional armaments and armed forces. A question arose as to whether the intention was to abandon the idea of outlawing atomic weapons and to be content with the reduction and regulation of those weapons. While the abstract information requested seemed justified in view of the prevailing deadlock on effective international control of atomic energy and the prohibition of atomic weapons, it must be borne in mind that atomic energy, because of its particular characteristics, required separate control. Exchange of information under an international control agency which would ensure elimination of atomic weapons would be a part of such a system. Attempts must be made to settle the controversy regarding atomic energy within the terms of the relevant General Assembly resolutions so that thereafter real progress could be made in connexion with disarmament.

39. In the opinion of the Venezuelan delegation it did not seem possible that decisions already taken by the General Assembly should be nullified or modified, as was provided by the vague and ambigious Soviet Union draft.

40. Mr. URRUTIA (Colombia) recalled that the decision of the Security Council in 1947[1] that the Commission for Conventional Armaments would deal with certain specific armaments, and would leave the question of atomic weapons to the Atomic Energy Commission, had been motivated solely by the desire to divide the work so that there would be no interference between the two organs. It seemed obvious, however, that there could not be the slightest illusion regarding the results of the work of the Commission for Conventional Armaments if the work of the Atomic Energy Commission, or the limitation of atomic energy, failed.

41. The representative of Colombia pointed out that the situation had changed considerably since 1947 because at that time it had been believed that both Commissions would reach agreement, whereas in 1949 it was apparent that the Atomic Energy Commission had failed.

42. In view of that situation, abstract discussion of the limitation of conventional armaments was merely a waste of time. Realistically speaking, there was no possibility of limiting naval or air forces without prior limitation of atomic weapons or control of atomic energy. Recent discussions in Washington revealed significantly that air and naval forces were considered as complements to atomic energy, since planes were being designed and constructed to carry bombs or to intercept bombers carrying the deadly weapons. Without limitation of atomic weapons, it was therefore illogical to call for limitation of air or naval forces by any country. Furthermore, nations could not be expected to agree to submit information on their naval or air forces if they required those forces for an atomic war. Limitation of atomic weapons was a necessary prerequisite to the submission of any such information.

43. In that connexion, the complete failure of the attempt at limiting armaments after the First World War by dealing solely with one weapon could not be overlooked. The agreement reached at the Washington Naval Conference for the naval ratio of 5-5-3 was defective because it did not stipulate the types of vessels which were prohibited, but referred only to the total tonnage. Past experience had proved that no war had ever been won through the use of armaments which were in existence at the outbreak of hostilities. In periods of peace, armaments became obsolete within one or two years. Therefore nations would not be interested in specific information on isolated weapons held by any country at a given time. The important information might possibly be reduced to five or six essential weapons. It was therefore futile to continue to discuss systems of supplying information on conventional armaments which became out-dated so quickly.

44. The Colombian delegation continued to believe that the primary essential condition for the limitation of armaments was the achievement of

[1] See *Official Records of the Security Council*, Second Year, No. 13.

complete collective security. Nations would not endanger their security without adequate guarantees.

45. Mr. Urrutia pointed out that, since it was primarily the great Powers which possessed armaments and could produce and use those armaments, small nations were the constant victims of war and the helpless spectators of international developments. The time had come, however, for small nations to speak out and reject the thesis of the effectiveness of obtaining information on even the most recently developed armaments. The only information that might serve any purpose would relate to the amounts appropriated for war, and the scientific facilities for further nuclear research. The problem must be faced squarely and it must be recognized that the question of war and peace was in the hands of the permanent members of the Security Council. As long as those Powers did not reach agreement, particularly in regard to atomic energy, it was useless to waste time on discussions of conventional armaments.

46. The representative of Colombia expressed the view that if he believed that limitation of armaments and international security depended on the submission of information, he would support the USSR proposal, which was unobjectionable, in that connexion, since it called for complete information.

47. The Colombian delegation would not, however, support the USSR proposal, because in its view disarmament did not depend on information, since, without collective security, no country would agree to reveal military secrets. To seek any information on any type of weapons, including atomic weapons, without first achieving international security, was to put the cart before the horse.

48. In the circumstances, the Colombian delegation would abstain in the vote on both proposals because it felt that the greatest possible error was to deceive public opinion, and to give the impression that the United Nations was solving the problem. It was preferable to admit frankly that the efforts of the United Nations had failed, that the world was in grave danger, and that it should not count on the United Nations, which was powerless to achieve agreement. Any other action was inadmissible, since it gave the impression that the United Nations was making progress and that the situation was therefore under control. An appeal to world public opinion might lead to sufficient pressure being exerted on the great Powers to force them to reach agreement.

49. Mr. Urrutia stated that, while the suggestions of the representatives of Egypt and Venezuela might in the long run lead to a solution, it would be inadvisable to adopt either one of them at that juncture because they would tend to mislead public opinion and create a false impression. In his opinion, the best procedure would be for all small nations to abstain completely in the vote on the two resolutions, so as to indicate rejection of both and to make it clear that the Committee's work served no purpose. That was the only possible method of initiating discussions in a more favourable atmosphere.

50. Mr. González Allendes (Chile) stated that the discussion of the vital question of the prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council had provided further proof of the USSR position of systematically opposing any possible formula for settlement, confusing the discussion, changing the true sequence of events in its own interest, and using the United Nations as a forum for the dissemination of anti-democratic propaganda. During the recent discussion of the international control of atomic energy, the representatives of the Soviet Union had accused the western nations of altering the agenda item in order to avoid discussion of the prohibition of atomic weapons, and thereby concealing their aggressive purposes.

51. The resolution (A/AC.31/L.27/Rev.1) which the Committee had finally adopted was excessively conciliatory towards the Soviet bloc and provided further proof of the interest of the majority in achieving satisfactory settlement. Nevertheless, the representative of the USSR had emphatically stated that his country refused, and would continue to refuse, to agree to a system of control of atomic energy which would make possible the prohibition of atomic weapons. No constructive results had been achieved because of the obstructionist tactics of the USSR. After the discussion of the control of atomic energy, the Committee should properly limit its study to the aspects of the problem which had not been covered previously, and concentrate its efforts on seeking a means of reducing conventional armaments and armed forces. Yet, the Soviet Union insinuated that the French-Norwegian draft resolution excluded the prohibition of atomic weapons because of a desire to produce atomic bombs and drop them on peaceful populations.

52. In the opinion of the representative of Chile, the sole purpose of the Soviet bloc in making such allegations was to take advantage of the facilities of the United Nations in order to spread false information throughout the world. While the free Press of the democracies was ridiculed, the people of the USSR were given no accurate information regarding the United Nations because of Press censorship, government monopoly of broadcasting, jamming of international broadcasts, and banning of all official United Nations publications. In that connexion, he recalled that he had been unable to find the address of any establishment in the USSR, the Ukrainian SSR or the Byelorussian SSR in which official United Nations publications could be purchased. The peoples of the USSR were therefore completely ignorant of the proposals of the majority calling for prohibition of atomic weapons and for reasonable reductions in armaments and armed forces. It was the duty of the representatives of the democracies not to allow their people to be misled by the slanderous attacks of the USSR, which were intended to spread fear and distrust.

53. Referring to the statement of the representative of the Soviet Union to the effect that the Organization of American States was a military organization, Mr. González Allendes pointed out that the American States had organized for peaceful purposes, to achieve greater economic integration and greater uniformity of juridical thought, as well as to safeguard peace. Their international instruments were fine examples of constructive attempts to seek peaceful settlement of disputes and promote international co-operation. The Pact of Rio de Janeiro[1] symbolized the solidarity of

[1] Inter-American Treaty of Reciprocal Assistance.

the American States and called for respect of national frontiers. It was a pact against aggression, and provided the best guarantee of the dignity of the peoples of the Americas.

54. The representative of Chile called attention to the fact that various representatives had been obliged to deny statements made by members of the Soviet bloc against their Governments.

55. The Chilean delegation would vote in favour of the French-Norwegian draft resolution, although, in view of the prevailing international situation, admittedly it represented no great step toward disarmament.

56. The increasing tendency to rearm could be traced to the facts that circumstances militated against disarmament and that unanimity among the great Powers had not been achieved with regard to a system of effective control of armaments and armed forces. Accordingly, the United Nations could do no more than repeat its proposals for disarmament; emphasize the reasons for the failure of its efforts, and prevent the problem from being distorted.

57. Disarmament must be logical, and any reduction must make war impossible rather than facilitate the victory of those nations which would be more fully armed at a given time. A false basis for disarmament would lead to war rather than prevent it.

58. Moreover, any reduction in armaments and armed forces must be conditional on the establishment of an effective system of control and on proof that such control was feasible in practice. Similarly, in the case of the elimination of atomic weapons and the prohibition of their use, the contention that international control would violate sovereignty was unacceptable, because all nations would be required to renounce the same degree of sovereignty, and because the sacrifice was small indeed compared with the benefits of lasting peace.

59. The USSR proposal merely called for the submission of information on armed forces and conventional armaments, as well as on atomic weapons, and omitted any reference to continued negotiations or the possibility of establishing an effective system of control. It merely repeated ideas which were already included in a resolution previously adopted by the Committee. Since the discussion had revealed no constructive elements to commend the USSR proposal, the Chilean delegation would vote against it.

60. The representative of Chile noted that the Soviet Union had broken the unanimity which would have made control of atomic energy possible, had opposed any possible agreement on the prohibition of atomic weapons, had obstructed disarmament, and had consistently sought to spread confusion. Its peace proposals were therefore manifestly insincere, since it was eliminating the possibility of peaceful and co-operative international relations.

61. The CHAIRMAN appealed to the members of the Committee to limit their remarks to the item under discussion.

62. Mr. J. MALIK (Union of Soviet Socialist Republics) remarked that no new arguments had been adduced by the opponents of the USSR draft resolution.

63. The United States representative had stressed that proposals sponsored by his delegation or its associates were always accepted by the majority. He had referred in particular to the plan of work of the Commission for Conventional Armaments[1], based on the French proposals, which had received the majority of votes in the Security Council. Mr. Malik had already explained that that majority was composed of States linked to the United States by aggressive military alliances. Never in history had a military alliance been formed for the purpose of reduction of armaments; on the contrary, such alliances invariably led to an intensification of the armaments race. It was, therefore, not surprising that States parties to such alliances opposed all USSR proposals concerning reduction of armaments and armed forces, and prohibition of the atomic weapon.

64. In defence of the French proposals, the United States representative had argued that those proposals were clear, simple and direct. Mr. Malik wondered whether that alleged simplicity was not largely illusive. Supposing that full information regarding armaments and armed forces, both actual and potential, was transmitted by all States in accordance with the proposals, and that the international control organ, 90 per cent of which would be composed of members of the military intelligence of countries involved in military alliances with the United States, carried out the detailed investigation and inspection contemplated for verification purposes under the French plan, it would still be possible for the representatives of the United States, the United Kingdom, or France to claim that the time for a reduction of armaments and armed forces had not yet come because the appropriate atmosphere of international confidence was still absent. Meanwhile, the information gathered by the so-called international controllers and inspectors would be submitted to the organ of control, and a copy would be forwarded to the military staffs of their respective countries. There could be no doubt that the data thus gathered would reach the military staffs of the countries which were part of the military alliances aimed against the Soviet Union.

65. It had also been argued that no reduction of armaments and armed forces was possible because no peace treaties had been concluded with Germany and Japan. If that was so, it was due solely to the attitude taken by the United States, which, in violation of the Potsdam and Yalta Agreements, had put off the conclusion of peace treaties and had preferred to maintain its occupational régimes in those countries. The absence of an agreement on control of atomic energy, too, was due entirely to the reluctance of the United States to reach such an agreement. The United States representative had failed to comment on a reference made by Mr. Vyshinsky to a letter from Mr. Acheson to Mr. Byrnes which stated that the introduction of the United States plan of atomic energy control would not mean the cessation of the production of atomic weapons. The United States plan, with its theory of stages, was designed solely to ensure a United States monopoly of atomic weapons. That was a well-known fact which the United States delegation had denied, but had been utterly unable to refute.

66. The French proposals, then, were very far from simple. Their superficial simplicity masked

[1] See *Official Records of the Security Council*, Fourth Year, Supplement for September 1949, document S/1372.

the persistent desire of the United States to divert attention from the basic issue of immediate reduction of armaments and armed forces and of unconditional prohibition of atomic weapons.

67. It had been claimed that the gathering of information on conventional armaments would constitute a step towards international confidence. But there could be no confidence where there was no sincerity, and the absence of sincerity was amply proved by the failure of the French plan to guarantee that the transmission and verification of information would really lead to a reduction of armaments and armed forces. Before demanding concrete proofs of co-operation from others, the United States itself should make a genuine contribution to the establishment of international confidence.

68. The Soviet Union had been accused of opposing international co-operation. Yet the United States delegation in the First Committee had been the first to oppose the USSR proposals for a pact between the five great Powers in the interests of world peace, and had described those proposals as pure propaganda.

69. The USSR proposals on reduction of armaments and prohibition of the atomic weapon had been opposed on the grounds that the matter was too complex. No one, however, had refuted the USSR delegation's main argument that the question of the reduction of armaments and that of the prohibition of atomic weapons constituted a single indivisible issue. The representatives of the United States and France, in particular, had skirted the question by raising objections, of a purely procedural character, to the effect that the prohibition of atomic weapons was within the competence of the Atomic Energy Commission and outside the competence of the Commission for Conventional Armaments. They had disregarded the fact that the Security Council was co-ordinating the work of those Commissions and the General Assembly was co-ordinating the work of all the organs of the United Nations, and that, therefore, a decision in principle could be adopted in respect of those questions.

70. Another argument was that the atomic weapon was a new and special type of weapon, and that transmission of information regarding it was not required in conjunction with the reduction of conventional armaments. The USSR delegation had repeatedly cited statements by prominent United States military men such as Generals Vandenberg and Spaatz, who considered that conventional armaments and atomic weapons were closely linked together. In particular, General Spaatz had stated that ninety "Super-forts" carrying atom bombs would be equivalent to 19,800 "Super-forts" or 79,200 "Flying Fortresses" carrying ordinary types of bombs. If that was so, reduction of conventional armaments would be valueless, given the continued existence of atomic weapons. The peoples of the world, which had paid so dearly for their freedom and independence, would not be inveigled into accepting a plan which left aside the prohibition of atomic weapons.

71. Mr. Malik recalled that he had already pointed out that the French-Norwegian draft resolution was unacceptable because of procedural considerations as well, as it proposed that the General Assembly should approve decisions of the Commission for Conventional Armaments, a subsidiary organ of the Security Council. Such action would circumvent the Security Council and constitute an unprecedented violation of the rules of procedure.

72. In his latest statement, the United States representative had reaffirmed that reduction of armaments would be impossible without the fulfilment of the three preliminary conditions—i.e., the conclusion of peace treaties with Germany and Japan; the creation of armed forces in accordance with Article 43 of the Charter, and the establishment of control of atomic energy. If that was the case, there was surely no sense in gathering information on conventional armaments and armed forces.

73. The representative of France, instead of concerning himself with the fundamental issues of the topic under discussion, had ventured into the field of history and, in doing so, had misrepresented a number of historical facts. In that connexion, Mr. Malik referred to the publication of the Soviet Information Bureau entitled *Falsificators of History*, which demonstrated that the policy of the United Kingdom and France prior to the Second World War had consisted of the encouragement of aggression. The position of those countries had remained unchanged. Despite the telling lessons of history, they still strove towards the creation of a united Europe without the Soviet Union. They had encouraged Hitler in the past; now they were encouraging the new aspirants to world domination.

74. The argument that the USSR proposal was "propaganda" was unconvincing, to say the least. Propaganda in the interests of peace and international security was good propaganda; the Soviet Union would continue to make propaganda for reduction of armaments and armed forces and prohibition of the atomic weapons, because it considered those measures to constitute an important step towards the strengthening of international confidence and world peace.

75. Those who said that they were afraid of Soviet propaganda in reality feared the power of truth. Nazi propaganda, however powerful, had failed because truth had not been on its side. But the Soviet Union stood and would continue to stand for peace, for international co-operation, for reduction of armaments and for prohibition of atomic weapons.

76. The French representative's reference to the fact that the Soviet Union had 150 divisions, while France had only thirty, was inconsistent. If all armed forces were reduced by one-third, the ratio would remain unchanged. Equally unfounded was the argument based on the fact that the Soviet Union possessed considerable reserves. The size of the population of a country was hardly relevant to the question of reduction of armaments and armed forces.

77. The representative of France had said that it was essential to know what armaments and armed forces were at the disposal of each country. The USSR delegation held the same view; it was the United States delegation which, though anxious to obtain information regarding the armaments and armed forces of the Soviet Union, refused to divulge information on its atomic weapons. The United States representative had falsely alleged that the USSR delegation refused

to transmit information as a preliminary step towards the reduction of armaments. The Soviet Union had shown its willingness to do so on many occasions, as could be seen from its draft resolution submitted to the Security Council on 8 February 1949[1], and its support of a Polish proposal on the creation of an international organ of control,[2] made at the first part of the third session of the General Assembly, both of which had been rejected by the United States and its followers.

78. As regards the French representative's statement that there were no United States troops in France, Mr. Malik pointed out that occupation by Wall Street *Gauleiters* such as Messrs. Harriman and Hoffman was an even more serious matter than military occupation.

79. The French representative had said that France had signed the North Atlantic Treaty because of its fear of the Soviet Union. No one in the Soviet Union had ever threatened France, the French people, their freedom or their independence; it was ridiculous to claim the contrary. The people of the Soviet Union, which had sacrificed the lives of millions of its finest sons for the cause of freedom, and which had often, in the course of its history, suffered from aggression and invasion, had no intention of encroaching upon the freedom of any country. On the contrary, it had saved both France and Britain. Mr. Malik referred to an exchange of telegrams between Mr. Churchill and Mr. Stalin after the Anglo-American landing in Europe, as a result of which the Soviet armies had launched a mighty offensive along the whole Eastern front, thus saving the British forces in the West. The French representative's words were an insult to the memory of the millions of Soviet soldiers who had fallen in the war.

80. It was true that the French delegation had never avoided discussing the reduction of armaments and armed forces, but it had consistently evaded taking any decision on practical measures towards that end.

81. When the United States representatives in the Assembly and the Security Council spoke of international security, they thought only of the security of their own country, and ignored that of all others. They also said that the United States and the countries of western Europe were afraid of the Soviet Union. Mr. Malik believed that the peoples of those countries did not fear the Soviet Union, the peaceful intentions of which were well known. Those who feared it were the United States monopolists, whose profits, according to President Truman's economic report for the first quarter of 1949, had steadily risen in the post-war years.

82. Turning to the statement by the Egyptian representative, Mr. Malik remarked that his suggestions were already covered by General Assembly resolution 192 (III) of 19 November 1948, which the United States, the United Kingdom and France had no intention of implementing.

83. The representative of Venezuela had found an inconsistency in the USSR delegation's position with regard to atomic energy, on the one hand, and to the question under discussion, on the other. No such inconsistency existed. The substance of the USSR position was that information on armaments, armed forces and atomic weapons was essential for the preparation of practical measures for the reduction of armed forces and armaments, including atomic weapons. In the absence of that aim, the preliminaries were absolutely pointless.

84. The representative of Colombia had expressed a number of cogent and accurate views, but had failed to draw the correct conclusions. Having established that reduction of armaments was impossible without prohibition of atomic weapons, he had concluded that conventional or, in other words, obsolete, armaments must be dealt with separately from the atomic bomb. Mr. Malik could not accept such a deduction.

85. By saying that disarmament did not depend on the gathering of information on obsolete armaments, the Colombian representative had merely supported the stand adopted from the outset by the Soviet Union delegation.

86. Mr. Malik then remarked that, since the Chairman had not called the representative of Chile to order in the course of the latter's remarks, he felt that he would be in order in replying to them. The Chilean delegation to the United Nations had long since assumed the part of the arch-slanderer of the Soviet Union. The Chilean representative's latest statement was, therefore, entirely in character.

87. The representative of Chile had alleged that Mr. Vyshinsky had said that the Soviet Union rejected any control of atomic energy which would ensure prohibition of atomic weapons. That allegation did not correspond to the truth. Mr. Malik assured the representative of Chile that the people of the Soviet Union were fully informed about the position adopted by the Chilean delegation, its manner of voting, and its attitude towards the Soviet Union. They were also aware that Chile was dominated by the representatives of Wall Street, and that the Chilean delegation did not represent the real views of the Chilean people.

88. As regards the allegation that it was impossible to find the address of an establishment in the Soviet Union where United Nations publications might be obtained, Mr. Malik said that the address of the United Nations information centre in Moscow could be found on page 63 of the *United Nations Handbook*.

89. The representative of Chile had also objected to Mr. Malik's definition of the Organization of American States. In that connexion, Mr. Malik referred to a State Department statement with regard to that organization, which clearly indicated its military character.

90. In conclusion, Mr. Malik appealed to the Committee to consider the vital issue before it with all the seriousness it deserved. The preparation of practical measures towards reduction of armaments and prohibition of the atomic weapon required full information on those matters; the USSR draft resolution offered a concrete approach to that problem. The adoption of a proposal which failed to provide for the transmission of information on the atomic weapon would have an adverse effect on international confidence. Only by adopting the USSR proposal would the Committee and the Assembly come a step nearer to

[1] See *Official Records of the Security Council*, Fourth Year, No. 10.

[2] See *Official Records of the third session of the General Assembly, Part I*, First Committee, annexes, document A/C.1/356/Rev.1.

meeting their obligations to the peoples of the world.

91. Mr. TRANOS (Greece), replying to the Ukrainian SSR charge that his country was being used as a military base for future operations against the Soviet Union and the people's democracies, said that the Cominform countries had taken advantage of Greece's weakened military position at the end of the war in order to organize attacks upon it. Greece continued to be threatened by infiltration and invasion from those countries surrounding it which were dominated by the Soviet Union. Under the circumstances, Greece was forced, in response to Greek public opinion, to secure its borders militarily, notwithstanding the considerable burdens which military expenditure placed upon its national economy. Mr. Tranos wondered whether the countries of the *Cominform* were similarly affected by public opinion.

92. The Greek delegation would support the French-Norwegian proposal as a preliminary effort. Immediate disarmament could not be envisaged until conditions of security prevailed in the world. When effective control of atomic energy had been consecrated by an international convention, and signed and ratified by the constitutional processes of the principal Powers concerned, Greece would be prepared to support total disarmament.

93. Mr. MÉNDEZ (Philippines) stated that the proposal requesting the permanent members of the Security Council to reduce their conventional armaments and armed forces was exceedingly clear. Most of the Member States which were not military Powers regarded that issue as one of vital importance because its satisfactory settlement would serve to prevent war.

94. It might be suggested that those Governments which most frequently asked other Governments what steps they had taken to reduce their armaments and armed forces might well have that very question put to them. He pointed out that, in the absence of any agreement prohibiting armament, each State was fully entitled to rearm, if circumstances made it necessary, without thereby being guilty of a crime.

95. It was sad to note that tremendous sums were being appropriated for military purposes, but it was even more regrettable that only one side of the picture was given. Because of the lack of frankness and good will on the part of a few States, the small and weak nations were subject to great fear. Thus the Philippines, to which the delegate of the Ukrainian SSR had referred as one of the territories in which the United States maintained military and naval bases, had been obliged to take steps to ensure defence against military attack. The experience of the Second World War had taught the people of the Philippines not to place their trust in words alone. While there was no exact knowledge as to possible aggressors, the Philippines were well aware that danger did not lurk in those parts of the world where freedom prevailed and where ideas were exchanged freely for the benefit of all.

96. Mr. Méndez indicated that the United States military bases in the Philippines had not been imposed by force, but had been set up because of mutual interests set forth in a treaty drawn up in accordance with international law and ratified according to the constitutional law of the Philippines. There was nothing to hide, since the action had been taken in accordance with the will of the Philippine people. Moreover, the establishment of bases on Philippine territory had constituted an act of mutual good faith between the United States and the Philippines, the political relations of which were unparalleled in colonial history.

97. While he did not deny the existence of United States military bases in the Philippines, Mr. Méndez rejected the allegation that those bases had been established for aggressive purposes.

98. The Philippine delegation considered the French-Norwegian proposal as very logical, since it was essential to have information on conventional armaments and armed forces of all nations before proceeding to any reduction. States could disarm only to a point which presented no danger to their territorial integrity. Without a previous census and a system for effective verification, no acceptable agreement among military Powers could be reached. The Philippine delegation would, therefore, vote in favour of the French-Norwegian draft resolution.

99. Mr. WOLD (Norway) confirmed earlier assurances given to the representative of Egypt that the draft resolution of which Norway was co-sponsor did not in any way modify the terms of resolution 192 (III). It contained no suggestion that the problem was of less than vital importance, and emphasized that no effort should be spared to achieve as much progress as possible in the face of existing difficulties. Accordingly, it asked the Security Council, through the agency of the Commission for Conventional Armaments, to continue to explore all possible avenues for attaining concrete results.

100. Unfortunately it was true, as the representative of Colombia had indicated, that the small countries could do very little in the matter, since the maintenance of peace and security depend primarily on the combined efforts of the big Powers. Nevertheless, they could more usefully contribute to a solution by voting in favour of the French-Norwegian draft than by abstaining.

101. The Norwegian delegation agreed that information on both conventional armaments and atomic weapons was essential if the problem were considered without relation to the methods of study already under way. However, the USSR proposal could not be adopted as an alternative to the French-Norwegian draft. It implied that the General Assembly was to approve the position held by the Soviet Union in the Security Council, in the Commission for Conventional Armaments and in the Committee itself. It implied falsely that no information could be obtained on conventional armaments if no similar data were submitted respecting atomic bombs. It failed to take into account that a very different system of control was required for atomic weapons. Admittedly, the questions were related; both required solution. The two plans which would eventually be evolved must be co-ordinated in a universal system of collective security. Until that time, Member States could not decline to co-operate in the solution of the first, on the grounds that the second had not yet been adequately resolved.

102. Mr. SAVUT (Turkey), in reply to the representative of the Ukrainian SSR that the United States was establishing military bases in Turkey

for aggressive purposes, stated, for the record, that there were, in fact, no military bases of any foreign Power on the territory of Turkey. Press reports to the contrary were utterly unfounded, and it was likewise unwise to draw arbitrary conclusions from military budgets. Admittedly, Turkey had been compelled by the worsening world situation to take supplementary defence measures in the past few years. Its Government had accepted outside aid, in the financial and technical fields, with the full consent of the people.

103. Mr. González Allendes (Chile) stated that, in resolving to unmask the manoeuvres of international Communism, the Chilean Government had been fully aware that it would be accused of slander and libel by the USSR and its supporters. The Chilean Government was not afraid of words but of deeds, particularly when those deeds led to war and international provocation. Judgment in the case would be left to the world.

104. The representative of Chile repeated his assertion that there were no agencies in the Soviet Union authorized to sell United Nations documents.

105. In spite of the statement of the representative of the USSR, Mr. González Allendes repeated the statement of the Head of the Soviet Union delegation that that country would never accept international control. Furthermore, it should be noted that there was a fundamental difference between a military organization and a military pact. That difference was essential in discussing the Organization of American States and the pact of Rio de Janeiro.

106. Mr. Urrutia (Colombia) pointed out that the USSR representative had incorrectly interpreted the conclusions he had drawn from his analysis of the actual requirements for information on arms and armed forces. He had not stated that conventional armaments and atomic weapons were two separate questions. On the contrary, he had pointed out that, while a distinction could conceivably be made between them in 1947 in order to expedite work on both problems, the distinction could no longer be maintained at the present time. The limitation of all types of armaments would be possible only when agreement had been reached on a system of collective security.

107. Mr. J. Malik (Union of Soviet Socialist Republics), referring to the question of United States bases on foreign territories, cited an Associated Press report, dated 21 January 1949, according to which Mr. Royall, the United States Secretary of War, had spoken of increased labour costs applying to bases costing more than 260 million dollars "under construction in the Philippines, Newfoundland, Okinawa, Iceland, Greece, Bermuda and Canada".

108. As regards the statement of the representative of the Philippines, Mr. Malik stressed that, prior to the attack on Pearl Harbour, Japan had never claimed to have had peaceful aims. It had merely created the impression that it intended to attack the Soviet Union, an intention which had been encouraged by the United States Government. Any comparison with the situation before the attack on Pearl Harbour was, therefore, unfounded.

109. Mr. Malik deprecated the Norwegian representative's remark to the effect that, while agreeing with the USSR proposal, he would not support it because it would imply the support of the position of the Soviet Union in its entirety.

110. In reply to the representative of Turkey, Mr. Malik said that it was pointless to argue about the presence or absence of United States bases in Turkey, since the entire territory had been transformed into a United States military base.

111. Replying to the representative of Greece, he recalled that Greece had intentions of seizing part of Albanian territory, and resisted all attempts towards a solution of the Balkan problem.

112. Lastly, he thanked the representative of Colombia for his explanation. The larger the number of delegations which would agree that the reduction of armaments and prohibition of the atomic weapon were linked and could not be solved separately, the greater would be the chances of success.

113. The Chairman put to the vote the draft resolution submitted by France and Norway (A/AC.31/L.33/Rev.2).

The draft resolution was adopted by 42 votes to 5, with 5 abstentions.

114. The Chairman put to the vote the draft resolution submitted by the Union of Soviet Socialist Republics (A/AC.31/L.35).

The draft resolution was rejected by 30 votes to 6, with 14 abstentions.

115. Mr. Vásquez (Uruguay) stated, in explanation of the vote of the Uruguayan delegation, that the crux of the matter was the lack of mutual confidence among the two groups of nations which controlled world military power. One party proposed prohibition of the atomic weapon and immediate reduction of international armaments and armed forces, while the other considered it essential that a prior agreement be reached on effective international control before prohibition and limitation could be carried out. In its consideration of the question of the atomic weapon as well as in that of reduction of conventional armaments, the majority of the Committee had supported the latter position. No substantial progress could be made without an atmosphere of international confidence.

116. In spite of the pessimism which had been voiced, the Uruguayan delegation expressed the view that continued studies in various organs of the United Nations constituted an effective contribution toward the gradual attainment of the necessary international atmosphere of good will and security. While the Uruguayan delegation would have preferred to have the French-Norwegian resolution contain more definite references inviting Governments to co-operate effectively and requesting the Security Council to continue its work, it considered that those provisions, as expressed in earlier resolutions of the General Assembly, were applicable and that therefore their repetition was unnecessary. It was in that understanding that the Uruguayan delegation had voted in favour of the French-Norwegian draft resolution.

117. Mr. Montel (France) requested that the French-Norwegian resolution just adopted by the

Committee should be transmitted to the General Assembly under its correct title, i.e., "Draft resolution regarding regulation and reduction of conventional armaments and armed forces".

118. The CHAIRMAN remarked that since the title of the resolution did not correspond to that of the item referred to the Committee by the General Assembly, the French representative's request could not be granted, unless the Committee so decided by vote.

119. Mr. J. MALIK (Union of Soviet Socialist Republics) strongly opposed the French representative's suggestion. To change the title of an item in the General Assembly's agenda would be an unprecedented action. He recalled that a similar move had been made in the Security Council by the representatives of the United States and the United Kingdom at the beginning of the debate on the question.

120. The CHAIRMAN suggested that the title of the French-Norwegian resolution should appear under the original title of the agenda item in the Committee's report to the General Assembly.

121. Mr. MONTEL (France) was unable to accept that suggestion. He stressed that the purpose of his request was not to eliminate the question of the atomic weapon from the debate. It was based on the recognition that the title of the agenda item did not correspond to the subject actually dealt with.

122. In reply to a point raised earlier by the representative of the Soviet Union, he remarked that a reduction by one-third of armaments and armed forces would not appreciably affect the strength of a country with large armed forces and reserves, but might reduce that of a smaller country to zero.

123. Mr. TARN (Poland) supported the objection made by the USSR representative and added that resolutions adopted by the General Assembly in the past had, without exception, borne the title of the agenda item in connexion with which they had been adopted.

124. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) and Mr. HOFFMEISTER (Czechoslovakia) also strongly objected to the French representative's proposal.

125. The CHAIRMAN remarked that, in his view, it was permissible for the Committee to change the title of an item it had dealt with if it found that the proposal it was submitting to the General Assembly did not correspond to that title. He would, however, make no ruling on the subject, but would consult with the Secretariat and would place the matter before the Committee at its following meeting.

The meeting rose at 2.50 p.m.

FORTY-THIRD MEETING

Held at Lake Success, New York, on Thursday, 24 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council (A/1020 and 1042) (*concluded*)

1. The CHAIRMAN asked the Committee to consider the title of the resolution which it had adopted on the question before it (A/AC.31/L.33/Rev.2).

2. He had enquired into the precedents on the matter and had consulted the Legal Department of the Secretariat. In view of the information he had obtained, he proposed that the original title adopted by the General Assembly, which the Committee was not entitled to modify, should be retained in the *Ad Hoc* Political Committee's report to the General Assembly and in the *Journal* of the General Assembly. He thought, however, that the Committee was free to decide on a title for the resolution it had adopted that would be in conformity with the content of that resolution; the title would therefore be the one that France and Norway had given to their draft resolution, namely, "Draft resolution regarding regulation and reduction of conventional armaments and armed forces".

3. Mr. MONTEL (France) pointed out that the general title for the question adopted by the General Assembly did not agree with the title of the resolution adopted by the Committee; the general title mentioned atomic weapons and conventional armaments and also the reduction by one-third of the armaments of the permanent members of the Security Council. In that connexion Mr. Montel recalled that for reasons which it had stated the French delegation had been unable to accept the proposals for such a reduction.

4. The French delegation did not wish, however, to attach too much importance to the procedural question and would abide by the Committee's decision. It thought, however, that the General Assembly could adopt the title of the resolution as it appeared in the French-Norwegian draft resolution.

5. Mr. J. MALIK (Union of Soviet Socialist Republics) thought that the Committee should merely adopt the first part of the President's proposal, that is to say, it should retain the original general title for the question. As the Chairman had stated, the Committee could not modify the general title which had been adopted by the General Assembly and under which the question had been transmitted to the *Ad Hoc* Political Committee. Mr. Malik thought that that was in conformity with the General Assembly's practice and rules of procedure.

6. He regretted that for hidden reasons, reasons which could easily be divined, there had been recourse to a legal subterfuge in order to modify the original title of the question. The USSR delegation had already had occasion to show that the Anglo-American bloc disregarded the rules,

and that, in order to do so, it made use of the majority of which it was assured. He hoped that in the case in point the majority of the Committee would refuse to follow those who were inconvenienced by the rules of procedure, or to associate itself with a violation of those rules. It would not be the first time that the general title of a question had not corresponded to the content of a resolution.

7. Furthermore, it was obviously an absurd solution to retain the original title only in the *Journal* of the General Assembly and in the Committee's report to the General Assembly; the *Journal* was not a permanent document and the Committee's report would be placed in the archives of the Organization, whereas the resolution submitted by the Committee to the General Assembly would appear in the volume of resolutions adopted by the General Assembly during its fourth session.

8. He pointed out, moreover, that even the new title proposed by France and Norway did not correspond to the content of the resolution; there was no question in the resolution of the reduction of armaments; that idea was not even considered. All that was referred to was the obtaining of information on armaments. Paragraph 6 of the resolution, in which it was recommended that the Security Council should continue its study of the reduction of armaments and armed forces, could not be taken seriously.

9. The practical reasons put forward for modifying the title were therefore absolutely without validity.

10. The CHAIRMAN gave a number of examples showing that there were numerous precedents on the matter.

11. During the second part of its first session, the General Assembly had considered a question entitled "Presence of troops of States Members of the United Nations on non-enemy territories" and had adopted resolution 42 (I) on that subject entitled "Information on armed forces to be supplied by Members of the United Nations".

12. During the first part of its first session, the General Assembly had had before it a question entitled "Resolution on the extradition and punishment of war criminals" and had adopted resolution 3 (I) entitled "Extradition and punishment of war criminals".

13. During its second session, the General Assembly had considered a question entitled "The establishment of an interim committee of the General Assembly on peace and security" and had adopted resolution 111 (II) on that subject entitled "Establishment of an Interim Committee of the General Assembly".

14. As the USSR representative had appealed against the Chair's decision on the procedure to be followed, the Chairman would put the appeal to the vote in accordance with rule 64 of the rules of procedure.

The Chairman's ruling was upheld by 38 votes to 5, with 2 abstentions.

15. The CHAIRMAN then put to the vote the proposal to give the Committee's resolution the following title: "Draft resolution regarding regulation and reduction of conventional armaments and armed forces."

The proposal was adopted by 36 votes to 5, with 3 abstentions.

16. Mr. HICKERSON (United States of America) assumed that the Rapporteur of the *Ad Hoc* Political Committee would draw the General Assembly's attention to the new title adopted by the Committee so that the Assembly could make the necessary modifications.

17. The CHAIRMAN stated that, even without any special comment by the Rapporteur, the General Assembly would automatically make the necessary changes if it adopted the resolution submitted to it by the Committee.

Palestine

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 and A/973/Add. 1)

18. The CHAIRMAN recalled that during the discussion of other items, he had requested members of the Committee to keep to the subject. He thanked the members for having responded to that appeal and hoped that they would adopt the same attitude during the discussion of the item now before them.

19. Although item 18 of the agenda was headed "Palestine", the question to be discussed was Jerusalem. The question of Palestine had been discussed at length and the General Assembly had already adopted a decision on it. He would therefore ask the Committee to confine itself to the question of Jerusalem.

20. He had received a letter dated 19 November 1949 from the Government of the Hashemite Kingdom of Jordan requesting permission of its representative to participate in the discussion of the question of Jerusalem (A/AC.31/L.38).

21. Mr. GONZÁLEZ ALLENDES (Chile) wished to know whether that was the only request of the kind that the Committee had received. The Holy See, as well as other spiritual or temporal authorities and organizations, might wish to be heard by the General Assembly.

22. The CHAIRMAN replied that he had not so far received any request other than that of Jordan, but that if such requests reached him he would submit them to the Committee immediately.

23. Mr. AL-JAMALI (Iraq) proposed that the representative of Jordan should be invited to take part in the debates on the question under discussion.

24. The CHAIRMAN stated that if there were no objections he would consider that the Committee had unanimously decided to invite the representative of Jordan to take part in the debates on item 18, without the right to vote.

It was so decided.

At the invitation of the Chairman, Mr. Mulki, the representative of the Hashemite Kingdom of Jordan and Mr. Yalcin, Chairman of the United Nations Conciliation Commission for Palestine, took their places at the Committee table.

25. Mr. YALCIN (Chairman of the United Nations Conciliation Commission for Palestine) said that in submitting its proposals, the Con-

ciliation Commission had carried out the instructions it had received from the General Assembly in resolution 194 (III) of 11 December 1948. So far as Jerusalem was concerned, the Commission had been asked to submit detailed proposals for a permanent international régime to provide for the maximum local autonomy for distinctive groups. Moreover, the Commission had attempted to take into account the political and territorial situation in Jerusalem, the views of the population and the opinions of the religious groups and political authorities most directly concerned.

26. The Commission's plan obviously did not completely meet the wishes of all the parties concerned. It thought, however, that the plan might be applied without seriously encroaching on the rights of any group and without hampering the measures currently in force for the administration of the Holy City. Moreover, the Commission thought that the plan contained positive guarantees in respect to the questions of international interest which had led the General Assembly to adopt its resolution of 11 December 1948.

27. The provisions of the plan came under three main categories: first, those concerned solely with the protection of, and access to, the Holy Places; next, those relating to the assistance which Jerusalem needed so much in order to lead a normal life again and to safeguard its individuality; and finally, those aimed at strengthening peace and security in the Jerusalem area and consequently in Palestine as a whole.

28. In a recently published statement (A/973/Add.1), the Commission set out the purpose of the various provisions of the plan in greater detail; it would provide any additional explanation.

29. In brief, the Commission thought that its plan was at once practical, effective and in accordance with the Commission's terms of reference. It further considered that the task assigned to it by the General Assembly resolution of 11 December 1948 had been accomplished so far as Jerusalem was concerned.

30. It was now for the General Assembly to decide whether the Conciliation Commission's contribution to the problem was satisfactory.

31. Mr. Ross (United States of America) expressed his delegation's conviction that the question of Jerusalem and the Holy Places, like other problems before the United Nations, could be solved peacefully if a spirit of co-operation and good will prevailed. Fair and practicable solutions must be sought, taking account of the interests of all the parties concerned.

32. The progress achieved by the United Nations in the Palestine question justified expectations of a favourable final solution to the problem of Jerusalem. The progress of the United Nations in the past two years was the more striking when it was remembered that the problem had originated centuries before. In that connexion Mr. Ross paid a tribute to the continual efforts of Count Bernadotte, of illustrious memory, and his successor, Mr. Bunche, as well as to the various organs of the United Nations.

33. The agreements between the Arab States and Israel showed that a peaceful settlement could be achieved if there was a spirit of mutual comprehension, inspired by the provisions of the Charter. Mr. Ross hoped that those States would continue their efforts to settle the remaining problems.

34. Turning next to the proposals submitted by the United Nations Conciliation Commission for Palestine (A/973), Mr. Ross recalled that paragraph 8 of the General Assembly resolution of 11 December 1948 provided that "in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem and the surrounding villages and towns . . . should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control". The Commission had been instructed to present to the fourth session of the General Assembly "detailed proposals for a permanent international régime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area".

35. The Assembly's instructions had been clear-cut and precise. In the first place, there could be no doubt of the Assembly's intention that the treatment of Jerusalem should not be confused with other issues involved in the Palestine problem, for which different treatment was provided in the same resolution.

36. Secondly, opinions might differ concerning the nature of "effective United Nations control", but it could not be controverted that the Assembly, after exhaustive consideration of the matter in 1947 and 1948, had decided to place Jerusalem under United Nations control in one way or another, and not under the jurisdiction of neighbouring States. Moreover, the Jerusalem area had been defined by the General Assembly on 29 November 1947, in resolution 181 (II), and that the definition had been confirmed in 1948, in resolution 194 (III).

37. Thirdly, while compromise might be possible on the form and the exact character of "a permanent international régime for the Jerusalem area", the Assembly had clearly expressed its intention of establishing such a régime.

38. Fourthly, it was the Assembly's intention that the distinctive population groups in the Jerusalem area should be provided with the maximum of local autonomy in so far as that was consistent with the international status of the area. The two principal population groups in the Jerusalem area were the Jewish and Arab communities currently administered by the neighbouring States of Israel and Jordan. The United States delegation felt that the importance of that factor must not be underestimated in considering the status of Jerusalem.

39. The United States delegation thought that the Conciliation Commission's carefully considered proposals fully complied with the intentions and instructions of the General Assembly. Those proposals took into account the views of governmental, local and religious authorities in the area, and his delegation supported them as a reasonable basis for a solution of the Jerusalem question.

40. It might be said that the problem before the United Nations Conciliation Commission for Palestine and the Assembly was that of reconciling

an apparent disparity between the international aspects of the matter and the principle of local autonomy for the distinctive groups of the Jerusalem population. The Commission had carried out that task in a spirit of even-handed justice.

41. Dealing next with the details of the Conciliation Commission's proposals, Mr. Ross first took up the international aspect of the problem.

42. So far as the Holy Places were concerned, Mr. Ross recalled that the desire expressed in paragraph 8 of the resolution of 11 December 1948 was based on the importance of the area for three world religions. Paragraph 7 of the resolution recognized the interest of those great world religions in the Holy Places in the Jerusalem area; it provided that the detailed proposals of the Conciliation Commission should include recommendations concerning the Holy Places in the area.

43. The question of protection of, and free access to, the Holy Places in the Jerusalem area was not basically controversial. It had perhaps received more attention than any other aspect of the Jerusalem problem, and rightly so, if it was remembered that millions throughout the world had a deep interest in Palestine as a Holy Land and in Jerusalem as a Holy City. That aspect of the question must not be forgotten. The Conciliation Commission's proposals dealt with the problem in the manner best calculated to preserve the interests of the religious groups concerned, while maintaining the principle of maximum local autonomy set forth by the General Assembly.

44. The question of the Holy Places was dealt with primarily in section III, articles 15 to 19 inclusive, of the draft instrument (statute). Those articles provided, in short, that the Holy Places, religious buildings and sites in the area of Jerusalem and the routes giving immediate access to them, should be placed under the exclusive control of a United Nations High Commissioner. He would be authorized to promulgate regulations to assure protection of the Holy Places and free access to them, and to employ guards for that purpose. Mr. Ross also drew attention to the other provisions of those articles.

45. The United States delegation felt that the proposals should commend themselves to members of the Committee because they corresponded to the General Assembly's decisions of 11 December 1948 on the Holy Places. The provisions should also commend themselves to the two States most directly interested in the matter, Israel and Jordan. It should be apparent to those two States that such proposals as those of the Conciliation Commission for the protection of, and access to, the Holy Places were the minimum likely to be acceptable to the international community.

46. The second objective stated by the General Assembly in its resolution of 11 December 1948 was that the Jerusalem area should be placed under effective United Nations control. That objective reflected the fundamental concern of the international community and the responsibility of the United Nations with regard to the peace and security of Jerusalem, bearing in mind that Jerusalem was a focal point of the recent conflict in Palestine. The United Nations had not at its disposal the armed forces necessary to impose a system of United Nations control on the people of Jerusalem, nor had there ever been any indication that it would be willing to impose such a solution. However, United Nations machinery for conciliation and mediation had proved effective in bringing about a truce and armistice agreements in Palestine and, in any event, the employment of peaceful methods would in the long run be more effective in establishing and maintaining United Nations control than would the use of armed forces.

47. It was therefore apparent that the first step towards the establishment of effective United Nations control and the maintenance of peace and security in Jerusalem must be the demilitarization of the area. That point had been recognized by the General Assembly when it had requested the Security Council to "take further steps to ensure the demilitarization of Jerusalem at the earliest possible date".

48. During the year which had passed, it had been possible for Israel and Jordan, with the assistance of the Acting Mediator under the auspices of the Security Council, to conclude on 3 April 1949 an armistice agreement[1] which provided, among other things, for a certain minimum of demilitarization and furnished a basis for further plans for the demilitarization of the Jerusalem area.

49. Such plans were incorporated in article 21 of the draft statute proposed by the Conciliation Commission. Mr. Ross recalled the provisions of that article, and the fact that the violations mentioned therein, or the threat of such violations, would be referred to the Security Council, which would watch over the peace of Jerusalem.

50. It should not be forgotten that the Security Council had stopped the fighting in Jerusalem and in all Palestine on 11 June 1948[2] for a period of one month, and again on 18 July 1948.[3] Israel and Jordan had subsequently, under the terms of their armistice agreement, bound themselves under no conditions to resort to force in Palestine, including Jerusalem. The United States delegation was confident that the two nations would honour their obligations.

51. The United States delegation was not unaware of the importance of Jerusalem as a factor in the security of Israel and Jordan, but it was firmly convinced that that security would be better ensured by the demilitarization of the Jerusalem area under international supervision than by maintaining the area in its present condition. In view of the claims of both parties to the city, it would seem most appropriate for them to agree to withdraw their military and para-military forces and stocks of war materials from the area, and for the United Nations to take effective measures to ensure that Jerusalem would remain demilitarized. The United States delegation believed that effective United Nations control could be established, and that it would place neither side in a disadvantageous position.

52. It thus seemed that the Conciliation Commission's proposals for the demilitarization of

[1] See *Official Records of the Security Council*, Fourth Year, Special Supplement No. 1.

[2] See *Official Records of the Security Council*, Third Year, Supplement for June 1948, documents S/833, S/834 and S/838.

[3] *Ibid.*, Supplement for July 1948, document S/907.

Jerusalem should commend themselves not only to the Members of the Assembly, but to Israel and Jordan as well. The United States delegation also felt that those proposals were wholly consistent with the principle of maximum local autonomy and should commend themselves to the Arab and Jewish populations of Jerusalem. They would retain, of course, under the Commission's proposals, such municipal police forces as might be necessary for the preservation of law and order, and they would, above all, enjoy the opportunity to live at peace with one another as good neighbours.

53. The third objective set forth by the General Assembly in its resolution of 11 December 1948 was that a permanent international régime for the Jerusalem area should be established. Mr. Ross thought that, in order to carry out the objectives of an international character which he had already discussed, minimal international machinery was clearly essential.

54. But in addition to those objectives, there were others which were of international concern because they involved relations between the two major population groups in Jerusalem. Those objectives included such matters as the co-ordination of the principal public services, measures for the maintenance of public order, economic relations within the area, the protection of sites and antiquities, and town planning.

55. Mr. Ross emphasized that those were matters of common concern to the Arab and Jewish populations of Jerusalem; they were essentially of a municipal character, but they were also matters of concern to the international community because Jerusalem was a unique city with a unique history, and the obligation of the United Nations to foster the development of good neighbourly relations between the two populations of Jerusalem was inescapable. The achievement of those common objectives through the appropriate international machinery should promote the effective municipal functioning of the city.

56. To achieve all those objectives, the draft statute provided first of all for a United Nations High Commissioner, whose principal tasks would be to ensure protection of, and free access to, the Holy Places in accordance with the provisions of the statute, to supervise the demilitarization of the area, and to see to it that human rights and fundamental freedoms in general and the rights of the distinctive groups in particular, were appropriately safeguarded.

57. Next, there would be a General Council composed of fourteen members with equal representation of the Jewish and Arab communities. That Council would in no sense be a super-government for the Jerusalem area or a substitute set up by the United Nations for existing organs of municipal government. On the contrary, the Jerusalem General Council would provide a forum for dealing on a co-operative basis with such matters of common concern to the two communities as those which had already been mentioned. Mr. Ross then outlined some of the special duties that the Council would perform.

58. In articles 12 and 13 of its draft statute, the Conciliation Commission recommended the establishment of an international tribunal and a mixed tribunal. Those courts would not be substitutes for judicial organs already in existence or which might be developed in the Arab and Jewish sectors. The role of the international tribunal, in brief, would be to adjudicate questions of interpretation and application of the statute; it would facilitate its smooth operation. Except for an appellate function in respect to the mixed tribunal, the international tribunal would have no relation to normal court systems which would, on either side, be part of the judicial systems of the adjacent State. The mixed tribunal would ensure impartial treatment in cases of mixed jurisdiction between the two zones, and would thereby minimize areas of possible friction.

59. Having dealt with the international aspects of the question, Mr. Ross wished to indicate the extent to which the draft statute applied the principle, set forth in the resolution of 11 December 1948, of maximum local autonomy for the two distinctive population groups in Jerusalem. In that connexion he recalled that, in addition to the two main groups of Arabs and Jews, the population of Jerusalem also included another group, the Christians; it was therefore important that in any arrangements affecting Jerusalem the interests of the Christian population of the city should also be protected. Moreover, the State of Israel and the Hashemite Kingdom of Jordan, which controlled respectively the Jewish and Arab areas of Jerusalem, had special obligations towards the populations of those areas, and the two population groups of Jerusalem, in their turn, had definite obligations towards the States which ensured their security, the maintenance of order in their communities and the protection of their fundamental rights. All those elements were essential, and it was of primary importance to take account of them in considering the problem of Jerusalem, if it was desired to deal with that question realistically.

60. The Conciliation Commission had been fully conscious of the existing situation and, in the draft statute which it was submitting, it provided, on the one hand, that the Jerusalem area should be divided into two zones, Arab and Jewish, and, on the other, that all matters not of international concern should be left in the control of the responsible authorities of the two zones. Thus, while applying, in the broadest way, the principle of local autonomy, the draft statute recognized the international community's inescapable obligation to protect for all the people of Jerusalem the human rights and fundamental freedoms defined by the General Assembly on 10 December 1948 in its resolution 217 (III). It also recognized that it was the duty of the responsible authorities of the two zones to see that those rights and freedoms were applied.

61. The plan proposed by the Conciliation Commission imposed no particular political régime on the population of Jerusalem, which retained the right to govern itself and freely to choose the political régime which it desired to see applied in each zone. Moreover, the plan left virtually all normal powers of government to the Governments of the adjoining States, Israel and Jordan; and in particular it enabled them to retain or to modify the present local administrations without interference from outside.

62. He would like, however, to say that, in the opinion of the United States delegation, one par-

ticular provision of the plan, the provision relating to immigration into Jerusalem, deviated from the essential principles on which the Conciliation Commission had based its consideration of the question and drawn up a draft statute. That provision should therefore be reconsidered with the objective of permitting the free movements of peoples in Palestine, subject to United Nations supervisory control through its Commissioner in times of emergency.

63. Mr. Ross went on to consider the relations to be established, under the plan, between the Jewish population of Jerusalem and the State of Israel, on the one hand, and between the Arab population of the town and the State of Jordan, on the other. It was recognized that the Jewish population of Jerusalem had the closest economic, social and religious ties with Israel. If the provisions of the plan were adopted and applied, the economies of Jewish Jerusalem and the State of Israel would be completely integrated. The Jewish population of Jerusalem would retain Israeli citizenship and would be entitled to the free exercise of the rights and privileges of such citizenship, including participation in elections and the holding of public office, subject, of course, to the obligations imposed by citizenship. Israeli laws, taxes, currency and postal services would continue to apply in Jerusalem.

64. It was therefore clearly apparent that the Conciliation Commission had kept firmly in mind the principle of maximum local autonomy laid down by the General Assembly. At the same time, it had achieved the international objectives laid down by the General Assembly and reviewed by Mr. Ross in the first part of his speech. The Conciliation Commission had carried out a good, conscientious piece of work, and both its members and its secretarial staff should be commended. If certain delegations did not find the plan proposed by the Commission altogether to their liking, they should address themselves to the terms of the resolution of December 1948.

65. Mr. Ross stated that the *Ad Hoc* Political Committee had a choice among three solutions:

66. First, it could assume that the General Assembly had been wrong when, at its third session, it had proposed that Jerusalem should have special and separate treatment under United Nations control and with a permanent international régime. The delegations which held that view would presumably be agreeable to some arrangements with regard to the Holy Places, but the principle of local autonomy would be overemphasized at the expense of the various international factors to which he had referred. That was an extremist position.

67. Secondly, and at the other extreme, would be the assumption that the General Assembly had been wrong in departing from the concept prevailing in 1947 of Jerusalem as an international city and a *corpus separatum*. That view took into account neither the historical and political developments since 1947, nor the annual cost of about 30 million dollars which would have to be borne by the Members of the Organization. Mr. Ross emphasized, in that connexion, that the cost of applying the Conciliation Commission's plan would be less than a thirtieth of that amount.

68. Lastly, between those two extremes, a more moderate conception recognized the wisdom of the principles laid down in the resolution of 11 December 1948, and the justice of the equitable programme which the General Assembly had proposed, a programme which established a fair balance between the international aspects of the matter and the principle of maximum local autonomy.

69. The United States delegation, which saw in that programme a moderate, practical and common-sense course, supported it, and hoped it would commend itself to the Committee. Mr. Ross would like, however, to say that his delegation was prepared to consider any amendment to the plan or any new proposal likely to ensure general agreement in the *Ad Hoc* Political Committee.

70. He then dealt briefly with the question of the Holy Places outside Jerusalem. He recalled that the Conciliation Commission had been instructed to request the authorities of the areas concerned to guarantee the protection of, and free access to, such Holy Places. In that connexion, the Conciliation Commission had transmitted to the General Assembly a communication from the representative of Israel and a joint communication from representatives of Egypt, Jordan, Lebanon and Syria[1]. The declaration of the representatives of the Arab countries was based on the draft which the Conciliation Commission had submitted to the two parties, and it contained some helpful suggestions. The Government of Israel, for its part, had reaffirmed its desire to give the most solemn guarantees in respect of the Holy Places in the territory which it controlled; but it had considered that it would be preferable to submit a formal statement only in the light of the discussions which the *Ad Hoc* Political Committee was just beginning. Mr. Ross hoped that a successful solution of the problem of Jerusalem would lead to satisfactory declarations on the Holy Places outside Jerusalem.

71. In conclusion, he addressed an appeal to the members of the Committee. He emphasized that the problem under discussion was a difficult and complex one, and that it affected the lives of thousands of people. In the closing days of the Assembly session, therefore, they should not yield to the pressure of circumstances to such an extent as to lose sight of the essential objective, which remained the establishment of an international régime for Jerusalem that would take into account both the principle of maximum local autonomy and the interests of the international community. He, for his part, was convinced that if they approached the problem in the proper spirit they would succeed in attaining that objective.

72. Mr. CHAUVEL (France) said that, in considering the question of an international régime for Jerusalem, the *Ad Hoc* Political Committee should first study the memorandum on that subject prepared by the Conciliation Commission. It should bear in mind the text from which the Conciliation Commission derived its terms of reference, namely, the resolution adopted by the General Assembly on 11 December 1948.

73. That resolution included a certain number of detailed provisions regarding the status of

[1] See document A/1113.

Jerusalem, and defined the basic principles upon which it should be based. Those principles were: the protection of, and free access to, the Holy Places in the territory of Jerusalem, the demilitarization of Jerusalem and the establishment of a permanent international régime for the area of Jerusalem.

74. The intention of the resolution was perfectly clear. Jerusalem was the home of Judaism, the cradle of Christianity and the third holy city of Islam. All three great religions had ancient ties with Jerusalem and priceless sanctuaries in it. It was not enough that their adherents should be allowed free access to the Holy Places. It was also necessary to ensure that the Holy Places should be preserved and, more particularly, that they should be protected against the effects of military and political conflict. Recent events had shown clearly the necessity for action to that end. The area of Jerusalem should, therefore, be made neutral and should be accorded special treatment, separately from that accorded to other areas of Palestine and taking the form of a permanent international régime placed under the effective control of the United Nations.

75. Such was the task which the Conciliation Commission had taken upon itself. None could have been harder, and it was only just that a tribute should be paid to its hard work, devotion and patience and to the great efforts it had made to reconcile conflicting views and interests.

76. Mr. Chauvel did not propose to analyse at that stage the twenty-five articles of the draft statute which had been submitted to the *Ad Hoc* Political Committee. Moreover, such examination was not immediately necessary. The means of ensuring the protection of the Holy Places and the demilitarization of Jerusalem were closely linked to the definition of the permanent international régime which was to be established for the territory, and of which paragraph 8 of the General Assembly resolution had defined the content and limits.

77. In that connexion, he expressed considerable surprise at the attitude adopted by the Government of Israel regarding the competence and powers of the General Assembly in the matter. The previous May, Israel had not challenged the competence and powers of the General Assembly in the matter of establishing law in Palestine. It had sought, and welcomed, the decision taken by the General Assembly in resolution 273 (III) which conferred on it the legal status of a State and carried with it recognition of Israel as such by a great many Member States of the United Nations. The admission of Israel as a Member of the United Nations had taken place on 11 May. Since that date nothing new had arisen to affect either the status of Jerusalem or the powers of the General Assembly regarding that city.

78. The General Assembly resolution of 11 December 1948 provided that the area of Jerusalem, of which it defined the geographic limits, "should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control". It invited the Conciliation Commission to "present . . . detailed proposals for a permanent international régime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area".

79. A literal interpretation of that text would unquestionably mean the internationalization of the area of Jerusalem in the form of a *corpus separatum*, separate from the rest of Palestine, demilitarized, neutral, under the direct control of the United Nations, and with the Holy Places accessible to members of the various religions. If the *corpus separatum* did not at the same time possess a special political status and frontiers, then the significance was not clear of the provision for the maximum local autonomy for each distinctive group in the population consistent with that status.

80. The Commission had, however, thought it necessary to take into account the fact that, since the signing of the armistice between Israel and the Hashemite Kingdom of Jordan, administrative practices had grown up on both sides of the armistice line, which had the psychological consequences, locally, which such a state of affairs brought with it. The Commission had also taken into consideration the political and administrative responsibilities, together with the financial implications for the United Nations, which the constitution of Jerusalem as a separate territorial entity would entail. Such a solution would in fact result in the establishment of a complete municipal administration and an international police force numbering from 2,000 to 3,000 men. The annual cost of the establishment of that machinery would amount to some 20 or 30 million dollars, which would be supplemented by any budgetary deficiency which developed in the area.

81. The Commission had therefore diverted its efforts in another direction and was proposing an entirely new solution. While reserving the sovereign rights of the United Nations over the entire region under consideration, the draft proposed the separation of that area into an Israel zone and an Arab zone and the delegation, under certain reservations, of political and administrative powers to the responsible authorities in the two zones.

82. Mr. Chauvel pointed out that it was not for the Commission to prejudge, even by the vocabulary it used, the final juridical settlement of the problem of Palestine as a whole. It had therefore quite correctly used such expressions as "responsible authorities" and "residents" of such and such a zone.

83. In any case, the exercise of political and administrative power by the authorities responsible for the territory, which power would cover the normal functioning of the various parts of the machinery of an administration and a State, must not extend beyond the scope of the principles expressed in the resolution of 11 December 1948.

84. The resolution provided that the United Nations should control the area. Such control would be carried out by a United States Commissioner, with the help of a deputy and a council. The powers of the High Commissioner would be varied. He would administer the Holy Places directly. He would supervise the enforcement of the statute by the territorial authorities. Finally, he would co-ordinate and harmonize, for the benefit of the area as a whole, all measures taken or to be taken by the responsible authorities in the two zones. Provision was made for two kinds of courts of law. The international

courts would settle points of litigation and conflicts relating to the application of the statute, while the mixed courts would deal on the personal level with cases concerning the residents of the two zones.

85. The statute also included two clauses intended to preserve the neutrality of the area, which was the objective of the entire instrument. One of those clauses limited the movements of the population. The other prohibited the establishment in either zone of central services of the States considered to be the responsible authorities.

86. Mr. Chauvel emphasized that the plan put forward by the Conciliation Commission was a compromise and paid a tribute to the objectivity of that Commission.

87. The French delegation did not, however, consider that the proposed text was beyond criticism, and would probably make some criticisms in the course of the discussion. With regard to the essential point, which was the internationalization of the area under consideration, the French delegation would have preferred a simpler solution, even if it meant a more radical one. The French delegation would be gratified if such a solution were to emerge and if the United Nations were willing to assume the responsibilities and costs involved.

88. Nevertheless, the draft statute submitted by the Conciliation Commission was unquestionably the result of serious and careful thought on the problem of the status of Jerusalem. Moreover, it was a balanced proposal. It carried out to a large extent the General Assembly's resolution, and it also largely met the anxieties which the Minister of Foreign Affairs of France had expressed at the 225th plenary meeting of the General Assembly on 23 September 1949. No other solution had been proposed on the basis of such consistent effort. For those reasons, both positive and negative, the French delegation recommended the proposals of the Conciliation Commission to the careful and sympathetic attention of the *Ad Hoc* Political Committee. It believed that the proposals constituted the most valuable basis of discussion available to the committee and was prepared to vote for them, subject to the acceptance of any amendments which might emerge from the discussion.

89. Mr. KURAL (Turkey) said that, as the Committee would apparently discuss the question in three successive stages, each dealing with a different aspect, he would for the present confine himself to stating his delegation's views on the first aspect of the problem, namely, the proposal for the establishment of a permanent international régime for the Jerusalem area.

90. At its previous session, the General Assembly had established a Conciliation Commission consisting of representatives of France, the United States and Turkey. Under that resolution, the Assembly had decided furthermore that the Holy Places should be protected and free access to them assured, in accordance with existing rights and historical practice. Arrangements to that end were to be under effective United Nations supervision. Moreover, the Conciliation Commission was called upon to present to the fourth session of the General Assembly its detailed proposals for a permanent international régime for the territory of Jerusalem. The Conciliation Commission was also called upon to make recommendations concerning the Holy Places in that territory, and, with regard to the Holy Places in the rest of Palestine, to call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them. The Assembly had also resolved that, in view of its association with three world religions, the Jerusalem area, the boundaries of which had been defined in the resolution, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control. Finally, under the same resolution, the Conciliation Commission was called upon to provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area.

91. Thus, while requesting the Conciliation Commission to accomplish a task of historic importance, the General Assembly had at the same time given it a certain number of clear instructions within which the Commission was to act. In order to accomplish the task assigned to it, the Commission had not only had to follow the General Assembly's directives, but to take into account the existing situation in Palestine. There were, of course, many elements in that situation, and Mr. Kural wished to call attention to a few of them.

92. In the first place, the territory of Jerusalem, which, according to the General Assembly's resolution, was a geographical unit, was in fact divided by the armistice line. Secondly, the population of Jerusalem was composed of two distinct national groups, the Jews and the Arabs. Thirdly, the Holy Places were in different parts of the city of Jerusalem and some of them were common to several religions. Finally, several parties were interested in the question and there were a variety of opposing interests. The Conciliation Commission had also had to take into account characteristics which were peculiar to the City of Jerusalem, some of which were normal aspects of the life of a city with a mixed population, whereas others were the outcome of the extraordinary events in the city of Jerusalem and the whole of Palestine for some years past.

93. It was within that framework that the Conciliation Commission, tied on the one hand by the directives of the General Assembly and, faced, on the other, by a peculiarly complex situation, had drawn up the draft instrument establishing a permanent international régime for the Jerusalem area. For its part, the Turkish delegation believed that the Conciliation Commission had succeeded in co-ordinating both the Assembly's requirements and the various facets of a complex reality. The Turkish delegation therefore fully supported the conclusions formulated by the Conciliation Commission in the draft before the *Ad Hoc* Political Committee.

94. Analysing the draft, Mr. Kural stressed the fact that it provided for a statute for the Jerusalem area as defined in General Assembly resolution 194 (III), without in any way prejudging the final settlement of the other aspects of the more general question of Palestine. The statute gave the Jerusalem area the special treatment it should be accorded in view of its association with three world religions. Moreover, the creation of the

post of United Nations Commissioner and the determination of his functions as envisaged in the draft instrument, would make it possible to ensure effective United Nations control in the area. The Commissioner would in fact ensure the protection of and free access to Holy Places, the supervision and demilitarization of the area, and the protection of human rights and of the rights of distinctive groups of the population. Moreover, the Commissioner, who was called upon to report to the appropriate organ of the United Nations, could refer any violation of the instrument to the International Tribunal. It was clearly evident, therefore, that the Commissioner's functions were, on the one hand, extensive enough to ensure effective United Nations control in the area, and on the other hand, sufficiently limited to prevent such an international official from interfering in those aspects of the area's activities which should remain under the sole competence of the local authorities.

95. The provisions of the draft instrument did not in any way affect the rights and duties which inhabitants of the area enjoyed by virtue of their citizenship. Thus, none of the provisions in the draft instrument conflicted with the right to vote or eligibility of citizens for election, with their obligations to conform to the laws and to submit to the jurisdiction of their own State, or with their fiscal or military obligations. The draft instrument thus ensured the maximum local autonomy to distinctive groups of the population.

96. There was sufficient ensurance of the internationalization of the Jerusalem area to guarantee the implementation of the principles which had made it necessary, whilst the individual rights of its inhabitants were maintained.

97. Nevertheless, even when divided into two separate zones, the Jerusalem area had a unitary character in some aspects of administrative and economic life for which the draft had made provision, and with a view to which it had established a mixed General Council. Moreover, by establishing a mixed tribunal and an international tribunal, the Conciliation Commission's draft had provided a body of special legal organs which were necessary for a city the inhabitants of which were under the authority of two separate jurisdictions and furthermore, were under an international statute.

98. Finally, one of the essential provisions in the draft was the paragraph providing for the demilitarization and neutralizing of the Jerusalem area. The wisdom and soundness of that provision were indisputable, and it fulfilled the wish expressed by the General Assembly in resolution 194 (III).

99. In conclusion, Mr. Kural emphasized the fact that even if the Conciliation Commission's draft were not perfect, it had nevertheless succeeded in finding the most judicious solution to a complex problem made up of widely divergent and often opposing factors. It took into account the directives formulated by the General Assembly as well as the demands of the local populations. To a large extent it satisfied the interest the whole world had in the Jerusalem area. For all those reasons, the Turkish delegation would vote in favour of the draft instrument submitted by the Conciliation Commission. However, it would of course study with the greatest interest any suggestions or amendments for the improvement of the text which might be proposed during the discussion in the *Ad Hoc* Political Committee, which did not modify its essential principles and balance.

100. Mr. Hood (Australia) observed that the previous speeches had been very interesting. The representatives of the United States and Turkey had expressed their support of the proposed instrument drafted by the Conciliation Commission, whereas the French representative, although regarding it as a relatively satisfactory effort at compromise, had given it to be understood that his delegation would willingly support a proposal more closely in accord with the General Assembly's original intentions.

101. He would present, in quite general terms, the draft resolution submitted by his delegation (A/AC.31/L.37). The solution proposed therein differed from that embodied in the draft instrument proposed by the Conciliation Commission in that it went back almost to the position originally adopted by the General Assembly in resolution 181 (II) of November 1947.

102. In that resolution it has not been a matter of the Jerusalem area becoming merely a concern of special interest to the United Nations, but rather one of its being the subject of specific United Nations guardianship, with everything which that implied.

103. That decision had been adopted by a large majority in the General Assembly only after all the facts had been placed before it following an exhaustive study of the report of the United Nations Special Committee on Palestine,[1] in which the internationalization of Jerusalem had been recommended and a broad outline for that procedure had been suggested. It might be of interest to recall the reasons adduced by the Special Committee in support of that suggestion.

104. The Commission had observed:

105. First, that Jerusalem was regarded as a Holy City by three world faiths, and millions of the faithful throughout the world ardently desired that peace should reign in the Holy City, that the Holy Places should be protected, and that free access to them should be guaranteed to pilgrims from abroad;

106. Secondly, that under the Ottoman régime, as under the Mandate, religious peace had reigned in the City because the Government responsible had been both anxious and able to prevent controversies from degenerating into strife and, not being intimately involved in local politics, could, in case of dispute, act as arbitrator;

107. Thirdly, that religious peace in Jerusalem was essential for the maintenance of peace in the Arab and Jewish States, and any disorders in the Holy City would be likely to have serious consequences, not only in Palestine, but even beyond its borders;

108. Fourthly, that the application of the provisions relating to the Holy Places situated throughout Palestinian territory would be greatly facilitated by the presence in Jerusalem of an international authority which would also be empowered to supervise the application of such provisions;

[1] See *Official Records of the second session of the General Assembly*, Supplement No. 11.

109. Fifthly, that the best solution would be the placing of the Holy City under the International Trusteeship System, since the Trusteeship Council, as a principal organ of the United Nations, afforded the best means of ensuring international supervision of the Holy City and the political, economic and social advancement of the local inhabitants.

110. Such were the general considerations which had determined the General Assembly's decision at that time, and which should still guide the members of the Committee.

111. The Australian delegation itself had not changed its views since the time when it had voted for the resolution of 1947. When the General Assembly had been discussing the establishment of the Conciliation Commission for Palestine in 1948, the Australian delegation had again suggested[1] that the proposed commission, in co-operation with the Governments concerned and certain organs of the United Nations, including the Trusteeship Council, should address itself to the implementation of the provisions of resolution 181 (II) dealing with the status of Jerusalem and Bethlehem. In view of the fact that the provisions concerned had received the support of a large majority of the Members, the Australian delegation had urged the General Assembly to proceed further to a decision which was of the greatest concern to religious conviction throughout the world. That delegation had even submitted a draft resolution[2] to that effect, which, it was of interest to remember, had received the support of the representatives of Israel.

112. The Australian delegation's position in that matter had been reaffirmed by Mr. Evatt in his speech to the Australian Parliament on 11 October 1949. At that time Mr. Evatt had emphasized the necessity of internationalizing the City of Jerusalem and Bethlehem and placing them under the authority of the United Nations as a *corpus separatum*. Showing that the question went far beyond the differences dividing Arabs and Jews with regard to the government of Palestine and drawing a further distinction between that basic question and the necessity to protect the Holy Places and religious buildings throughout Palestine, Mr. Evatt had demonstrated that Jerusalem and Bethlehem ought to receive a special status because of their great importance in the eyes of the Christian world. He had added that his delegation was not in favour of the Conciliation Commission's suggestion that Jerusalem and Bethlehem should be divided into two zones, one to be placed under the authority of Israel, the other under that of Jordan. Acknowledging the complexity of the problem, Mr. Evatt had stated that he was convinced that it could be solved if the United Nations abided unfalteringly by the principle of the partition of Palestine and of the internationalization of Jerusalem and Bethlehem.

113. That solution, indeed, seemed to be the only one possible, in view of the variety of the religious interests represented in Jerusalem, which made it sufficiently clear that the Holy City could be supervised really effectively only if it was administered by an impartial and sufficiently representative body, to wit, the United Nations itself. Moreover, it should be emphasized that religious opinion was unanimously in favour of the internationalization of the Holy City.

114. It could not be denied that the Israel delegation had taken a stand strongly hostile to such a solution and was rejecting even the proposals of the Conciliation Commission which, in the Australian delegation's opinion, did not go far enough. It should be pointed out, however, that in resolution 273 (III), in pursuance of which Israel had been admitted to membership of the United Nations, reference was made to resolution 181 (II) of 29 November 1947 and to the statements made by the representative of Israel at that time, which had given grounds for the hope that that State, recognizing all that it owed to the United Nations, would abide by its recommendations with fidelity and good will. Moreover, the current attitude of the Israel delegation seemed hardly consonant with the attitude it had previously adopted. At the time when the Trusteeship Council had been examining the question of the status of Jerusalem, the representative who was currently the Foreign Minister of Israel and had at that time represented the Jewish Agency for Palestine, had communicated to the President of the Security Council a letter[3] in which the participation of the Jewish community in the arrangements under the proposed statute was envisaged.

115. No doubt, as had been noted, the situation had changed considerably since the time when the Trusteeship Council had been studying the question of the status of Jerusalem. If, however, the Israel Government was currently exercising administrative functions in one sector of Jerusalem, it was not as the result of any decision of the General Assembly, but rather as the outcome of the hostilities of 1948 which had led to unforeseen territorial changes not provided for in the partition plan. If Israel and the Arab States were determined, as it was to be hoped that they were, to take the resolution of November 1947 as the basis for the settlement of frontier questions, it would mean that they were recognizing the validity of that decision of the General Assembly. In that connexion, it might be of interest to note that the Protocol signed on 12 May 1949 by Israel and the Arab States (A/927) contained in an annex a map on which the frontiers were marked in accordance with that resolution. It was difficult to conceive that a State such as Israel could invoke the terms of a resolution which were favourable to it and reject those which were inconvenient. It might be necessary to make some changes in the frontiers envisaged in the partition plan of 1947, but those changes would have to be approved by the parties as well as by the United Nations. One party could not unilaterally, and on its own authority, make such frontier changes.

116. The Australian draft resolution contained essentially the same provisions as those of the General Assembly resolution of 1947 and conformed with the terms of the statute formulated

[1] See *Official Records of the third session of the General Assembly, Part I,* First Committee, page 709.

[2] See *Official Records of the third session of the General Assembly, Part I,* First Committee, annexes, documents A/C.1/936 and A/C.1/396/Rev.1.

[3] See document T/148.

by the Trusteeship Council[1] as a result of that resolution. That statute offered a practical and satisfactory solution for the administration of Jerusalem and the neighbouring area. It appeared much better than the draft instrument proposed by the Conciliation Commission because, apart from the fact that it was not enough to protect the Holy Places, it was doubtful whether even that basic protection could be assured under the Conciliation Commission's proposals. Those propositions were, in fact, designed primarily to ensure the co-ordination, a probably precarious co-ordination, of certain services with the sole aim of protecting the Holy Places, while the importance attached to Jerusalem, a Holy City of three religions, indicated clearly enough the necessity of placing the City under international control. No national consideration, however natural, should stand in the way of the establishment of that indispensable control.

117. The Australian draft resolution did not, however, at the present stage, seek to impose the statute prepared by the Trusteeship Council, for two reasons: first, some events had taken place since its formulation which would doubtless necessitate changes in the original plan; and, secondly, it might be undesirable to define the future administration of Jerusalem in detail because the frontiers between Israel and the Arab States had as yet been neither delimited nor approved by the United Nations. The two problems were connected to some extent, for it seemed certain that the international régime in Jerusalem could not succeed without precise and stable frontiers.

118. The Australian delegation therefore proposed only to prolong the work of the Conciliation Commission and to authorize it to set up all the provisional administration it deemed necessary for Jerusalem until the frontiers were delimited and until it had submitted to the General Assembly a plan for the internationalization of the City on the basis of the principles laid down in 1947.

119. The Australian draft resolution also proposed to increase the number of members of the Conciliation Commission from three to seven. It seemed to the Australian delegation that the present Commission was not sufficiently representative and that it would certainly gain in authority in relation to the interested States if it were slightly enlarged. Furthermore, the Commission had sometimes given the impression of Governments engaged in diplomatic negotiations rather than that of an organ of conciliation designated by the United Nations. Finally, there was nothing to justify the belief that the Commission had succeeded in the task entrusted to it under the terms of paragraph 8 of resolution 194 (III) of the General Assembly, which had instructed it "to present to the General Assembly at its fourth regular session detailed proposals in regard to a permanent international régime for the Jerusalem area". It could not be said that the draft instrument would establish an international régime in Jerusalem.

120. On the other hand, the various proposals submitted by the delegation of Israel, such as the draft agreement between the United Nations and Israel, could not be supported by the members of the Committee. All those proposals had been based on the fact that, in practice, Israel controlled a part of the City of Jerusalem. Some of them spoke of an "integration of the Jewish zone within the State of Israel" and were incompatible with the decisions previously taken by the United Nations.

121. The Australian delegation realized that its proposal could hardly be welcomed by the delegation of Israel. However, considering the role it had played at the time of the partition of Palestine and the admission of Israel into the United Nations as a Member State, the Australian delegation had the right to say that its present attitude was based only on its desire to arrive at a just and satisfactory solution of the problem. It hoped that its draft resolution would be supported by the members of the Committee, and it appealed to the Israel delegation to accede to the opinion of a great number of Members and the wishes of the greater part of world opinion.

122. The CHAIRMAN proposed that the Committee should invite the President of the International Committee of the Red Cross, who was in New York for two days, to speak on the question of the Arab refugees in Palestine at the next day's meeting.

It was so decided.

123. Mr. AL-JAMALI (Iraq) proposed that the meeting should be adjourned.

124. The CHAIRMAN put the proposal of the representative of Iraq to the vote.

The proposal was adopted by 27 votes to 4.

The meeting rose at 1.10 p.m.

FORTY-FOURTH MEETING

Held at Lake Success, New York, on Friday, 25 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD .1) (*continued*)

1. The CHAIRMAN recalled that at the preceding meeting the members of the Committee had agreed to hear Mr. Ruegger, President of the International Committee of the Red Cross. That procedure would be merely interpolated in the Committee's discussions, for the question of assistance to Palestine refugees was not at that stage going to be studied. The reason why Mr. Ruegger should be heard on that day was that he was in New York for only a few days.

2. When the Committee came to consider the problem of assistance to the refugees, it would have the opportunity of hearing the representatives of the other international organizations, the American Friends Service Committee and the

[1] See *Official Records of the Trusteeship Council*, Third part of the Second Session, annex, document T/118/Rev.2.

League of Red Cross Societies, which had collaborated in the work of the International Red Cross.

On the Chairman's invitation, Mr. Ruegger, President of the International Committee of the Red Cross, took his seat at the Committee table.

3. Mr. RUEGGER (President of the International Committee of the Red Cross) expressed his gratitude to the Secretary-General, who had asked the International Committee of the Red Cross, as well as the other international agencies co-operating with it, to be represented during the Committee's discussion of the question of assistance to refugees. Since the decisions to be taken by the Committee and the General Assembly would be most important, he had felt bound to come in person in response to the Secretary-General's invitation. He also thanked the Chairman of the Committee, who had asked the members of the Committee to pause in their discussion to enable him to communicate to them the thoughts, hopes and concerns of the International Committee of the Red Cross on the serious problem of the Palestine refugees.

4. The first interim report (A/1106) of the Economic Survey Mission for the Middle East, which was presided over by Mr. Clapp, opened up reassuring and encouraging prospects, because its proposals were likely to make it possible, in the very near future, to settle in permanent homes and in an active and useful life some hundreds of thousands of refugees, who would thus be freed from an idleness which had been forced on them and which in the long run, and in spite of all the efforts made to help them, was bound to reduce them to a state of profound demoralization, with all its serious consequences.

5. Those prospects were also reassuring to the International Red Cross, which, together with the American Friends Service Committee and the League of Red Cross Societies, had accepted the United Nations appeal of November 1948 to distribute relief in the field.[1] The Red Cross had worked in close co-operation and great confidence with the League of Red Cross Societies and the American Friends Service Committee. The Red Cross, realizing that the difficult task was one for a strictly neutral and humanitarian agency, had shown itself ready to act to the fullest extent possible. Still, it had always hoped, in conformity with its policy and general approach, that its intervention would be limited to the relief required by the circumstances. Owing to its neutral character, the International Red Cross was under a duty to intervene whenever the help of an impartial intermediary might be useful in a troubled situation. But, owing to that same neutrality, the Red Cross was duty-bound to transfer the tasks entrusted to it to other authorities as soon as the situation became settled, and as soon as the problem to be solved was one of reconstruction and resettlement. In that connexion, Mr. Ruegger referred to his telegram of 6 May 1949 to the Secretary-General[2] in which he had stressed that particular point and in which he had said that the programme for the settlement of refugees in permanent homes should be examined without delay by the Assembly, because relief, even if prolonged, was essentially provisional and intended to enable the authorities concerned to take the necessary steps to achieve the only permanent solution, which was resettlement. That view had been shared by the League of Red Cross Societies, and had also been expressed by the Standing Commission of the International Red Cross.

6. The International Committee of the Red Cross could not but welcome with profound satisfaction the completion of the studies carried out by the United Nations and the presentation of concrete and constructive proposals. Although it was not for the International Red Cross to express an opinion on the various proposals for resettlement, it nevertheless sincerely hoped that the General Assembly would not adjourn without having taken formal and constructive decisions in that field. The responsibility voluntarily assumed by the Red Cross, which worked in the field and under the scrutiny of those to whom it was distributing relief, should not be extended unduly. In particular, it should not be extended to a point where its contribution would be regarded as discriminatory in some quarters, to the detriment of its reputation for uncontested impartiality. Such a situation might have the most serious consequences in the Middle East for the United Nations itself under whose auspices, in the darkest hours, fruitful and effective action had been taken.

7. There was, however, one part of the report of the Economic Survey Mission for the Middle East on which the International Committee of the Red Cross had the right, and even the duty, to express an opinion forthwith; he was referring to that part which stated that the organizations at present providing relief in the field should continue to do so during the first quarter of 1950. In fact, the report proposed a limitation of funds, which would reduce by one-third the volume of relief distributed, or, expressed in other terms, would deprive one person in three of the rations so far allocated to him; and that at a time when the situation had worsened. Mr. Ruegger pointed out that in several vast areas where the International Red Cross was operating, the sudden and considerable reduction of the number of persons helped might be the signal for fresh disturbances. Whereas one of the essential purposes of the generous work undertaken by the Organization was the maintenance of peace, such action might, just before the plan for resettlement was to be gradually put into practice, lead to a revival of disorders which ought to be avoided.

8. According to the provisional findings in the first interim report about 65 per cent of the refugees had fled to Arab Palestine (which was part of the territory cared for by the International Red Cross) and to Gaza, almost doubling the population of those areas. Moreover, in most of the territory cared for by the International Red Cross there was, as yet, no constituted authority or continuity of governmental action, because of the recent fighting in that area. The situation was fraught with danger and would be further aggravated if one-third of the rations were to be withdrawn in the middle of winter. In the last paragraph of the chapter entitled "Guiding policies for the administration of the proposed programme" the report stated that "None of these organiza-

[1] See *Official Records of the third session of the General Assembly, Part I,* Resolutions, No. 212 (III), paragraph 8.

[2] See document S/1060, annex I (B).

tions"—namely, the International Committee of the Red Cross, the League of Red Cross Societies and the American Friends Service Committee—"is qualified to administer a works relief programme or to negotiate thereon with Near Eastern Governments". He did not contest the veracity of that statement, which coincided, moreover, with what he had said before about the hope expressed by the International Committee of the Red Cross. Still, the Red Cross had been operating in Palestine for nearly two years, and had operated before the United Nations Relief for Palestine Refugees had been initiated. Early in 1948 the Red Cross had sent a large group to Jerusalem to distribute relief of a chiefly medical character to war victims and war prisoners. That group, for which the Mandatory Power had made official buildings available, had itself sustained many casualties and had been able to note how swiftly incidents could assume serious and tragic proportions.

9. He recalled that, in the spring of 1949, Jerusalem had been the scene of certain disturbances, some of the local population having insistently demanded rations which the International Red Cross agents were strictly reserving for refugees, in other words, for persons entering the area from outside. The International Committee of the Red Cross had done everything in its power to act in accordance with the spirit of the General Assembly's resolutions 194 (III) and 212 (III) and to issue those United Nations rations to refugees only. It had, of course, been difficult, in spite of nine months of effort, to carry out a strict census of the refugees. Moreover, the International Red Cross had lacked the necessary funds to do so, as well as the large staff which it would have involved. For that reason, the interim report of the Economic Survey Mission for the Middle East merely spoke of an "estimate". That estimate had been particularly difficult to arrive at in an area where governmental sources of information were lacking. In addition, the International Committee of the Red Cross, impressed by the misery of the refugees and acting, as always, in agreement with the League of Red Cross Societies, had appealed to international generosity, and had thus been able to make a substantial relief contribution to the funds provided by the United Nations. Such facts certainly justified a relaxation of the criteria governing distribution.

10. To relieve the very real sufferings of the inhabitants of Jerusalem and to mitigate the resulting unrest, he had been obliged to initiate a programme of supplementary relief for needy persons who were not refugees. That programme, though modest, had made it possible and was still making it possible to feed 15,000 refugees in Jerusalem who had been unable to understand why they should be excluded from United Nations assistance; that supplementary relief had been financed partly from private donations but mainly out of the funds of the International Committee of the Red Cross itself. There were also many persons acutely in need in Hebron, Nablus and elsewhere; unfortunately, the slender resources of the International Red Cross had not been sufficient to provide assistance for them. It was therefore clear that an immediate reduction in the United Nations rations would be felt by the refugees themselves, and would make it even more difficult for the International Red Cross to do its work.

11. In conclusion, Mr. Ruegger appealed to members of the Committee and of the General Assembly not to decide, on a rigid and mechanical basis, to reduce, as from 1 January 1950, the rations which the United Nations was putting at the disposal of the International Red Cross. Under the express terms of the agreements reached at Geneva and renewed on 16 June 1949, the mode of co-operation between the International Red Cross, the League of Red Cross Societies and the American Friends Service Committee were to be reviewed in the very near future, in the course of conducting negotiations with the United Nations. The United Nations should not be bound by rigid instructions which would not allow the International Red Cross to undertake, as it would wish to do and as was particularly desirable, to continue the distribution of relief among several categories of sufferers during the winter. He felt sure that members of the Committee would understand, for he had found the Secretary-General very understanding.

12. The relief of Palestine refugees, which had been supported by so much good will, must be carried through to a successful conclusion; it should lay the foundations for the smooth transition into the large-scale programme of resettlement which the United Nations would consider later. A vital humanitarian undertaking would thus have been successfully completed; for the refugees in the Middle East, the programme was of the highest importance and its operation would have made it possible to develop methods of relief which might be used to help those in distress throughout the world.

13. Mr. Ruegger repeated that the bodies responsible for the negotiations between the United Nations and the three relief organizations operating in Palestine should not have their hands tied by rigid instructions which, from the outset, limited the number of rations to be distributed. Such a limitation could only be justified by the speedy application, which was highly desirable, of the resettlement plan. Hence the General Assembly's directions should be fairly flexible, particularly since the Assembly would be adjourning before the end of the year, at a time when the problem of relief for the Palestine refugees would be growing daily more acute and distressing.

14. The CHAIRMAN thanked Mr. Ruegger for his statement.

15. He then invited the Committee to resume consideration of the item before it, namely, the proposals for a permanent international régime for the Jerusalem area, prepared by the Conciliation Commission (A/973).

16. Mr. CHOUKAIRY (Syria) said that the peculiar character of Jerusalem hardly needed elaborating. It was the seat of several religions, and its religious buildings varied as greatly in their architecture as in the nature of the ceremonies held within them. Jerusalem had seen the birth of the moral ideas of humanity, and had witnessed events which were part of history. The soil itself was universally regarded as holy and, though barren, was rich in spiritual treasures and memories of divine revelations. For centuries Jerusalem had received pilgrims in their thousands and charity had from time immemorial been practised in its hospitals and schools. In its cemeteries rested the remains of saints, martyrs, believers, heroes

and scholars. Thus, every corner of Jerusalem was a living museum, bearing witness to its holiness and greatness.

17. But Jerusalem, a human and therefore terrestial city, had to be the patrimony of a nation. The Arabs were destined to be that nation. The city was an integral part of the Arab world. Its history, geography and social life all indicated clearly its Arab character. From time immemorial Jerusalem had been part of Syria. It had been an Arab city since the seventh century, after its deliverance from the yoke of Rome. Like Damascus, Cairo and Baghdad, it had shared in the making of Arab history, in its glory and decline, and in that renaissance upon which modern civilization rested.

18. The Arabs had inherited from their ancestors a sacred right and a duty regarding Jerusalem: to defend the Holy City and the Holy Places from aggression, to safeguard freedom of worship and of conscience for the pilgrims, and to secure free access to the Holy Places. That duty, which the Arabs had proudly fulfilled without discriminating against any community, whether Christian, Moslem or Jewish, had become a tradition in the Arab world which had been respected for centuries, and which had been maintained long before there were any constitutions or international conventions.

19. When the city of Jerusalem had surrendered to Caliph Omar in the seventh century, that great ruler had granted freedom of worship to its inhabitants in a treaty unparalleled in history. With exemplary benevolence and tolerance, it had guaranteed the Christians security of life, of property, and of freedom of worship; it might be said to have turned the vanquished into victors. Though concluded long before international law existed, and centuries before the Universal Declaration of Human Rights came into being, the treaty had both preached and translated into fact the ideal of freedom of worship. In the report written in 1946 by the then Chief Justice of Palestine, Sir William Fitzgerald, it was said, with reference to the conquest of Jerusalem, that no conqueror had ever displayed such noble and generous sentiments as those manifested to the inhabitants of Jerusalem by Caliph Omar; one of the conditions of capitulation which had been faithfully observed was that the churches, lives and property of the Christians should be respected. In his report Sir William had added that the treatment accorded to the vanquished Christians would forever assure the Arab race an honoured place in the annals of Jerusalem.

20. The attitude of the Arabs towards the Jews was clearly above suspicion. Convincing evidence of that fact could be found in the utterances of the Jews themselves. In their memorandum submitted in 1938 to the Palestine Partition Commission, the Jewish Agency had admitted that the Arab conquest of Jerusalem had resulted in an improvement in the position of the Jewish community in the city. The Jewish Agency had further detailed how, under the successors of Saladin, synagogues had been built and rabbinical courts established. In the nineteenth century, when Palestine had been overrun by Mohammed Ali, the founder of the Egyptian dynasty, the Jewish community—according to the statement of the Jewish Agency—had continued to develop and prosper. In 1841, when Jerusalem had been restored to the Ottoman Empire, the Chief Rabbi of Jerusalem had been granted the same powers and privileges as were exercised by the spiritual heads of other communities. Accordingly, under the Arab rule the Jewish community in Jerusalem had flourished; it had prospered and the Jews had freely practised their religion. Sheltered in the Arab world, persecuted elsewhere: such had been the position of the Jewish community. Yet the Arabs were reaping in destruction and murder the reward of their chivalry and benevolence.

21. Under Arab rule the Jewish community had been secure from persecution, and the Holy Places had been protected. Since the advent of Zionism, however, and the attempt to establish Jewish sovereignty in Palestine, the Holy Places had been threatened with complete destruction. He quoted from the statements of the highest Christian authorities in Jerusalem, as given in a report dated 31 May 1948, in which it was stated that, in spite of the cease-fire of 14 May 1948,[1] the Jews had taken advantage of the eight-day truce to occupy all the strategic points in Jerusalem and to launch an attack against the Holy City, turning it into a battlefield and a scene of large-scale destruction. The report added that complete peace had reigned in the Arab sector in pursuance of the order given by the Arab authorities to cease fire forthwith. The report mentioned several convents which had been occupied by the Jews, as well as the French and Italian hospitals, even though they had been placed under the protection of the Red Cross flag. Those buildings, the Hebrew University, the Jewish Hospital and two synagogues had been used by the Jews as military bases for firing on the Holy City.

22. He proceeded to quote extracts from the book *Palestine is our Business* by Millar Burrows, professor of theology at Yale University,[2] which mentioned the deaths of numbers of priests and the desecration and destruction of sacred buildings by men and women of the Jewish forces.

23. It was in the light of those events that one should regard the statement made to the General Assembly by the representative of Israel[3] who had proposed that the internationalization of Jerusalem should be limited to the Holy Places. It was doubtful whether Mr. Eban's theories, when implemented, would succeed in safeguarding the Holy Places. Apparently, under the Zionists' peculiar code of war, Holy Places might be used as targets and hospitals, universities and synagogues as military bases.

24. The determination of Zionist circles to capture the whole of Jerusalem in order to make it a Jewish capital was sufficient justification for the fears of millions of believers throughout the world as to the future of Jerusalem and of the Holy Places. Mr. Eban had recently reaffirmed that intention in the General Assembly[4] and had attacked the plan proposed by the Conciliation Commission on the grounds that it would replace the existing administration of Jerusalem based on popular consent by a new administration which would not have the same democratic basis. It was

[1] See *Official Records of the second special session of the General Assembly, Resolutions*, No. 186 (S-2).
[2] Westminster Press, Philadelphia, 1949.
[3] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc* Political Committee, 45th meeting.
[4] *Ibid.*

very regrettable that Mr. Eban should have used the word "democratic" in that context, as the very fact that the Zionists were in control of part of Palestine and of Jerusalem constituted a negation of democratic principles.

25. Mr. Eban based his country's alleged claims to Jerusalem on the provisions of the armistice agreements concluded between Israel and the Arab States. He had stated that the situation in Jerusalem was perfectly legal since it corresponded to the terms of the armistice agreement signed by the parties and endorsed by the Security Council. In fact, however, the agreement explicitly stated that the terms of the armistice had been dictated exclusively by military considerations and were entirely without prejudice to the rights of the parties in the ultimate settlement of the question. With regard to the Jerusalem area specifically, articles V and VI of the armistice agreement with the Hashemite Kingdom of Jordan[1] clearly stated that the demarcation line had been agreed to by the parties for military reasons without prejudice to future territorial settlements or the rights and claims of either party relating thereto. That was sufficient proof of the weakness of the position adopted by Israel on the question.

26. As Mr. Eban himself had recognized, Israel's presence in Jerusalem was an accomplished fact, the achievement of which had been accompanied by some of the most tragic acts of Zionist terrorism in Palestine. He did not wish to give a long list of the outrages perpetrated by the Zionists during the last days of the Mandate, but would merely mention the horrible crime which they had committed in the small village of Deir Yasin near Jerusalem: on 10 April 1948, while British troops were still in Palestine, the 250 inhabitants of the village, including women and children, had been massacred by the Zionists; the Red Cross representative who, two days later, had been given permission to visit the spot, had discovered 150 mutilated bodies in one well.

27. That was how the Zionists had been able to approach the city and prepare for what Mr. Eban called the "accomplished fact". The statement made by the head of the Stern organization and published in the newspaper *Star News* on 9 August 1948, constituted sufficient evidence: "Everybody knows it was the Deir Yasin attack that struck terror into the hearts of the Arab masses and caused their stampede. That blessed miracle has strengthened us and dealt the enemy a far greater blow than all the combined wisdom of the Haganah commanders could have done."

28. It was by such massacres that the Zionists had been able to force the evacuation of numerous Arab quarters outside Jerusalem and of undefended villages in the neighbourhood of the city. Those were the facts which enabled Mr. Eban to stand up in the General Assembly and say that "Jewish Jerusalem" was an "accomplished fact".

29. Nor had Mr. Eban used the expression "Jewish Jerusalem" by chance; it had been used on many occasions by spokesmen of the Zionist movement. A virtual campaign to mislead world public opinion as to the true nature of Jerusalem and to convince the world that Jerusalem was a Jewish city, was in progress. That claim was completely controverted by the figures collected by Sub-Committee 2 of the *Ad Hoc* Committee on the Palestinian Question and published in paragraph 66 of the Committee's report dated 11 November 1947:[2] it showed that in the Jerusalem sub-district the Arabs represented 62 per cent of the population and the Jews 38 per cent, and that in the same area the Arabs owned 84 per cent of the land and the Jews only 2 per cent. Consequently, therefore, Jerusalem was still, as in the past, an overwhelmingly Arab city with a Jewish minority.

30. That was precisely the conclusion that had been reached by the United Nations Mediator, who in a letter to Mr. Shertok dated 6 July 1948, had written that Jerusalem stood in the heart of what must be Arab territory in any partition of Palestine. Possibly that opinion of Count Bernadotte was not unconnected with his tragic death in the very heart of Jerusalem; only recently, a member of the Israel Parliament, a former Irgun leader, had stated in a broadcast that the new United Nations Commissioner for Jerusalem, Mr. González Fernández, might suffer the same fate as the United Nations Mediator if he tried to carry out the internationalization of the City of Jerusalem.

31. However that might be, the immediate issue was a decision on the status of the Jerusalem area, and the attitude of the Arab world had to be made known. Of course, if national aspirations, democratic principles and the principle of self-determination were taken into account, it must be hoped that Jerusalem would continue its traditional life as an Arab city. On the other hand, if the appeal of millions of believers throughout the world who fervently desired the internationalization of Jerusalem as a *corpus separatum* were considered, one was tempted to accede to that appeal behind which could be discerned the noble desire to save the Holy City from total destruction. Unlike Israel, which had objected to the creation of an international régime in Jerusalem, the Arab States would, therefore, agree to examine impartially and with an open mind the pros and cons of the plan submitted by the Conciliation Commission. The striking difference between the attitude of Israel and that of the Arab States was very revealing.

32. The Syrian delegation did not intend to examine in detail at that stage the draft statute drawn up by the Conciliation Commission; generally speaking, and though disagreeing on certain matters, it felt that, as a whole, the endeavours of the Commission merited appreciation.

33. It was in that spirit that the Syrian delegation wished to submit for the consideration of the *Ad Hoc* Political Committee five basic premises, which, in its view, should guide the establishment of an international régime in Jerusalem, always assuming, of course, that the idea of internationalization was accepted.

34. The five premises were as follows:

(1) To ensure stability, the international régime should be established in Jerusalem only following the enforcement of the territorial clauses of General Assembly resolution 181 (II) of 29 November 1947. To isolate Jerusalem from the problem of Palestine as a whole would not be practical, and would make it even more difficult

[1] See *Official Records of the Security Council*, Fourth Year, Special Supplement No. 1.

[2] See document A/AC.14/32.

to achieve the purposes contemplated by the General Assembly resolution.

(2) To secure effective control in Jerusalem, the whole of the Holy City must first be completely demilitarized within a specified minimum time-limit. The United Nations should adopt a democratic constitution for Jerusalem containing adequate provisions with regard to the Holy Places, to the fundamental freedoms, and to human rights.

(3) The re-establishment of normal conditions should be considered as a necessary prerequisite for the internationalization of Jerusalem, and all those refugees who were habitual residents in the Jerusalem area should be repatriated without delay; their property and land should be returned to them and any legislative or other impediments thereto should be declared null and void.

(4) To maintain the security and unity of the Jerusalem area, the United Nations should establish at its head a single central administration; municipal services should be entrusted to municipal authorities who would be Arab in the Arab city and the Arab quarters outside the city walls, and Jewish in the Jewish quarters. In towns and villages within the Jerusalem area but outside the city, local councils should be established which would be Arab when the majority of the population was Arab and Jewish when the majority was Jewish.

(5) The International Court of Justice should be empowered to restrain or rescind any action, legislative, administrative or otherwise, by whomsoever made, which in the judgment of the Court was an abuse of power under the Constitution or was calculated by its nature to frustrate or defeat the objectives of the international régime.

35. Those basic premises were surely not inspired by any national or racial considerations. Furthermore, they were in complete conformity with the resolutions adopted by the United Nations.

36. In conclusion, the Syrian delegation wished to recall the terrible sacrifices sustained by the Arab soldiers in the defence of Jerusalem against the attacks of overwhelming enemy forces. It was thanks to the heroism of the Arab soldiers that Jerusalem had been saved from total destruction, and was in a position to be internationalized.

37. Sir Alexander CADOGAN (United Kingdom) stated that his Government whole-heartedly supported the principle that a permanent international régime should be established for Jerusalem.

38. Recalling that the General Assembly had given the Conciliation Commission the task of drafting proposals for a permanent international régime for the Jerusalem area, he said his delegation, like those of the United States, France and Turkey, regarded the document prepared as an admirable reconciliation between the apparently conflicting claims of the international community and the inhabitants of Jerusalem who felt allegiance to Israel or to Jordan. That was why the United Kingdom delegation supported the draft statute, while admitting that it might have to be amended slightly in order to make it more acceptable to the parties concerned. In that spirit, the United Kingdom would gladly welcome changes that might be proposed, provided that they did not upset the balance which the Conciliation Commission had sought to preserve between the international interest and national loyalty, and provided they took sufficiently into account the special place occupied by the Holy City in the hearts of Christians, Jews and Moslems everywhere. There was no doubt that if the question was considered in a spirit of conciliation and mutual understanding, it would appear that the Conciliation Commission's proposals provided a workable arrangement which would safeguard the rights of all concerned.

39. The United Kingdom delegation had listened with interest and sympathy to the arguments advanced by the Australian representative, who proposed return to the plan for the internationalization of Jerusalem recommended by the General Assembly in its resolution 181 (II) of 29 November 1947. That plan had, perhaps, been very well adapted to the situation as it existed at the time; but it must be remembered that it had remained unimplemented along with the whole plan for partition with economic union of which it was part. In those circumstances, it was permissible to ask whether the plan was adequate to the needs of the present situation. The United Kingdom delegation doubted if it was.

40. The United Kingdom delegation's doubts in that matter were further strengthened by the opinion of the Conciliation Commission, which had deemed it appropriate to make new proposals. The Conciliation Commission had had the opportunity to study the Palestine question intensively over a long period, and it was in a better position than any single delegation to speak authoritatively about the situation in Jerusalem. It would, he felt, be presumptuous for the members of the *Ad Hoc* Political Committee to question the wisdom and value of the Conciliation Commission's findings as embodied in the draft statute it had submitted to the General Assembly. The United Kingdom delegation, for its part, adhered to the opinion of the Conciliation Commission, and hoped the other delegations would do the same.

41. The United Kingdom delegation was therefore unable to support part A of the operative part of the Australian draft resolution (A/AC.31/L.37) and still less the amendments thereto submitted by El Salvador (A/AC.31/L.40) and the USSR (A/AC.31/L.41), since those various proposals advocated a return by the Conciliation Commission to General Assembly resolution 181 (II) of 29 November 1947. Such a step backwards struck him as unwise at a time when the Conciliation Commission was proposing to the General Assembly a solution which satisfied the needs of the present and the future.

42. Part B of the operative part of the Australian draft resolution dealing with the Conciliation Commission was largely ancillary to part A, and would be unnecessary if the latter were not adopted. Whatever action, however, might be taken on part A of the draft resolution, the United Kingdom delegation could not support the proposal to increase the number of members of the Conciliation Commission to seven. The Conciliation Commission as constituted had done a good job under very difficult conditions. It had acquired an accurate knowledge of the question and established contacts with local personalities concerned. The whole outcome of its task de-

pended on its ability to continue its efforts without being troubled by a change in its membership. If it were enlarged, it would certainly lose some of its efficiency as a conciliation body. There would therefore be no advantage to offset the extra expense to the United Nations which the enlargement of the Conciliation Commission would entail. The contrary was in fact the case.

43. To sum up, the United Kingdom delegation gave its general support to the Conciliation Commission's draft statute, but was prepared to consider any changes that might be suggested in a spirit of compromise and mutual respect. It commended the Conciliation Commission for its appreciation of all the conflicting interests in Jerusalem and hoped it might be allowed to bring its conciliatory work in the rest of Palestine to a successful conclusion during the coming year.

44. Mr. SHARETT (Israel) said that for the time being he would confine his remarks to a general statement and reserved his delegation's right subsequently to deal in detail with the draft resolutions, and particularly with that of Australia and with the charges that had just been levelled against Israel by the Syrian delegation.

45. He noted that the subject of Jerusalem continued to be a matter of deep feeling and controversy, for which it was time to arrive at a fair and lasting settlement. Such a settlement would not be difficult to attain if the different claims were realistically appraised and a sincere effort was made to harmonize them. It was in such a spirit of co-operation and realism that his delegation approached the problem of the future of Jerusalem.

46. The Holy City was an object of interest to the entire civilized world; but he considered that such universal veneration should not overshadow the special interests of the Jewish people, which regarded Jerusalem as the symbol of past glory, the lodestar of its wanderings, the subject of its daily prayers and the goal of its hopes for eventual redemption. That contrast between national and international psychology in regard to Jerusalem was undeniable.

47. It was that singular attachment to Jerusalem which, even under Ottoman rule, had led the Jews to form the majority of the city's inhabitants, and had subsequently induced them to re-create in it their spiritual, cultural and political centre in Palestine.

48. That position of Jerusalem in the life of Jewish Palestine and the Jewish people throughout the world was fully accepted by enlightened world public opinion. He recalled that when the United Kingdom was first contemplating in 1937 the establishment of a Jewish State in Palestine, the Primate of the Church of England, the late Archbishop of Canterbury, had insisted that Jerusalem must be an integral part of it; and in the 1944 edition of the *Westminster Dictionary of the Bible*, published in the United States by Christian theological authorities, Jerusalem was described as "the sacred city and well-known capital of Judah, of Judea, of Palestine and of the Jews throughout the world".

49. An immense sacrifice was therefore entailed in the renunciation by the Jewish representatives before the General Assembly of 1947, of their claim for the inclusion of Jewish Jerusalem in the Jewish State. He doubted whether there had ever been a similar voluntary concession of a supreme national interest in deference to a consensus of international opinion. Yet, that act of self-denial had proved fruitless, and, had it been maintained, it would indeed have proved disastrous, because the international community had failed to exercise the authority which it had claimed and received.

50. Faced with a brutal onslaught of bloody violence by Arab forces upon the Jews of Jerusalem, the United Nations had chosen to retreat from its solemn responsibility. He was not attempting to apportion blame, but merely stating a fact, a fact pregnant with far-reaching consequences. At the crucial and decisive stage, when the authority which had ruled Jerusalem for thirty years had ceased to exist, the resulting vacuum had not been filled by the United Nations. The abdication of the Organization had been complete.

51. The statute of Jerusalem worked out by the Trusteeship Council with the full co-operation of the Jewish representatives had been shelved. Repeated attempts to regalvanize it into life had been staunchly resisted by the Trusteeship Council and the General Assembly. The last of those attempts had been made in the meeting of the Trusteeship Council on 29 July 1948.[1] On that occasion, the author of the proposal had been the only one to vote for it. Eight members had voted against it and three had abstained.

52. It might well be that the United Nations had originally accepted the responsibility for the administration of Jerusalem without due deliberation and foresight. Faced with an emergency, it had discovered that it had no means to cope with it, and had been obliged to adopt an attitude of pure passivity. If that was the case, it was idle to urge, at that stage, a return to a constitutional *status quo ante* as if nothing had happened meanwhile.

53. By their victorious struggle, the Jews had regained not merely their stake in Jerusalem, but the link between it and the State of Israel. That bond had been cemented by the blood shed by the 1,490 Jewish men, women and children who had fallen, as civilians or as soldiers of Israel's Army, in Jerusalem alone. The sufferings and resistance of those heroes had only reinforced their will and conviction that the State of Israel and the City of Jerusalem should constitute an inseparable whole. The dictates of self-preservation had prevailed against the original willingness to accept an international verdict. Just as that verdict had proved inoperative because those whose duty it was to uphold it had failed in their obligations, so the acceptance of it by the Jews through a renunciation of their basic claim had been nullified by the course of events.

54. Even after the mortal peril had been averted, the need to man the defences had remained. The task had been naturally entrusted to Israel's army of defence. The lines of communication established, in the heat of battle, between the City of Jerusalem and the State of Israel, such as the new road and the aqueduct, had been taken over by the competent ministry of Israel; and the same was true of the supply and rationing system, and the financial and police services. The laws of Israel had been extended to Jerusalem, since it would have been ludicrous to attempt to set up a

[1] See *Official Records of the Trusteeship Council*, third session, 35th meeting.

separate legislative system for Jerusalem. Thus, in every administrative respect, the city had been integrated in the State, and the links between Jewish Jerusalem and the rest of Jewish Palestine, which had been broken by the enemy attack, had been restored and strengthened. Jerusalem, however, had never been and would never be an ordinary city: its central position and unique dignity could not be ignored. For both economic and moral reasons, the transfer to it of central institutions such as had always been housed there, was indispensable.

55. The Australian representative, who had depicted that course of developments as a deliberate plan to flout the decision of the United Nations, might well be invited to visualize his own Government facing the same ordeals, enduring the same sacrifices, burdened with the same responsibilities and acting as the sole custodian of the same historical values. He doubted whether the Australian representative would be able to say that his Government would have acted differently.

56. The Government of Israel could not admit that the rescue of Jerusalem, or any action necessitated by it, could be the subject of the slightest justifiable reproach.

57. The Australian representative had quite rightly referred to the notable part played by his Government and delegation in helping Israel to achieve its present position. Mr. Sharett took the opportunity of paying tribute to the personal contribution of the Australian Minister of Foreign Affairs and the Australian representative himself to the recognition of Israel and its admission to the United Nations. It was not simply a question of friendship or sympathy, and that of Australia for Israel was certainly not a passing phase, but of the recognition of elementary needs and processes of life.

58. The Australian representative's assumption that at the first part of the third session of the General Assembly the delegation of Israel had declared its agreement to a reversion to the terms of the resolution of 29 November 1947 in respect of the status of Jerusalem or the boundaries of Israel, must be based on a misunderstanding on the part of either the Australian or the Israeli delegation. He insisted that, so far as that resolution was concerned, the conscience of Israel was clear. Israel was not responsible for its non-application. Israel alone, of all the parties concerned, had been prepared to implement that resolution at the time, with all the restrictions it entailed for the country's future. Other parties had attempted to destroy the resolution or had adopted a passive attitude. If, as a result of that attitude, events had taken a different course, that was no longer a situation which could be changed.

59. Israel would always be conscious of the debt it owed to the United Nations for the recognition of its right to live as an independent nation in its own country, which was to Israel the main and eternal element of the resolution of 29 November 1947. Nor would Israel forget how, despite that resolution, it was very nearly crushed out of existence and how, fortified only morally by the resolution, it had fought alone to save its future.

60. The inevitable conclusion from recent experience and the existing situation was that no international régime, however wisely constituted, and even with all the necessary funds and armed forces at its disposal, would ever have been able to meet the needs and provide for the growth and development of Jewish Jerusalem as adequately as the Government of Israel, with all its limitations and shortcomings, was doing. And even if it succeeded on the purely material and administrative side, it would perforce have failed in what should be the central objective of all good government: the guarantee of a free and independent life.

61. The setting up of an international régime over Jerusalem that did not derive its authority from the freely expressed will of its inhabitants would deny those inhabitants the elementary right enjoyed by their compatriots elsewhere as citizens of independent States. It might be asked: did the religious associations of Jerusalem justify such a denial? Could not the Holy Places and religious associations be protected otherwise than by limiting the Jewish inhabitants of Jerusalem in the exercise of their civic and political self-determination? Was it indeed in the long-term interest of churches and religious institutions that they should be charged with responsibility for permanently interfering with the normal course of secular life and the full self-direction of the population? Was there no way of satisfying the deep religious sentiment centred around Jerusalem throughout the Christian and the Moslem worlds without encroaching upon the normal sovereignty of Israel?

62. His Government's answer to all these questions was in the negative. It accepted the sanctity of the religious associations with which Jerusalem was hallowed, and it was ready to guarantee that, as far as the area under its control was concerned, they would be fully respected. It was one of the fundamental principles enshrined in the Declaration of Independence of Israel that freedom of worship and the observance of religious customs and rites were to be fully safeguarded; included in the freedom of worship was freedom of pilgrimage and safety of access to all Holy Places and shrines. The Government of Israel was ready to undertake special responsibility for the safety and inviolability of Holy Places in the Jerusalem area, and accepted the supervisory authority of the United Nations in regard to the Holy Places. But it denied that, for all these purposes, it was necessary to curtail the independence of the people of Israel and to introduce an outside authority into the regulation of its internal life. Moreover, his Government did not see how, in practice, such curtailment could be effected in the case of the Jews of Jerusalem, who enjoyed the same political and civic rights as their fellow citizens of Israel or, for that matter, as the citizens of any free and democratic country. Since the limitations originally contemplated had not materialized, it was physically impossible to impose them at the present stage.

63. The draft instrument prepared by the Conciliation Commission for Palestine was unacceptable to Israel because its basis was the establishment of an outside authority over a whole area, which amounted to the subjection of the Jews of Jerusalem to undemocratic rule and the curtailment of the independence of Israel. From that fundamental principle were derived a number of features which were as unjust as they were impracticable. The existence of an authority rivalling and, in fact, superior to that of the State would serve as a perpetual source of confusion and fric-

tion. No stable régime could be erected on that basis.

64. For that reason, his delegation was forced to conclude that the somewhat modified version of the draft instrument outlined in the statement of the United States representative did not meet the point at issue. His delegation noted that the United States representative had dissociated himself from the proposition, contained in the draft instrument, that the United Nations Commission be empowered to limit or prohibit the settlement of Jews in Jerusalem; but his delegation felt uneasy over the fact that, according to the United States representative, the Commissioner should retain supervisory control in times of emergency.

65. His delegation also noted the belief expressed by the United States representative that the laws of Israel would continue to apply as they do at present to Jewish Jerusalem and that the decision as to what political régime should prevail would be left to the inhabitants and to the authorities concerned with administration.

66. But those mitigations, though important, did not affect the core of the matter. The basic principle was retained of a permanent international régime which extended over a territory and exercised direct authority overriding that of the State or conflicting with it. The exigencies of religious symbolism were given gratuitous predominance over the needs of life. It was true that, within the framework of the international régime, a maximum extent of local autonomy was repeatedly urged, but that could not be accepted as a consolation. The term "local autonomy" was more disquieting than reassuring. It was an obvious euphemism for lack of independence.

67. Thus, the conception of the United States representative retained the establishment of a General Council, with vaguely defined powers but with inevitable possibilities of interference with the normal conduct of government. That such a council should develop a corporate feeling was illusory. The inevitable split between the two national entities would enthrone the chairman, the United States Commissioner, as a supreme arbiter, to the complete denial of self-government. A complicated system of United Nations courts with jurisdiction conflicting with that of the State courts was another negative feature of the scheme.

68. As to the question of the immediate demilitarization of Jerusalem, to which the United States representative had attached so much importance, Mr. Sharett thought that no illusion could be more dangerous. The proposal reflected a genuine concern for the peace and safety of Jerusalem, but whether its practical implications had been fully realized seemed doubtful.

69. The security of Jerusalem was governed by the armistice agreement between Israel and the Hashemite Kingdom of Jordan, the terms of which, particularly in Jerusalem, had been scrupulously observed, as far as the avoidance of hostilities was concerned. Complete peace and quiet had reigned throughout the city for many months. The armistice had enabled and entailed a partial reduction of armed forces on both sides; if formal peace followed in its wake, a further reduction would undoubtedly take place. But to urge an abrupt and complete disarmament was not merely asking for the impossible; it would be defeating one's own avowed purpose.

70. Jewish Jerusalem was surrounded on three sides, north, east and south, by Arab territory. A complete bilateral disarmament of Jewish and Arab areas in Jerusalem would not establish a secure equilibrium. It would leave the Jewish area in a position of very marked inferiority, extremely vulnerable to sudden attack which it would be unable immediately to ward off. The Jews were not prepared to run that risk; only a prolonged period of undisturbed quiet could effect a change in their attitude. In view of past events, if demilitarization were imposed and enforced, the effect would be to call forth reactions hardly conducive to peace and order. The armistice agreement was a binding international instrument and its provisions could be modified only by the mutual consent of the parties in accordance with the terms of the agreement.

71. His Government thus rejected the draft instrument even in its mitigated form. It noted that the United States delegation was ready to examine any new proposals which would facilitate the task of reaching a general agreement. No settlement could be effective and lasting which did not leave the established authority in full possession and undisturbed exercise of all normal functions of government. The problem would not be solved by subordinating ordinary life to religious interests; nor did the religious interests require such subordination. Jerusalem was not merely a collection of Holy Places, religious buildings and sites. It was, notably in its new part, a town of industry and commerce, of education and culture, of literary and artistic activity. Its citizens had declared time and again through their elected representatives that they recognized as their Government only the Government of Israel. It was difficult to see how their obedience to another authority could be required. The fact that Jerusalem contained shrines of other religions and was held sacred by millions in countries near and far, did impose obligations on its inhabitants and responsibility on their Government. The need, from the international viewpoint, to protect the Holy Places and to ensure the religious interests of all communities in the Holy City should by no means be sacrificed for the sake of the people of Jerusalem; but neither should the rights and interests of the people be jeopardized because of the city's religious associations. There was no need for sacrifice on either side when mutual harmony could be attained.

72. His delegation had previously had opportunities to indicate the nature of the solution of the problem which it considered both practicable and fair. It accepted the principle of international concern as regards the Holy Places, which was expressed through the instrumentality of the United Nations. It accepted the idea of an international régime to correspond to that concern but, in its conception, that international régime should be of functional, not territorial, character; it should, in fact, be concerned with the supervision of the Holy Places and the enforcement, through the appropriate authorities, of measures necessary for their protection and accessibility. It pointed to the possibility of supplementing the exercise of such functional authority by the United Nations throughout the area of Jerusalem with the complete internationalization of the Old City, which represented a massive concentration of all the

main shrines. As to the function of supervision in the area controlled by Israel, his delegation believed that the best way to ensure its effective discharge was through an agreement solemnly to be concluded, by virtue of a special resolution of the General Assembly, between the United Nations and the Government of Israel, providing for the obligations of that Government and for the prerogatives of the United Nations in that regard.

73. The conclusion of the agreement would represent no derogation from the authority of the General Assembly, which remained supreme. Mr. Sharett was happy to be able to assure the representative of France that the apprehensions he had expressed on that score were unfounded. The idea of an agreement was based on the assumption that an obligation was morally more binding if contracted by virtue of an agreement freely entered into, rather than if formally imposed by a superior authority. His delegation was convinced that a more effective responsibility would thus be shouldered by the Government of Israel and that the long-term interests of the Holy Places and religious associations would thereby be better served.

74. To avoid any misunderstanding, Mr. Sharett recalled that the concept of a functional international régime was clearly set forth before the *Ad Hoc* Political Committee on 5 May 1949[1] by the representative of Israel, prior to Israel's admission to membership in the United Nations; Mr. Sharett quoted an extract from the statement made then by Mr. Eban.

75. The importance of the distinction between the Old City and the New City could not be overemphasized; the Old City, which contained the chief sanctuaries of the three faiths, all the Christian patriarchates, a number of monasteries, the Moslem ecclesiastical foundations and a Jewish quarter, with all the ancient synagogues, covered only 6.5 per cent of the municipal territory of Jerusalem and only 2 per cent of its town planning area; it was for the most part a maze of narrow, winding, vaulted alleys flanked by old and insanitary buildings.

76. The Walled City was in Arab hands. Its Jewish synagogues, which had been damaged during the fighting, had been practically razed to the ground since the fighting had ended. The Arab authorities had refused the Jews access to the Wailing Wall, which was the remnant of the Temple.

77. Outside the walls, the Arabs held 38 per cent of Jerusalem's town planning area, as delimited by the British Mandatory Administration to provide scope for the city's growth and development. If the Arab inhabitants of the Walled City could be induced, by the offer of better housing facilities, to move of their own free will out of the congested quarters and settle in the free space outside the walls, then the Walled City could be converted into a site containing only Holy Places and religious foundations, consecrated to religious worship and pilgrimage by members of all faiths, under the aegis of the United Nations. Such a transformation would be a worthy object of United Nations initiative and care.

78. Pending any such far-reaching reform, the unique character of the Walled City should be kept in mind as a subject calling for special treatment. In any case, the Jewish claim with regard to access to the Wailing Wall and the restoration of the synagogues would have to be reserved.

79. The Government of Israel made no condition that a settlement of the status of the Holy Places in the Jewish part of Jerusalem should await a parallel settlement concerning those in Arab hands. For its own part, and as far as the Jewish part of Jerusalem was concerned, his delegation was submitting to the Committee a draft resolution (A/AC.31/L.42) referring to a draft agreement which would shortly be circulated.

The meeting rose at 1.15 p.m.

FORTY-FIFTH MEETING

Held at Lake Success, New York, on Friday, 25 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973 ADD. 1) *(continued)*

1. Mr. CASTRO (El Salvador) noted that the various progress reports submitted by the Conciliation Commission (A/819, A/838, A/927 and A/992) taken together represented a complete report on the general problem of Palestine. They dealt specifically with the three outstanding issues: an international régime for Jerusalem, protection of the Holy Places and assistance to refugees, of whom the great majority were Arabs. In connexion with the third issue, the delegation of El Salvador was prepared to vote in favour of all proposals for the effective implementation of the General Assembly's resolutions 194 (III) and 212 (III) to alleviate the deplorable conditions of those refugees and to permit their return to the areas in Palestine from which they had fled as a result of the war.

2. There had been a great deal of confusion concerning the establishment of an international régime for Jerusalem. The Assembly's resolutions on the subject had reflected that confusion by omissions and defects which had given rise to erroneous and unjustified interpretations. Yet both resolution 181 (II) of 29 November 1947 and resolution 194 (III) of 11 December 1948 were quite clear.

3. In the first resolution, the Assembly had explicitly decreed that the City of Jerusalem should come under a special international régime to be administered by the Trusteeship Council on behalf

[1] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc* Political Committee, 45th meeting.

of the United Nations. It had further defined the boundaries of Jerusalem[1] and had indicated them on the map attached as annex B of the resolution.

4. In the second resolution, the Assembly had established the Conciliation Commission consisting of the representatives of the United States, France and Turkey, to assume the functions of the Mediator and whatever additional functions might be assigned to it by the Security Council or the Assembly itself. Paragraph 8 of that resolution expressly provided that the Jerusalem area should be accorded special and separate treatment and be placed under effective United Nations control; that it should be demilitarized; that the Commission should present proposals for a permanent international régime which would afford the maximum local autonomy for distinctive groups consistent with the special international status of the area and should appoint a United Nations representative to co-operate with the local authorities during the interim period of administration of the area.

5. In view of the explicit terms of the Assembly's resolutions, the delegation of El Salvador had been surprised by the conclusions and recommendations of the Conciliation Commission. It regretted particularly that the draft instrument establishing a permanent international régime for Jerusalem (A/973) tended to maintain the *status quo* in that area. The draft instrument laid down a demarcation line between the zones occupied by Arab and Israel troops, thus confirming a *de facto* situation established by the use of force. On the contrary, it should have proposed, instead of guarantees which lacked substance, effective control calculated to ensure the protection of the interests of both Arabs and Jews, as well as those of the entire Christian world.

6. Mr. Castro stressed that there was no contradiction between the provisions of the Assembly's resolution of 29 November 1947 and its resolution of 11 December 1948. They were in fact complementary and in complete harmony. The 1947 decision had called for the establishment of the City of Jerusalem as a *corpus separatum* under a special international régime. The 1948 decision had confirmed that stipulation by proclaiming that the Jerusalem area should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control. The 1947 resolution had specified[2] that the existing local autonomous units in Jerusalem should enjoy wide powers of local government and administration. The 1948 resolution had clearly stated that the permanent international régime would provide for the maximum local autonomy consistent with the special international status of the Jerusalem area. That local autonomy would not conflict with the political régime. There were numerous examples in modern States of a large measure of local administrative autonomy which was subject to the authority of a central Government.

7. The delegation of El Salvador deplored the absence, in the draft instrument drawn up by the Conciliation Commission, of any reference to the Assembly's resolution of 29 November 1947, and hoped that the Commission's proposals would not be approved by the Assembly. The fact that the Commission itself had been established by the later decision taken by the Assembly at its third session could not justify its disregard or derogation of the 1947 resolution. Nothing in the resolution of 11 December 1948 indicated that it had been intended as a substitute for the earlier Assembly action; both decisions remained in force. The United Nations was still prepared to assume the responsibilities and costs of their effective implementation. The delegation of El Salvador had been gratified by the statement of the French representative to that effect. Moreover, in order to reaffirm the specific terms of the Assembly's resolution of 29 November 1947, it was submitting amendments, (A/AC.31/L.40) to the draft resolution presented by Australia (A/AC.31/L.37). Those amendments were intended to strengthen the statement of basic principles contained in the latter and to give effect to the spiritual aspirations of the Christian world in respect of the future of Jerusalem. As a further step toward that end, the delegation of El Salvador had requested the inclusion of the historic city of Nazareth in the permanent international régime. Since they did not in any way contradict the essence of the Australian draft resolution, Mr. Castro was confident that his amendments would find general acceptance.

8. The question of the status of Jerusalem was not of a political nature; rather it was an extremely important spiritual and religious problem. The deliberations of the Assembly should therefore proceed on a high moral level. The representative of El Salvador had been dismayed by the tendency of some delegations, including those of the great Powers, to follow a line of least resistance in respect of the solution of the Jerusalem question. They must not be daunted by the obstacles and inconveniences of a practical nature which inevitably impeded progress. To give ground before those obstacles might compromise a solution which would obtain the greatest and most lasting benefits for all the parties concerned; such an attitude could not, in the long run, contribute to the maintenance of peace. Accordingly, the Assembly must not, in any circumstances, abandon the decision it had so firmly adopted on 29 November 1947.

9. The delegation of El Salvador had been deeply concerned by Israel's opposition to an international régime for Jerusalem as provided in the Assembly's resolutions. It had been alarmed by reports of the transfer to Jerusalem of important offices of the Government of Israel and by the avowed intention of the later to make Jerusalem its capital. Mr. Castro recalled that Israel had been among the States which had accepted the establishment of a United Nations trusteeship over Italian Somaliland[3]. Why should such a trusteeship as that provided in the 1947 Assembly decision to be impracticable for Jerusalem? It was to be hoped that the State which owed its existence in part to that decision would modify its position.

10. The delegation of El Salvador considered that the Australian draft resolution should be given priority by the Committee in its consideration of the reports of the Conciliation Commision.

[1] See *Official Records of the second session of the General Assembly, Resolutions*, page 146.

[2] *Ibid*, page 147, paragraph 3.

[3] See *Official Records of the fourth session of the General Assembly*, First Committee, 321st meeting.

11. Mr. DE BRUYNE (Belgium) noted with satisfaction that in the course of the general discussion several delegations had shown a realistic approach based on respect for human values and a sincere desire for a fair solution of the problem before the Committee. His delegation maintained the positions advanced by the representatives of Australia and France.

12. In that spirit, the Belgian delegation had evaluated the proposals of the Israel delegation (A/AC.31/L.34) and the legal arguments it had offered to support them. Those arguments had been based on the *de facto* situation prevailing in Jerusalem. In short, Israel was asking for maximum sovereignty in Jerusalem, which it claimed as its own territory, all guarantees regarding the protection of the Holy Places to be specified by agreement between Israel and the United Nations. Nevertheless, Israel had not contested the competence of the General Assembly to deal with the Palestine question and had introduced no new factor which would alter the relationship between Israel and the United Nations since 11 May 1949. For its part, the United Nations had assumed responsibility for the protection of the Holy Places and the maintenance of peace in the Holy Land. In order to discharge that responsibility effectively, it had adopted two resolutions calling for an international régime in Jerusalem, which had been unreservedly supported by the Member States. In the circumstances, the delegation of Belgium was unable to approve any action incompatible with the terms of those decisions.

13. The Belgian delegation viewed the problem with complete objectivity; many Belgian citizens had sacrificed their lives to shelter Jewish children and to save Jews from persecution. It had every hope for the peaceful progress of Israel on the basis of understanding with its neighbours and constructive international co-operation. Belgium had always been concerned about the protection of the Holy Places, and earnestly hoped that Israel would not maintain its opposition to a special international status for Jerusalem with adequate guarantees to peoples of all faiths, which would ensure friendly relations between the Jewish and Arab States in Palestine.

14. The Australian draft resolution, as amended by El Salvador, took the opposite view from the Israel proposals. It had apparently been based not only on the 1947 General Assembly resolution, but also on the draft statute for Jerusalem adopted by the Trusteeship Council[1]. While the former placed special emphasis on the *corpus separatum* status of the Holy City under the sole administration of the Trusteeship Council, the latter contained important provisions regarding citizenship and a single legislative assembly for the Jerusalem area as a whole. The Australian text actually was a redraft of the Conciliation Commission's proposals in the light of the principles laid down in the Assembly's resolution of November 1947 as applied in the Trusteeship Council's draft statute.

15. The Belgian delegation could not accept the Australian plan to defer until the fifth session the submission of detailed proposals on Jerusalem. It maintained that the Conciliation Commission's proposals should be amended during the present session so as to define the essential principles of a solution and to give final effective guarantees. In that way, no action would be taken on the status of Jerusalem, during the interim period, which might conflict with the Assembly's decisions. Belgium associated itself with the desire expressed by the representative of France for a simpler solution, albeit more radical, in which the United Nations would undertake an even greater measure of responsibility for the internationalization of Jerusalem.

16. The Assembly must first resolve the difficulties impeding the implementation of its earlier resolutions which arose from the opposition of Israel. It would have to ask great sacrifices of the new State; but any solution would require sacrifices, even, as the representative of Israel had conceded, that offered by the Israel delegation. Unfortunately, the course of history could not be reversed. Jerusalem had become the home of an Arab as well as a Jewish population, and the material and spiritual interests of the surrounding Christian communities were inseparably linked with the Holy Land. The establishment of an international régime would require a sacrifice from the Hashemite Kingdom of Jordan as well. All those sacrifices would be justified in order to ensure the peaceful development of the two independent States of Israel and the Hashemite Kingdom of Jordan around an internationalized Jerusalem, freely accessible to Jews, Arabs and Christians.

17. Good will, rather than acceptance of the *de facto* situation, was the key to a fair solution. Failing a settlement satisfactory to all parties, the proposals of the Conciliation Commission would serve as a practical basis for negotiation. Their basic weakness lay, however, in the division of Jerusalem into two zones. Divided citizenship and maximum local autonomy must not become a source of perpetual conflict between the Jewish and Arab populations or between the inhabitants of Jerusalem and the United Nations.

18. The Belgian delegation reserved the right to make its position known on the specific texts, when the Committee undertook its detailed examination of those texts.

19. Regardless of the reservations they might have on the substance of the Commission's proposals, the Member States were unanimous in their appreciation of its remarkable work. The Belgian delegation also wished to congratulate the members of the Commission on their work.

20. Mr. DE FREITAS VALLE (Brazil) recalled that, since the time the General Assembly had last debated the question of Palestine, truce agreements had been concluded between Israel and the Arab States. The suspension of war operations should spur all parties to strive towards an equitable permanent settlement. While primary responsibility in the matter undoubtedly rested with the Jews and Arabs themselves, a large share had to be borne by the United Nations.

21. From the time the problem of Palestine had first come before the Organization, the Brazilian delegation had been guided by the wish to co-operate impartially with all interested groups. In that spirit, it had favoured those proposals which,

[1] See *Official Records of the Trusteeship Council*, third part of the second session, annex, document T/118/Rev.2.

by their moral content and the degree of support they commanded, had appeared to be the most practicable. After stressing that his delegation would continue to pursue that policy, Mr. de Freitas Valle remarked that the question of the internationalization of Jerusalem represented, for Brazil, the principal issue in the entire problem.

22. The Brazilian delegation had always maintained that the City of Jerusalem, because of its great importance to the spiritual life of almost all the civilized peoples of the world, should receive a separate treatment from the rest of Palestine. Few of the matters dealt with by the United Nations were of such universal interest; it seemed clear, therefore, that its solution could not be entrusted solely to the Governments of Israel and its Arab neighbours. Any decision taken with regard to Jerusalem should satisfy all those who desired to see the Holy City and the Holy Places in Palestine protected against risks which, so far, had proved unavoidable. Mr. de Freitas Valle said that that view was widespread in his country, and drew attention to statements on that subject made recently in the Committee on Foreign Relations of the Brazilian Chamber of Deputies. Indeed, no other attitude could have been adopted by a country inhabited by 45 million Catholics, whose high ideals of human brotherhood and total lack of racial prejudice had made Brazil a living example of the peaceful co-existence of peoples and races. It would be regrettable if the United Nations proved unable to draw inspiration from that and similar examples.

23. It was true that internationalization might be endowed with a variety of characteristics. The plan offered by the Conciliation Commission, even though possibly requiring improvement in one aspect or another, nevertheless was based on general principles dictated by prudence and by consideration for the local populations.

24. It had been argued that the withdrawal of troops still occupying the new and old sections of Jerusalem might place one of the parties concerned at a military disadvantage. The fear underlying that argument would seem to make permanent demilitarization and the neutralization of the Jerusalem area still more urgent and necessary.

25. The establishment of an administration under the United Nations should, by virtue of the authority and universal nature of the Organization, ensure a considerable degree of stability in the region. The organs to be created would have to take into consideration the large number of different and in some cases hostile local religious and ethnic groups, and should endeavour to guarantee to each section of the population the freedom and security indispensable to a normal life. Under the Conciliation Commission's plan, the Jewish and Arab authorities, respectively, would deal with all matters not reserved for the competence of the Comissioner and the appropriate organs of the United Nations. In other words, the local populations were to enjoy the highest possible degree of autonomy.

26. The flexibility of the plan would permit its immediate application independently of the final adjustment of territorial problems. The basic provisions of the plan did not prejudge any future decision with regards to those problems, and in no way infringed the legitimate interests of Israel or the Arab States.

27. Critics of the plan had described it as both impracticable and illegal. In that connexion, Mr. de Freitas Valle deprecated the fact that the General Assembly which, only two years previously, had been called upon to determine the future of the whole territory of Palestine, should now be told that it lacked authority to carry out an integral part of the recommendations it had adopted at that time, and which had been warmly welcomed by those who now questioned the Assembly's powers.

28. As regards the question of practicability, it was no doubt true that the plan was not entirely flawless; however, constructive discussion and genuine co-operation would certainly help to remove any defects.

29. The main argument against the plan was that those who had won Jerusalem at the cost of heavy sacrifice could not, or would not, renounce their rights to that city. By condoning such an attitude, the General Assembly would merely add yet another chapter to the ancient and sorrowful history of the Holy City.

30. If the ethno-political groups inhabiting Palestine and the adjoining territories were really willing to regulate among themselves the problem of Jerusalem, and if they were really in a position to ensure a peaceful future to that city, they could have no reason to oppose a minimum plan such as that submitted by the Conciliation Commission, or any other that might fulfill the requirements set forth in previous resolutions.

31. In conclusion, Mr. de Freitas Valle recalled that the Assembly had twice affirmed the principle of the internationalization of Jerusalem. The countries which had voted in favour of the Assembly's resolutions on Palestine had done so on the understanding that the internationalization of Jerusalem would soon become a reality. Any postponement of a solution would entail the consolidation of situations entirely alien to the original United Nations partition plan and might thus make eventual settlement impossible.

32. The Brazilian delegation hoped that, in endeavouring to conciliate the divergent views, the Committee would constantly bear in mind the basic principles the General Assembly itself had adopted. The United Nations could not, without serious grounds, reverse a fundamental decision it had twice taken and which had not proved impracticable.

33. Mr. ICHASO (Cuba) stated that, although the problem of the internationalization of Jerusalem was admittedly complex and difficult, a solution could be found if reason and good will prevailed. The question of Jerusalem could not be considered as merely a political or juridical issue because of the City's unique and fundamental spiritual importance. No satisfactory solution could be reached unless due consideration were given to the supreme spiritual values represented by the Holy City.

34. The Cuban delegation, representing a predominantly Catholic nation which guaranteed religious freedom to all, wished to point out that while Israelis and Arabs sought political control of Jerusalem, Christians sought only to make

Jerusalem completely neutral and to protect it from any further conflict.

35. The representative of Cuba recalled that the position of his delegation had been consistent throughout the various stages of consideration of the Palestine question by the United Nations. He recalled that Cuba had voted for the admission of Israel to membership in the United Nations in the hope that peaceful relations between Israel and its Arab neighbours would develop and particularly that a satisfactory international solution of the question of the Holy Places would be found. In the final vote on the admission of Israel, the representative of Cuba had said[1] to the General Assembly that the admission of that State would in no way alter the previous resolutions of the General Assembly in the matter, since the establishment of a Jewish State and the internationalization of Jerusalem were both provided for by the same resolution. If the provisions of the resolution of 29 November 1947 had been rejected, there would have been no legal basis for the existence of the State of Israel and its admission to membership in the United Nations would have been impossible.

36. Mr. Ichaso referred to provisions of the resolution of 29 November 1947 calling for independent Arab and Jewish States and a special international régime for the City of Jerusalem. That resolution could not be accepted in part by States which had come into existence as a result of its provisions, while those States rejected other sections which they considered as unfavourable to them. If it was within the power of the United Nations to partition Palestine, it was inconceivable that the Organization could not set up an international régime in Jerusalem.

37. Reference to resolution 194 (III) which the General Assembly had subsequently adopted with regard to Palestine proved that the Assembly had continued to maintain its desire for internationalization of Jerusalem. That resolution specified that Jerusalem must have special treatment and must be placed under effective United Nations control. To that end, a Conciliation Commission was set up and instructed to present detailed proposals regarding a permanent international régime for the Jerusalem area.

38. The fact that the United Nations had been unable to implement its resolution of 29 November 1947 on the internationalization of Jerusalem, principally because of the armed conflict between the State of Israel and the Arab States, could not therefore be interpreted to mean that the Organization had abandoned its intention to internationalize the area. The provisions for internationalization still remained in force and the United Nations was now engaged in implementing those decisions. The United Nations could not be held responsible for the fact that the Arab States envisaged in its earlier resolution had not come into being, or that other parts of the resolution had not been implemented.

39. The best means for both Israelis and Arabs to prove their good faith in the matter was to respect the repeated wishes of the United Nations. The situation of Jerusalem could not be compared with that of Danzig or Trieste because those cities had no religious significance and had been internationalized for ethnical and political reasons. Jerusalem presented a special case because its Jewish and Arab inhabitants were not the only parties concerned: the interests of many millions of Christians all over the world must also be taken into account.

40. The representative of Cuba stressed the fact that internationalization of the City of Jerusalem was not sought in order to deny political sovereignty or temporal authority to any State. Internationalization was sought in order permanently to ensure protection of the Holy Places and free access thereto, regardless of any future changes in government or of officials, and in order to avoid any possibility of future armed conflict within Jerusalem itself.

41. The Cuban delegation commended the efforts of the Conciliation Commission for Palestine and in principle supported the draft instrument which it had submitted. The Cuban delegation would, however, present amendments to that draft in order to carry out the proposal of the United Nations originally contained in resolution 181 (II) and reaffirmed in resolution 194 (III). The representative of Cuba appealed to Israel and the Arab States to give further proof of their co-operation with the United Nations by respecting the wishes of the United Nations and by avoiding unilateral interpretation of its resolutions. It would seem that the majority of the Member States supported in principle the draft instrument submitted by the Conciliation Commission and therefore it was to be hoped that the parties which were directly concerned in the political question of Palestine would join in honouring the democratic majority decision and thereby avoid future friction and ensure peace in Jerusalem.

42. RAHIM Bey (Egypt) said that as the three monotheistic religions of the world had strong spiritual ties with Jerusalem and its Holy Places, the question of the fate of that city was of concern to the entire world, rather than to Arabs and Jews alone.

43. As Moslems believed in the founder of Christianity as well as in the Old Testament prophets, Moslems had for centuries been regarded as the logical custodians of the Holy Places. Since the Arabs had conquered Jerusalem in 637 A.D., their pledge to protect the Christian Holy Places had been scrupulously honoured. Under the tolerant policy of Islam, both the Christian and Jewish communities had enjoyed complete autonomy in religious and personal matters. Jerusalem had been an Arab city for centuries and should therefore remain in the hands of the Arabs. In that way, there need be no apprehension regarding the Holy Places.

44. The ancient Arab tradition had remained unchanged throughout the centuries and, in times of war and of peace, the Arabs had continued to respect Christian and Jewish shrines and to believe in freedom of worship for all. In response to a request by the Conciliation Commission for specific assurances regarding freedom of worship, protection of Holy Places and free access thereto, the representatives of Egypt, Syria, Lebanon and the Hashemite Kingdom of Jordan had signed a declaration on 15 November 1949, guaranteeing freedom of worship and the security of the Holy Places within their respective territories.

[1] See *Official Records of the third session of the General Assembly, Part II*, 207th plenary meeting.

45. The Islamic tradition of tolerance had been followed not only by the Arabs but also by the Ottoman Turks who, at the end of the Crimean War and the Russo-Turkish War, had recognized the sacred character of the Holy Places. More recently the British Mandate for Palestine had provided similar guarantees.

46. Accordingly, prior to 1947, religious peace had reigned in Palestine. The representative of Egypt pointed out that if the Palestine problem had been solved in accordance with the principles of the Charter, and if a single democratic State had been established in the Holy Land, the problems of the internationalization of Jerusalem, the protection of the Holy Places and the return of Arab refugees would never have arisen. If a unitary or federal State had been established, the religious peace and freedom which had prevailed for centuries would have continued.

47. The events following the resolution of 29 November 1947 which provided for partition of Palestine had given the religious world legitimate grounds for apprehension concerning the fate of its spiritual capital. All of the resolutions of the General Assembly for the solution of the Palestine question provided for the establishment of a special régime for Jerusalem and its Holy Places. No action had, however, been taken by the General Assembly in implementation of its solemn decisions. Moreover, the United Nations had been confronted with a series of acts designed to prevent internationalization, and thus to thwart its expressed will. The Jewish Constituent Assembly had been holding its sessions in Jerusalem and many Jewish governmental departments and public services had been transferred from Tel-Aviv to Jerusalem, as could be seen from the third progress report of the Conciliation Commission (A/927). Moreover, Jewish sources had publicly stated their intention to make Jerusalem the capital of the Jewish State.

48. The representative of Egypt indicated that violations of the General Assembly resolutions had not been confined to Jerusalem alone. The recent incorporation by Israel of the Arab town of Jaffa, the historic port of Jerusalem, into the city of Tel-Aviv, constituted a flagrant violation of the General Assembly resolution and of the Protocol signed at Lausanne on 12 May 1949 (A/927) under the auspices of the United Nations Conciliation Commission.

49. If an international régime for the City of Jerusalem was to be established, violations of the Assembly resolutions must be stopped and the *status quo* which had orginally prevailed must be restored.

50. The representative of Egypt pointed out that the provisions of resolution 194 (III) calling for the demilitarization of Jerusalem had been flouted. The Holy City had been transformed into an arsenal, which could explode at any minute and blow up the Holy Places. Similarly, the provision for a United Nations Commissioner in Jerusalem had not been implemented. Thus the decisions of the United Nations were systematically being thwarted and its prestige endangered by a series of *faits accomplis* which, if accepted, would only serve to encourage further violations. The Egyptian delegation hoped that the General Assembly would not approve any past action which might result in continued insecurity and instability in Jerusalem.

51. Rahim Bey paid tribute to the efforts of the Conciliation Commission in attempting to devise a plan for the internationalization of the Holy City. Unfortunately, however, the draft instrument (A/973) submitted by the Conciliation Commission was disappointing, as the fundamental ideas of full and permanent United Nations authority over the Jerusalem area and a permanent international régime for Jerusalem were set aside in articles 2, 3, 4, 10 and 11 in which the United Nations surrendered most of its authority. Articles 2, 3 and 4 provided for what was, in effect, a permanent partition of the Jerusalem area. Article 10, which unrealistically attempted to compel political and administrative co-operation between Arabs and Jews in a partitioned Jerusalem by means of a General Council, failed to recognize that co-operation of that kind could not be achieved by compulsion. The provisions of article 12 for an international tribunal composed of non-Palestinians were reminiscent of out-moded extra-territorial courts which were symbolic of imperialism. Finally, article 13 provided a further example of an unrealistic attempt to ensure co-operation between Arabs and Jews by means of a mixed tribunal.

52. Actually the draft instrument made no provision for an international régime for the Jerusalem area, but simply divided the area into two separate Arab and Jewish zones with two separate political administrations, two legal systems and two judicial systems. It made one zone part of Israel and the other a part of the Hashemite Kingdom of Jordan.

53. The practical result of the Commission's proposal would be to create a second Berlin in the Near East. A repetition of the sad experience of that divided city was certainly undesirable, particularly in Jerusalem, which was the spiritual capital of the world. Armed conflict in Jerusalem as a result of divided responsibility and the presence of two opposing authorities might well lead to the destruction of the Holy Places which the United Nations sought to protect. The grave consequence of such a catastrophe could not be overlooked.

54. The endeavours of the Conciliation Commission to find a compromise between two opposing viewpoints had produced no result. The proposal provided for a régime which would be international in name only. It set up unworkable administrative bodies which would place a financial burden on Jerusalem and the United Nations and produce no satisfactory results. The plan of the Conciliation Commission merely acquiesced in a *fait accompli* and perpetuated the existing *status quo* in that area.

55. The representative of Egypt declared that the plan was objectionable because it recognized the existing military situation and therefore maintained the corridor connecting the portion of the city under Jewish control with Tel-Aviv. Further, it recognized the right of two authorities to legislate and establish public administrations in their respective zones, thereby dividing the Holy City in two and making the provisional régime of occupation permanent. A further defect of the plan was its failure to take into consideration the demographic situation and its failure to recognize

the right of Arab refugees to return to their homes in that area. In proposing the armistice line in that area as the permanent line of demarcation between the Arab and Jewish zones, the plan ignored the fact that many Arab quarters of the city, which were more important in area and value than the Jewish quarter, were still occupied by Jewish authorities. Above all, the draft instrument was subject to criticism because it made no effective provision for the protection of the Holy Places. Effective protection could not be achieved without true internationalization of the area.

56. Rahim Bey considered it was essential to dissipate certain doubts which had arisen under the influence of subversive propaganda. The followers of the three monotheistic religions of the world were interested in the protection of the Holy Places and wanted to be assured of free access to them. It was a grave error to think that the measures contemplated under the proposed plan would be adequate to meet either of those requirements.

57. If any authority other than the United Nations were permitted to exercise sovereignty over the Jerusalem area, both protection and freedom of access would become illusory. Protection of the Holy Places alone would not ensure religious freedom or bring peace and security to the area; recent events in Palestine and the Holy City itself gave ample evidence of that fact. Division of the city was bound to cause friction and even conflict between the two sovereign authorities concerned. Such conflict, in its turn, would bring about the ruin of the city and of its Holy Places. The division of Palestine, decided upon for the sake of peace and security, had led to strife, bloodshed and misery. It was essential not to repeat the mistake by dividing Jerusalem as well.

58. The United Nations and the world could not be content with a spurious solution which might eventually lead to another war in the Near East. The Egyptian delegation, determined to achieve a just and workable solution, would therefore vote against the draft instrument proposed by the Conciliation Commission.

59. Rahim Bey then recalled a remark made by the United States representative at an earlier meeting, to the effect that the General Assembly's previous resolutions on Palestine contemplated placing the Jerusalem area "under United Nations control in one way or another". In the Egyptian delegation's view, those resolutions had called for much more than that: they had called for full United Nations control of the area.

60. As regards the question of local autonomy for the various groups of inhabitants of the Jerusalem area, the Egyptian delegation considered that the Conciliation Commission's plan had failed to provide for any autonomy whatsoever; it had merely provided for partition and annexation. True autonomy could be attained only through the implementation of the appropriate provisions of the General Assembly resolution of 29 November 1947.

61. The United States representative had dwelt on the high cost of internationalization. Rahim Bey did not think that the price of 30 million dollars was too high to be paid by the Christians and Moslems of the world for the protection of the Holy Shrines and the spiritual capital of the world.

62. Mr. Ross had also remarked that the concept of *corpus separatum* did not take into account the profound historical and political significance of developments in Palestine between November 1947 and November 1949. Rahim Bey wondered whether that remark constituted an invitation to acquiesce in the *fait accompli*, to bow before the challenge to the authority of the United Nations, and to legitimatize the violation of the Organization's decisions. Such action would deal a grave blow to the authority of the United Nations and threaten its very existence.

63. It was the considered opinion of the Egyptian delegation that effective internationalization could not be achieved without the following essential elements, all of which were contained in the General Assembly's resolutions of November 1947 and December 1948:

(1) The area of Jerusalem should be maintained as an integral unit;

(2) It must be constituted as a *corpus separatum* from the rest of Palestine; and

(3) It must be placed under the exclusive and complete control of the United Nations.

64. In conclusion, Mr. Rahim warmly applauded the statement made by the representative of Australia. The principles outlined in the Australian draft resolution (A/AC.31/L.37), with some minor amendments, fulfilled the objectives he had just enumerated, and enjoyed the wholehearted support of the Egyptian delegation.

65. Mr. CHAUVET (Haiti) recalled that the vote of the delegation of Haiti had been decisive in the adoption of the resolution of 29 November 1947 on the partition of Palestine.[1] He noted that, in accordance with its traditional policy of championing the independence of peoples and defending the victims of suffering, Haiti had also voted in favour of the admission of Israel to membership in the United Nations.

66. Because of its unique character as a city which was sacred to three religions, Jerusalem belonged to the world rather than to any single nation. Accordingly free access to the various Holy Places in Jerusalem and the surrounding areas must be guaranteed so that the area could become a refuge for reflection, meditation and prayer. To that end, an international régime was essential, with minimum guarantees of demilitarization of the area and free access to the Holy Places. Furthermore, the city must be declared United Nations territory and a special statute must be enacted to make Jerusalem the City of Peace, and thereby to renew world confidence in the United Nations.

67. The delegation of Haiti was prepared to support all proposals designed to ensure the achievement of those aims.

68. The CHAIRMAN noted that very little time remained for the completion of the Committee's work. He indicated that at the close of the general debate on the question of the internationalization of Jerusalem, he would propose the establishment of a sub-committee to consider the various draft resolutions on the subject, and that pending the report of that sub-committee, the Committee could proceed to discuss the question of refugees.

The meeting rose at 5.20 p.m.

[1] See *Official Records of the second session of the General Assembly*, 128th plenary meeting.

FORTY-SIXTH MEETING

Held at Lake Success, New York, on Saturday, 26 November 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD. 1) (*continued*)

1. Mr. ANZE MATIENZO (Bolivia) stated that his delegation intended to defend, calmly and firmly, the views of the Government and people of Bolivia regarding Jerusalem and to co-operate with the Committee in endeavouring to find a solution to the problem which would satisfy the aspirations of all peoples and strengthen the authority and prestige of the United Nations.

2. In the accomplishment of that purpose, the Bolivian delegation believed that account should be taken of the obligations accepted by Israel, the particular responsibility assumed by the United Nations in connexion with Palestine, and finally, the duty of the representatives of Member States to work together in a calm and conciliatory spirit.

3. Summarizing the previous history of the matter, he said that the Bolivian delegation had voted for General Assembly resolution 181 (II) of 29 November 1947 out of a desire to comply with the principle of international co-operation, which was the very foundation of the United Nations Charter. The Bolivian delegation had not hesitated to sacrifice some principles in order to support the creation of the State of Israel, which act it regarded as the logical conclusion to the progressive evolution of the Jewish community throughout past centuries. Recognizing the right of the Jewish people to establish for themselves a national home in Palestine and to be recognized as a State, the Bolivian delegation had agreed to take part in the work of the Commission which had been set up to implement the above-mentioned resolution. His delegation had, however, abstained from the vote taken in the Committee[1] on the admission of Israel as a Member of the United Nations, for it had seemed to it both prudent and logical that the provisions of resolution 181 (III) relating to the internationalization of Jerusalem should be borne in mind. In the plenary meeting,[2] however, it had voted for the admission of Israel, after that State had given an assurance that it would not go against the religious aspirations of the Bolivian people, who felt the utmost concern regarding the future of the Holy City.

4. Such had been the attitude adopted by the Bolivian delegation on the question of Palestine. That attitude explained its present position, which was based on resolutions 181 (II) and 194 (III) adopted by the General Assembly on 29 November 1947 and 11 December 1948. Bolivia was wholeheartedly in favour of the establishment of an international régime in Jerusalem under the control of the United Nations, together with the complete demilitarization of the Jerusalem area, to avoid any risk of political incidents; in other words, Bolivia favoured the constitution of Jerusalem as a *corpus separatum* with its own statute.

5. In the opinion of the Bolivian delegation it was absolutely essential that Jerusalem should be internationalized, in view of the special nature of the area, which had been sacred to three great religions for thousands of years and was the common patrimony of humanity and the centre of the aspirations and hopes of millions. The best solution, and one which did not seem impossible to achieve, seemed therefore to be one which would ensure an effective administration for Jerusalem, while at the same time establishing international control of an area of world-wide importance and significance.

6. The delegation of Bolivia was well aware of the difficulties confronting the United Nations in its praiseworthy efforts to find a compromise solution which would conciliate all the divergent interests. It also understood the efforts of the delegation of Israel to consolidate the *fait accompli*, which was the outcome of the stalwart action, which could not but call forth admiration, whereby the Jewish people had succeeded in establishing for themselves a free and sovereign country.

7. The Bolivian delegation, faithful to the spirit of the Charter and respectful of international law, could not accept the theory of the *fait accompli*, which had so often been invoked throughout the history of the world and which represented such a danger to the maintenance of international peace and security. He was convinced, however, that Israel, like the Bolivian delegation, recognized the principles of the Charter and of international law.

8. As to the competence of the United Nations in the question under consideration, adequate evidence would be found in the fact that it had assumed direct responsibility for Palestine from the very beginning. Israel could not fail to remember the leading part the United Nations had played in the establishment of the Jewish State, from both a practical and legal point of view, and the help which it had unceasingly given it. Nor would Israel forget that it had been the support of the majority of Member States which had given juridical support to its *de facto* status and that, by its admission to the Organization, the State of Israel had been given a place in the great family of nations united under the San Francisco Charter, with all the responsibilities which such membership entailed. Israel, like all Member States, undoubtedly desired to see the United Nations invested with the necessary power and authority to adjust, by international co-operation, any situation which might threaten peace and security anywhere in the world.

9. The United Nations would not, however, possess that power and authority unless the resolutions it adopted did not remain a dead letter as a result of rights which were claimed to have been

[1] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc* Political Committee, 51st meeting.

[2] *Ibid.*, 207th plenary meeting.

acquired. Since resolutions of the General Assembly were not of a compulsory nature according to the Charter, it was necessary for Member States to agree of their own accord to ensure their implementation in a spirit of co-operation and conciliation, without allowing considerations of a narrow national character to impede them. It must be recognized that the United Nations had no means of imposing its decisions; the remedy for that weakness lay in the development of co-operation and the acceptance of the principle that the United Nations existed for the sole purpose of protecting the common interests of humanity.

10. That was the basis on which the solution to the problem before the Committee should be sought: a compromise solution, in the spirit of the resolution of 29 November 1947, and making allowance for the most widely opposed interests.

11. Several suggestions had already been put forward, and were embodied in various draft resolutions submitted to the Committee. In the belief that it was the duty of the General Assembly to make every endeavour during its fourth session to solve the vital problem before it, the Bolivian delegation proposed that a sub-committee should be established in the endeavour to find that satisfactory solution which the world impatiently awaited, and on which depended the prestige of the United Nations. In the circumstances, the Bolivian delegation would, for the moment, abstain from expressing an opinion on the various draft resolutions submitted to the Committee.

12. Mr. DENDRAMIS (Greece) said that his delegation had followed the discussion on the question of Jerusalem in the Committee with particular interest. He wished to define the position adopted by his delegation regarding the various solutions that had been proposed.

13. The work done by the Conciliation Commission had unquestionably been praiseworthy; nevertheless, it was to be feared that that body had not sufficiently borne in mind the terms of reference given to it by the General Assembly in its resolutions of 29 November 1947 and 11 December 1948. It was quite clear from those resolutions, and particularly from that part of the second which provided that the Jerusalem area "should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control", that the General Assembly plainly had in mind a permanent international régime for Jerusalem. The proposals of the Conciliation Commission, however, were based on other principles.

14. It had been said that, as a certain situation had developed in Jerusalem since the adoption of those resolutions, the latter was no longer applicable, and that a realistic approach would show the advisability of considering the problem of the Holy Places in a different light. The obvious answer to that argument was that the situation in question was the result of action undertaken in defiance of the authority of the United Nations, and could not be sanctioned by the United Nations without seriously affecting its prestige, betraying the hopes which humanity had placed in it, and encouraging future aggressors.

15. Furthermore, the arguments put forward in support of the draft instrument prepared by the Conciliation Commission (A/973) were hardly convincing. National interests, however powerful, should unquestionably take second place in a matter which was of such profound concern to the conscience of the whole world, more especially as the permanent international régime contemplated in the draft statute prepared by the Trusteeship Council[1] would in no way affect the rights of local populations.

16. In opposing the draft instrument, the Greek delegation was basing itself also on practical considerations. It considered that it was impossible to divide a city artificially into two zones, which were, in actual fact, dependent upon each other for all the necessities of daily life, and to leave two groups of people, erstwhile enemies, to face each other day after day, with all the dangers that might represent for the maintenance of peace and security in the city.

17. Even assuming that the Arab and Jewish authorities worked in a spirit of true co-operation, the draft instrument drawn up by the Conciliation Commission would still prove to be inadequate in practice, because it did not take sufficient account of the peculiar nature of the area. The Holy Places were too important to the whole world for them to be left virtually at the mercy of the temporal power of any country, since such a temporal power would be able, if it wished, to find many ways of defeating any measures taken on behalf of the religious authorities responsible for the care of the sanctuaries. It should also be remembered that the question of the Holy Places raised a fundamental moral problem, which could not be ignored by the United Nations if it wished to find a lasting solution for the question of Jerusalem.

18. The Greek delegation wished to draw the particular attention of the Committee to that fundamental aspect of the problem, since the Greek Orthodox Patriarchate of Jerusalem had occupied a pre-eminent position in relation to the Holy Places almost since the advent of Christianity, and his position had been recognized by the successive rulers of the land. In that respect the Greek delegation maintained the view expressed by its representative at the third session of the General Assembly when he had said that the Greek Government wished to emphasize that no settlement concerning Palestine could be considered satisfactory so long as it did not sanction in law and in fact the juridical status of religious communities in the Holy Places such as it had existed through the centuries.

19. In the circumstances, the Greek delegation was bound to support the draft resolution submitted by Australia (A/AC.31/L.37), which, as amended in accordance with the proposal of the delegation of El Salvador (A/AC.31/L.40), faithfully interpreted both the letter and the spirit of the relevant General Assembly resolutions.

20. Finally, the representative of Greece reserved the right of his delegation to speak again in the debate.

21. Mr. BELAÚNDE (Peru) said that his delegation was guided by its profound wish to see peace in Palestine, respect for the rights and aspirations of all the peoples concerned, and solution of the two fundamental problems which caused it serious

[1] See *Official Records of the Trusteeship Council*, third part of the second session, annex, document T/118/Rev.2.

anxiety, namely, the problem of Jerusalem as the religious capital of the world, and the problem of the Arab refugees.

22. From the very beginning, the Peruvian delegation had adopted a firm attitude in favour of the establishment of a permanent international régime in Jerusalem, under the control of the United Nations, which would guarantee the inviolability and absolute neutrality of the Holy Places. At the same time, it had supported the admission of Israel to the United Nations, in a spirit of fraternity, trusting in the promises given by Israel.

23. With regard to the question before the Committee, of which the exceptional human interest was clear to all, the position adopted by the Peruvian delegation was based on a deep appreciation of the spiritual value of the situation, the importance of which exceeded the narrower question of local sovereignty and neighbourly relations. That spiritual value, from which the United Nations derived the high moral authority with which it approached the question, resulted from the particular character of Jerusalem as the religious capital of the world, uniting the three great religions, Christian, Islamic and Hebrew, above dogmatic differences or historical rivalry, by an identity of origin and tradition. Thus, apart from its individual importance for each of the three religions, Jerusalem was also a symbol of the spiritual unity of mankind.

24. It was therefore clear that it was impossible to envisage an exclusive sovereignty for Jerusalem, the city towards which the sentiments and aspirations of the world were directed, since such sovereignty pre-supposed the pursuit of objectives which would be mutually exclusive, however legitimate.

25. The matter should also be considered on the legal plane. Members of the Committee were familiar with the fact that a certain administration had been established, two centuries ago, in Jerusalem; the responsible Government, allowing for the international interests which were to be seen in Jerusalem, had adopted a certain statute under the terms of which it had voluntarily limited its sovereign rights over the city. Unfortunately there could be no question of solving the problem in a similar fashion at the existing time. The special régime created by the statute of 1750 had vanished at the end of the First World War and had been replaced by the régime of the Mandate, which had been an international régime under the authority of the League of Nations. Unlike the United Nations, which was based on the principle of universality, the League of Nations had not really represented the community of nations as a whole. Thus, the authority of the universal community of nations had replaced the authority of the League of Nations.

26. While the new authority had not immediately established its trusteeship of the territory, it was quite clear from Article 77 of the Charter that, when the Mandate came to an end or when the Mandatory Power retired, the territory should pass to the high authority of the community of nations. The United Nations had therefore considered the question of Palestine and had decided to partition the territory; by that action the sovereignty of the Arabs had been limited and a new sovereignty had been created, which owed its existence not to the occupation or the transfer of the land without juridical sanction, but to a decision taken in accordance with juridical requirements.

27. The argument of acquired sovereignty could not be invoked in the case in point, since acquired sovereignty applied to two cases only: occupation by a State which was extending its sovereignty into available territory, or the secession of territory through a bilateral agreement, under which part of a territory was separated from the rest; in neither case was international juridical order involved. The case of Palestine, where partition had been carried out by an international organ as a result of the decision taken by the international community, was entirely different. As was known, partition had been accompanied by a ruling that Jerusalem should be granted a constitution as a *corpus separatum* and placed under effective international control.

28. Moreover, it was impossible to invoke the existing situation or to say that there had been an armistice agreement, establishing a demarcation line on either side of which there was a properly constituted authority, and to speak of the cessation of United Nations authority. In fact, there had not been, nor could there be, any cessation of United Nations authority. Although it was true that the Organization did not possess the necessary means for coercive action, it had not renounced its authority. In point of fact, it had demonstrated its authority in 1947 and 1948 and also by establishing the Conciliation Commission which had been instructed by the General Assembly to prepare a draft international statute for Jerusalem. It should be noted that the Conciliation Commission had not operated simply as a commission of investigation responsible for bringing the parties together and making suggestions to them, but had had the further task of addressing, and had in fact addressed, reports to the General Assembly whose duty it was to make the final decision.

29. In short, the General Assembly had never renounced its full authority in relation to the internationalization of Jerusalem and the Palestine refugees. It had an absolute right to establish the legal status of Jerusalem. There was no other authority, no local or national sovereignty, which could be set up against international authority. It was from that standpoint that the specific problem should be approached, and from which the various proposals submitted to the Committee should be examined.

30. Regarded from that point of view, the draft instrument prepared by the Conciliation Commission seemed to be inadequate, since it did not try specifically to establish an international régime with its essential concomitant of a territorial settlement, but rather to find a solution which would reconcile the principle of internationalization with that of local autonomy. Without wishing to make any final statement on that point, which was to be examined in detail by a sub-committee, the Peruvian delegation thought it would probably be necessary to make serious alterations to the Conciliation Commission's draft. At all events, the Cuban amendment to that draft (A/AC.31/L.43), and the amendment of El Salvador to the Australian draft resolution, seemed to be of considerable interest.

31. The Australian draft resolution contained principles of major importance; on the one hand, it reaffirmed the authority of the United Nations and, on the other, recognizing that it was impossible to prepare a detailed statute for Jerusalem forthwith, it prolonged the life of the Conciliation Commission. The Peruvian delegation would, for the time being, do no more than point out that it would be necessary to give a clearer definition of the principles on which United Nations authority was founded, and to specify the functions of the temporary organ envisaged.

32. In conclusion, the Peruvian delegation emphasized that any settlement of the question must take into account the high spiritual value attaching to Jerusalem, the interests of the States surrounding the Jerusalem enclave, and the requirements of international peace and security. It ardently hoped that the Jewish and Arab peoples would live in harmony and realize that their interests did not lie in assuming a sovereignty over the territory of Jerusalem which was in fact negligible compared to the mandate they had received from humanity to guard the Holy Places, a sacred trust which depended directly upon them, but which also belonged to the faithful throughout the world.

33. Sir Mohammad ZAFRULLA Khan (Pakistan) said that by its recent settlement of two complicated problems, that of the disposal of the former Italian colonies and that of Indonesia, the United Nations had strengthened the confidence in its authority and power felt by each of its Members and by world opinion. Unfortunately, it was not possible to feel the same confidence with regard to the problem of Palestine. The Palestine problem was many centuries old, and would probably never be completely settled.

34. Without going into the details of its long history, it should nevertheless be pointed out that the solution of driving hundreds of thousands of human beings out of the homes that had been theirs for almost fifty generations was hardly likely to bring peace to that unfortunate region. That fact should be borne in mind, although the Committee was not at the moment dealing with the problem of the Palestine refugees.

35. The immediate problem the Committee was asked to solve was that of the establishment of a permanent international régime for Jerusalem. To guide it in its work, the Committee had two General Assembly resolutions, that of 29 November 1947 and that of 11 December 1948. Unfortunately the Committee had heard the representative of Israel state, quite unequivocally, that his Government was by no means inclined to put those resolutions into effect.

36. The State of Israel had been created by virtue of the resolution of 29 November 1947. In making its request for admission, and in succeeding in entering the United Nations, the State of Israel had agreed to fulfil the obligations imposed upon it by that resolution. It was true that at the time when the General Assembly had been examining the Israel application for admission, the Government of Israel had specified the extent to which it intended to conform to the General Assembly resolutions, and had defined the attitude it would adopt with regard to their various provisions. It was for that reason that the delegation of Pakistan, which had studied the request of Israel in the light of the statements of that country's representative, had been unable to vote in favour of that application. A heavy responsibility lay on those delegations which, in spite of the statements of the representative of Israel with regard to the internationalization of Jerusalem, had had sufficient confidence in their powers of persuasion to vote in favour of that country's admission, in the hope that once it had been admitted to the United Nations, they would be able to induce it to fulfil the obligations incumbent upon it under the terms of the resolution of November 1947. Those delegations could now see the result of their efforts.

37. Nevertheless, the undeniable truth remained that the establishment of boundaries for Jerusalem and the creation of a permanent international régime for that city, had been prior requirements for the creation of the State of Israel. It was therefore Israel's duty and its obligation to fulfil those requirements. Whatever the merits of the resolution of 20 November 1947, it was the duty of the United Nations to apply its provisions, and one of those provisions was the establishment of an international régime for Jerusalem.

38. Sir Mohammad Zafrulla Khan stated that the delegation of Pakistan, for its part, had declared on several occasions and would once again repeat that, with the reservations he himself had formulated on several occasions, it would support any plan for the effective internationalization of Jerusalem. It would give its vote to any draft resolution or any amendment likely to bring about that end. If the United Nations did not succeed in bringing about an international régime for Jerusalem, the authorities which at the moment held power in that city, whether *de facto* or *de jure*, namely, Israel and Jordan, would continue to do so.

39. He wished to address a solemn warning to Jordan. The establishment of a permanent international régime would involve the demilitarization of the City of Jerusalem; he hoped that the Government of Jordan would not agree to apply a plan of demilitarization unless an effective régime of internationalization, to which the State of Israel had previously subscribed, was applied simultaneously. As long as the attitude of the State of Israel remained unchanged, a condition that need not be interpreted as a criticism or condemnation of the State of Israel, it would be the duty of the Government of Jordan to continue to exercise its authority in Jerusalem and to maintain peace, law and order in the territories it controlled, not only in order to protect its own interests but also because it was the trustee of Arab and Islamic interests and even of the interests of Christendom. The Government of Jordan must not, therefore, renounce the effective exercise of its authority until both parties had accepted an agreement of which the provisions would be effectively implemented.

40. Sir Benegal RAU (India) stated that his country, whose population numbered no less than 30 to 35 million Moslems, 7 to 8 million Christians, the majority of whom were Roman Catholic, and a certain number of Jews attached great importance to the question of Jerusalem.

41. Any solution of that question would have to be either an agreed solution or an imposed solution; he considered that an attempt should first be made to reach an agreed solution, which was always preferable to an imposed solution.

42. He recalled that the Committee already had a certain number of proposals and amendments before it, and he considered that it might therefore prove useful to set up a sub-committee to consider the proposals that had been made or might be made on that subject and to submit to the Committee, if possible, a single proposal that would be acceptable to the greatest possible number of members. He recalled that a similar method had been followed successfully with regard to the disposal of the former Italian colonies.

43. He therefore proposed the establishment of a sub-committee, appointed by the Chairman, composed of eleven countries, to consider all the draft resolutions, amendments and suggestions that had been or might be submitted to the Committee itself, and to submit a draft resolution for the solution of the question of an international régime for the Jerusalem area; the sub-committee would be instructed to submit its report to the Committee not later than 1 December 1949.

44. Such a procedure would enable the Committee to proceed with other items on its agenda in the meantime.

45. In view of the proposal he had made, he would refrain from commenting on the specific merits of any of the various draft resolutions, amendments and suggestions; he would confine himself to stating that problems of the kind with which the Committee was confronted were not entirely unfamiliar to India.

46. Mr. KOSANOVIC (Yugoslavia) said that, after considering the position carefully, he felt obliged to state that, in spite of the Conciliation Commission's efforts to find a satisfactory solution for the problem, no one seemed to show much enthusiasm for the proposal of the internationalization of Jerusalem.

47. The Yugoslav delegation wondered if it was desirable to try to set up an organ, the vitality, growth and development of which was extremely doubtful. He did not consider that such a measure would be wise. It was true, as Sir Alexander Cadogan had said at the 44th meeting, that much had happened since 1947 with regard to the situation in Palestine; it was also true that many problems had been settled in a manner which could hardly have been anticipated at that time. Many problems had disappeared, but many new problems had arisen and old problems had assumed new forms. He doubted the wisdom of going back and trying to re-establish the former position.

48. From the very beginning of the consideration of the question of Palestine, the Yugoslav delegation had considered, and still considered, that the main purpose to be achieved was to establish peaceful and lasting relations between the Arabs and the Jews, and at least to attain a *modus vivendi*. Yugoslavia knew from its own experience the influences to which nations living side by side might be subjected. It therefore considered that it was in the interest of both the Jews and the Arabs to achieve the most harmonious possible agreement, which would enable them to establish normal relations.

49. In spite of the difficulties encountered in Palestine, peace had been re-established in that country by means of direct agreements between Israel and the Arab States, with the assistance of the United Nations. The Yugoslav delegation considered that that peace should not be jeopardized.

50. He had been greatly impressed by some of the arguments put forward by the representative of Egypt with regard to the Conciliation Commission's proposal. The representative of Egypt had given some strong reasons to show that the proposal was impossible of realization. The extra-territorial court of law, the legal system, the police, the jurisdiction of Israel and Jordan were all questions that were bound to give rise to considerable difficulties. Although the representatives of Egypt and Israel usually held opposing views, they had agreed in stating that it would be impossible to apply the plan proposed by the Conciliation Commission.

51. The Yugoslav delegation considered that such a solution would be fraught with serious danger for peace in Palestine. Far from simplifying the situation, the implementation of that proposal would only serve to complicate it; it might well give rise to serious international problems.

52. The Yugoslav delegation therefore considered that the internationalization plan was unworkable. Yugoslavia's own experience in that field had not been satisfactory; moreover, neither the United Nations nor the League of Nations had been successful in that sphere. It would therefore be dangerous, apart from the risk of further complicating the question, to expose the United Nations to yet another failure.

53. In view of those considerations, the Yugoslav delegation would vote against proposals broadly directed toward the internationalization of Jerusalem.

54. He repeated that experience had shown the possibility of achieving direct agreement between Jews and Arabs; it was therefore desirable to encourage and facilitate such agreements. Thus, the Yugoslav delegation considered that, in the existing circumstances, it would be preferable to postpone the question of Jerusalem until the following session of the General Assembly, in order to give the States and populations concerned time to reach an agreed solution.

55. Mr. URRUTIA (Colombia) recalled that when the Security Council had considered Israel's request for admission for the first time, only five of its members had voted in favour of that admission: Colombia had been one of those five.[1]

56. Since then, Colombia had made considerable efforts to facilitate the admission of Israel to the United Nations; that attitude had been based upon the conviction that the State of Israel, which owed its very being to the United Nations, could not be excluded from the Organization. In acting as it had done, Colombia had been convinced that the State whose admission it had recommended was the same as that which had been established on 29 November 1947 in accordance with the resolution of the General Assembly of the United Nations; that resolution had specifically provided for the internationalization of Jerusalem.

57. When the Palestinian question had been considered during the first part of the third session of the General Assembly in 1948, Colombia, which had already felt some anxiety, had suggested that the proposal of the United Kingdom

[1] See *Official Records of the Security Council*, Third Year, No. 130, 386th meeting.

should be amended to specify explicitly that a special statute should be drawn up for Jerusalem.[1]

58. When the request for Israel's admission had been considered at the second part of the third session of the General Assembly, Colombia had voted in favour of the admission of Israel, in accordance with the position it had taken in 1948, and had insisted that a special international régime should be established for Jerusalem. Moreover, before taking its final decision, Colombia had directly addressed the Israel delegation, since it still had some doubts on the matter and had received a formal assurance in writing that Israel would not oppose the internationalization of Jerusalem. In view of that guarantee, Colombia had supported Israel's request for admission.

59. Colombia had therefore been the more surprised when it had become aware of the attitude currently adopted by the Government of Israel with regard to the problem of Jerusalem. In the statement he had made at the 44th meeting, the representative of Israel had declared that, since the United Nations had failed to carry out its obligations when the United Kingdom Mandate over Palestine had come to an end it had now lost any authority to impose its control over the Jerusalem area.

60. The Colombian delegation could not accept that argument.

61. The explanations of the representative of Israel made it quite clear that the principles upon which that State based its attitude were incompatible with those of the Charter of the United Nations.

62. He recalled that the United Nations had exercised political authority in the case of the former Italian colonies, and that it possessed similar authority with regard to Jerusalem, by virtue of the decisions taken on 29 November 1947. The legal explanations given by the representative of Peru irrefutably proved the errors contained in the statement of the representative of Israel.

63. It was true that many events had taken place in Palestine between 29 November 1947 and March 1949, when Israel's request for admission had been considered; he wondered, however, what events could have taken place since March 1949 to lead the Government of Israel to alter its attitude, and what gave that Government the right to allege that the United Nations could no longer request the establishment of an international régime in Jerusalem because it had failed to carry out its obligations after the departure of the Mandatory Power from Palestine.

64. Mr. Urrutia stressed the fact that Colombia, like many other countries, had supported Israel's application for membership because it was convinced of that State's good faith; it could only regret that the delegation of Israel was now advancing so unjustifiable an argument.

65. The Israel delegation's statement that any political authority established in Jerusalem must result from the expression of the will of its population was, in his opinion, equally unacceptable. As the Peruvian representative had so rightly said, Jerusalem did not belong to those who were occupying it at the moment, but to millions of the faithful throughout the world.

66. For all those reasons, Colombia could not accept the plan proposed by the Conciliation Commission; it was, in fact, a plan for division rather than internationalization.

67. To be acceptable, that plan would have to be modified so as to state explicitly that the political authority over the Jerusalem area belonged to the United Nations, which might delegate a part of that authority to the Arabs and the Jews if it saw fit.

68. The Colombia delegation did not, however, wish to make concrete proposals for the time being; it would prefer first to hear fuller explanations from the Israel delegation.

69. Moreover, the Colombia delegation thought that the USSR proposal (A/AC.31/L.44) presented a certain interest, but it had not been able to study it thoroughly or to receive instructions from its Government on the subject.

70. Mr. Urrutia said that, in short, his delegation reserved its position on the various proposals that had been or might be submitted, and would in any case be happy to participate in the work of the proposed sub-committee.

71. Mr. MULKI (Hashemite Kingdom of the Jordan) thanked the *Ad Hoc* Political Committee, on behalf of his Government, for having given him the opportunity of expressing its point of view. The Government of the Hashemite Kingdom of the Jordan was primarily concerned with the problem of Jerusalem and hoped that the Committee debates would result in a settlement that would ensure peace and security according to the principles of justice and democracy.

72. Mr. Mulki stressed that, for his Government, the security of Jerusalem was a sacred duty which it could not shirk. The Government of Jordan considered that it was responsible to the whole Arab world and to future generations for the protection of Jerusalem. Its position was not prompted by changing conditions, but by a thorough study of the problem of Jerusalem and the development of the situation there. Since the first negotiations had taken place in Beirut in March 1949 under the auspices of the Conciliation Commission, followed by further negotiations in Lausanne, the situation had developed in a manner that confirmed the validity of Jordan's position.

73. The Government of the Hashemite Kingdom of the Jordan, which had the greatest respect for the wishes of the international community represented in the United Nations, wished to make clear its position on the problem with which the United Nations was dealing.

74. In the first place, Mr. Mulki emphasized that the Holy Places in both Jerusalem and its vicinity which were under the control of his Government had always been safeguarded and were regarded by his Government as a sacred trust which it would make every effort to protect. He recalled that his country's armed forces had defended the Holy City and had done all in their power to safeguard the Holy Places and prevent their destruction, thus earning the gratitude and respect of believers the world over.

[1] See *Official Records of the third session of the General Assembly, Part I*, First Committee, annexes, documents A/C.1/394/Rev.2 and A/C.1/412.

75. The Government of the Hashemite Kingdom of the Jordan, which had helped to preserve and protect the Holy Places and had endeavoured to re-establish normal living conditions in Jerusalem at the earliest possible moment, hoped that the General Assembly would not adjourn without having taken the necessary measures for the repatriation of the Arab inhabitants of Jerusalem, thus restoring the situation that had existed in that city before the occurrence of the tragic events of which it had been the scene; for the Jerusalem area was of predominant importance among the Arab regions.

76. Mr. Mulki recalled that it was the Hashemite Kingdom of the Jordan that had assumed the responsibility of defending the Arab zones of Jerusalem and Palestine. The armistice agreement,[1] which contained detailed provisions concerning the whole of the region, including the Jerusalem area, created a minimum degree of security and defence. The demarcation line had been drawn with due regard to the contiguity of the areas under the control of the armed forces of Jordan. It would thus be destroying the balance established by the armistice line to exclude the Jerusalem area from the regions falling under the provisions of the armistice agreement; it would be creating a sort of pocket in Jordan's defence lines. The Jerusalem area was obviously at the very heart of the territory controlled by Jordan. To isolate that area would amount to submitting Arab Palestine to the most serious dangers: the Arab regions to the north and south of Jerusalem would be cut off from each other. Any change in the existing situation in Palestine, a possibility that emerged clearly from the debate, would be considered by the Government of Jordan to be against its interests, and would not fail to have very grave consequences in that country. Moreover, it would expose the Hashemite Kingdom of the Jordan to the utmost danger, in view of the State of Israel's desire for territorial expansion.

77. The Hashemite Kingdom of the Jordan, which had made every effort to protect and serve the interests of the victims of the Palestine tragedy to the best of its ability, looked with some aversion upon the exclusion of the 150,000 Arab inhabitants of the Jerusalem area from Arab sovereignty. It must be stressed that Jerusalem had been Arab from time immemorial. The Holy Places and sacred buildings had been carefully guarded and had always been preserved. By setting up a new régime in Jerusalem, the history of that city, so far spotless, would be sullied. The Government of the Hashemite Kingdom of the Jordan did not therefore think that the existing system of control and protection in Jerusalem could be modified in any way. The delegation of the Hashemite Kingdom of the Jordan was profoundly convinced that its opinion on the matter was the right one, and it hoped that the Committee would duly consider and appreciate the arguments it had submitted. It also hoped that no plan would be established that might present dangers to the safety, integrity and interests of Jordan and that the Holy Places, which were at present safeguarded and placed under the most complete protection, would not be the subject of further conflict.

[1] See *Official Records of the Security Council*, Fourth Year, *Special Supplement* No. 1.

78. In conclusion, Mr. Mulki reaffirmed that his Government would fully discharge any obligations that might devolve on it, in order to guarantee freedom of worship in Jerusalem and free access to the Holy Places of the faithful throughout the world.

79. Mr. DE LA TOURNELLE (France) said that the French delegation had listened most carefully to the statements which several delegations had made with regard to their respect for the principles contained in the General Assembly resolutions of 1947 and 1948. Before the proposals and draft resolutions before the *Ad Hoc* Political Committee were referred to a sub-committee for study, as they seemed certain to be, the French delegation wished to draw the Committee's attention to three questions of immediate moment.

80. The first question was whether the United Nations was prepared to assume the political responsibility of imposing upon the parties concerned an international régime for the Jerusalem area.

81. The second question was whether the United Nations was ready to assume the responsibility of administering the area.

82. The third question was whether the United Nations was ready to assume the financial responsibility for that administration, together with the budgetary consequences that it would undoubtedly entail.

83. The French delegation's subsequent attitude in the discussion would depend on the realism of the proposals that would be made in reply to those questions. It wished, however, to draw the Committee's attention forthwith to the danger of making proposals which the United Nations would not have the authority or the power to implement, as had already happened in the past.

84. Mr. C. MALIK (Lebanon), who had had his name put on the list of speakers for Monday, 28 November, asked the Chairman whether he could state his reactions to the French representative's speech, on the understanding that he reserved the right to make a final statement at the meeting of 28 November.

85. The CHAIRMAN having agreed, Mr. C. MALIK (Lebanon) said that the remarks of the representative of France had made a profound impression upon him. The French representative had put the problem, in very concise and eloquent terms, not only to the conscience of members of the Committee, but also to that of the Governments they represented. A consideration of the course which events had taken since 1947, and in particular a comparison of the statements made by the representatives of France, the United States and other countries during the current session, with those they had made in 1947, would show all too clearly that the position had steadily deteriorated.

86. There was no doubting the good faith of all representatives and it was certain that, in acting as they had done in the past, the Members of the General Assembly could not have foreseen that the situation would develop in such a regrettable way. Nevertheless, the fact remained that the possibility of establishing an international régime for Jerusalem seemed more and more doubtful; the problem was becoming increasingly serious.

87. He stressed that any further delay in achieving a final solution of the problem would only play into the hands of those who were endeavouring to retard the establishment of an international régime for Jerusalem, so that it might never be realized. He asked the representatives who had taken part in the debate, especially the representatives of Peru, Cuba, El Salvador, Colombia, Belgium and Australia, to give full consideration to that fact. The seriousness of the problem could not be over-emphasized. Delay would only intensify the difficulty until the day would come when a solution would no longer be possible.

88. There were two schools of thought in regard to the question, two methods, which were both sincere and both worthy of respect. One opinion, which he supported, favoured the establishment of a real international régime for Jerusalem; the other favoured, not internationalization, but a form of partition, the establishment of some sort of mechanical *modus vivendi* which would be established in the hope that some day the question would find its own solution, as the Yugoslav representative had suggested.

89. In that connexion, he thought that the representative of Yugoslavia had misunderstood the meaning of the Egyptian representative's speech, which had been generally agreed to be of great depth and brilliance. The Egyptian representative had by no means stated that he was opposed to the establishment of an international régime for the Jerusalem area; if he considered that the recommendation of the Conciliation Commission was unsatisfactory, it was because that recommendation was not sufficiently specific nor sufficiently strict. He was anxious to see the establishment of an effective international régime in Jerusalem. His views were therefore directly opposed to those of Mr. Eban, the representative of Israel, and their two points of view had nothing in common.

90. Mr. C. Malik did not wish to take advantage of the discussion to place any representative in a delicate and unfair position, but he felt he must recall that when the General Assembly had considered the request for the admission of the State of Israel in April 1949, he had on several occasions called attention to the fact that if the United Nations agreed to the admission of Israel, it might some day find itself in just such a position as that currently confronting it. If the General Assembly did not find a solution to the problem in the course of that session, and if the deep and sincere desire which existed throughout the world for the establishment of a genuine international régime for Jerusalem did not find expression in a definite decision at that late time, the problem would arise again for the General Assembly in an even graver form; he would be sorry to see events prove him once again to be right. It would be wrong to remain inactive, awaiting the empiric development of a situation which would perforce have to be accepted.

91. The fundamental reasons which made the establishment of an international régime in Jerusalem imperative were clearly defined in the resolutions and decisions which had already been adopted by the General Assembly. It was not necessary to recall them in detail, but it would be well to outline the principles on which any honourable and sincere plan for an international régime must be based. Those principles consisted of five points, and it might be advisable for the Conciliation Commission to consider whether they had been incorporated in its draft statute.

92. The five principles were the following:

(1) Jerusalem must not become a political entity and must never be made into a national political centre. It was and must remain an international political centre. In that connexion he pointed out that if the United Nations had been faced the previous March with a situation in which Jerusalem would have been a capital city, either the capital of Israel or that of the Hashemite Kingdom of the Jordan, it would not have been able to solve the problem any more easily than at the present time, despite all its good intentions.

(2) Jerusalem should be absolutely demilitarized. He was glad that Mr. Ross had stressed that special aspect of the problem of internationalization at the 43rd meeting.

(3) One of the most obvious conditions of internationalization upon which the Pope had recently laid emphasis, was the maintenance of the *status quo*.

(4) The greatest possible freedom of religion and religious education should be ensured in Jerusalem. He insisted upon that fundamental human right, which was especially necessary in Jerusalem because that city was the religious centre of the world.

(5) Finally, a *sine qua non* condition was that goods and property that had been seized should be returned to their rightful owners.

93. Until those five conditions were fulfilled, no real international régime could be established in Jerusalem. The Lebanese delegation would vote for any plan that fulfilled those five conditions.

94. The Egyptian representative had proved brilliantly that the plan proposed by the Conciliation Commission could not be considered a real international régime. That plan was merely a proposal, in another form, for the partition of Jerusalem.

95. Mr. C. Malik concluded by urging members of the Committee to consider all those questions carefully. He warned the representatives on the Committee, the religious leaders, the great Powers and the whole world, solemnly and with renewed emphasis, that further delay in solving that problem would result in the increased aggravation of the question, which might finally reach the stage where internationalization would be impossible.

96. Mr. KOSANOVIC (Yugoslavia) regretted that he had not expressed his views sufficiently clearly. He thought that he had made it clear that the representative of Egypt had opposed the plans submitted by the Conciliation Commission and that his opposition was no less violent than that of the representative of Israel. Although the Yugoslav delegation was opposed to the internationalization of the City of Jerusalem, it had not doubted that the Egyptian representative would be in favour of such internationalization. He had not intended to distort the statement of the Egyptian representative and he was certain that Mr. C. Malik could not ascribe such an intention to him.

97. The CHAIRMAN read the list of speakers, which consisted of the representatives of the fol-

lowing countries: Iraq, Israel, Union of Soviet Socialist Republics, Saudi Arabia, Ukrainian Soviet Socialist Republic, Poland, Uruguay, Canada, Byelorussian Soviet Socialist Republic, Chile, Lebanon, Argentina, Guatemala, Yemen, Philippines and Afghanistan. In view of the number of speakers, he did not think it would be desirable to consider the question of the establishment of a sub-committee immediately; this was the case particularly because, in light of the clear and strong views held, the creation of such a sub-committee might prove to be of little value. Therefore, if the representatives of India and Bolivia were agreeable, he would not put their proposal to the vote at that stage of the debate, but would study the development of the discussion at the next meeting, and would act accordingly.

The meeting rose at 1.20 p.m.

FORTY-SEVENTH MEETING

Held at Lake Success, New York on Monday, 28 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD.1 (*continued*)

1. Mr. CHAUVEL (France) wished to correct an erroneous interpretation by the Press of certain of his earlier remarks. In reference to the Commission's draft instrument (A/973), he had stated that on the basic problem of the internationalization of Jerusalem, a simpler solution, though it might be more drastic, would be desirable. Regarding the Australian draft resolution (A/AC.31/L.37), if it were possible for the United Nations to assume full responsibility and costs, France would have cause for satisfaction. Internationalization of the Holy City and specific guarantees for the protection of the Holy Places must, however, be discussed in the light of actual possibilities. It was not sufficient to want such guarantees; there must first be absolute assurance that the United Nations was fully prepared to assume political, administrative and financial responsibility for the conduct of an internationalized régime in Jerusalem, and that it was feasible in practice for the Organization to discharge that responsibility. That was an essential pre-condition for the adoption of any solution concerning Jerusalem.

2. As stated earlier, the French delegation supported the proposals submitted by the Conciliation Commission (A/973).

3. Mr. AL-JAMALI (Iraq) emphasized that for historical, spiritual and security reasons, Jerusalem could not be separated from the whole of Palestine. The Holy City was no more sacred than many other places in Palestine; the entire country was traditionally the Holy Land to Christians, Jews and Moslems. Easy access to Jerusalem could not be secured unless there were conditions of peace and stability in the territories surrounding it. Accordingly, Jerusalem could not be dealt with as a separate entity; its fate was indissolubly linked with that of Palestine as a whole.

4. On those grounds, the delegation of Iraq considered that the United Nations decision to partition Palestine and to permit the emergence of an alien Jewish State in an historic Arab land had been the greatest blunder of the Organization, a blunder affecting the Arabs and the spiritual life of all mankind. It had disrupted the unity and integrity of the Arab world and had resulted in massacres and cruel suffering by the Arabs, forcing hundreds of thousands of them into destitution and exile. Those who had voted in favour of partition had accepted responsibility without due deliberation and foresight. The delegation of Iraq had uttered a warning against the tragic results of the partitioning of Palestine, which had a direct bearing on the question of Jerusalem. One result had been the disturbance of peace and stability in Palestine.

5. Mr. al-Jamali stressed that, while hostilities had ceased in Palestine, peace was very far from being a reality. It could not be ensured so long as the refugees remained scattered in neighbouring countries without adequate food, clothing, shelter and medical attention, while their homes were occupied by alien immigrants financed by the Jews of the United States. It could not be ensured so long as Arab citizens continued to be expelled from their homes in order to satisfy the expansionist ambitions of the Zionists. A recent dispatch in *The New York Times* had reported a new mass expulsion of 500 Bedouin families under machine-gun fire from Israel troops. Such incidents gave further evidence that the Zionists could not be trusted to keep their word or to respect signed agreements. For that reason, the Government of Iraq had never entered into negotiations with them.

6. Mr. al-Jamali affirmed that there could be no settlement of the Jerusalem question until there was peace in Palestine based on humanity and justice. Peace could not be achieved by a policy of expediency dictated by the *fait accompli*. The present position of the Jews in Palestine had been won, not through respect of United Nations decisions, but by force and the pressure of power politics. The Jewish representative had openly flouted the very decision to which the Jewish State owed its existence. Backed by the great Powers, the Jews were arrogantly defying another United Nations decision scarcely a year after their admission to membership in the Organization. It was to be regretted that the representative of the United States had gone so far as to state his intention to recognize the developments which had taken place in Palestine in the past two years as the *de facto* situation, instead of evaluating them in the light of international justice and moral principles. That policy could only perpetuate instability in the Middle East and might lead

to war. It must be drastically revised before any approach could be made to a settlement of the question of Jerusalem, which was only one phase of the Palestine problem.

7. The expansionist appetite of the Zionists was insatiable and constituted the most serious threat to peace in the Middle East. In defiance of General Assembly resolution 181 (II) of 29 November 1947 and of various Security Council resolutions, Israel had occupied Arab territory illegally, it had obtained arms and money while the Arabs had been denied all means of self-defence, and it had avowed its intention of occupying the whole of Palestine, including Jerusalem, and of crossing the Jordan. It had already transferred three entire ministries and several other government departments to Jerusalem, as well as 20,000 new immigrants. Should the expressed intentions of the Israel Government be carried out, there would certainly be a resumption of hostilities in the Middle East.

8. He appealed to the Committee in the name of the peace-loving Arab people to respect the spiritual values symbolized in Jerusalem and to help restore the Arab refugees to their rightful homes before discussing Jerusalem. In order to remedy the harm done to the Arabs of Palestine, and in the spirit of the Charter, the United Nations must recognize the Arab character of Jerusalem within an Arab country. Jerusalem must remain geographically in an Arab setting, and must retain its spiritual and traditional character.

9. The great majority of the population of the Jerusalem area were Arabs; in accordance with the principle of self-determination, their political links with the Arab world must not be severed. The late Count Bernadotte himself had acknowledged that, in any partition, Jerusalem must inevitably be surrounded by Arab territory and that any attempt to isolate it, politically or otherwise, would present enormous difficulties. Culturally, Jerusalem was an Arab city and it was natural and just that it should remain so.

10. Religious freedom and tolerance were the corner-stones of the Moslem faith; the Arabs could therefore be trusted with the custodianship of the Holy Places. That fact had been confirmed by the Secretary to the Roman Catholic Custodian of the Holy Places. He had, moreover, placed the responsibility for the defamation and destruction of many Holy Places in Jerusalem upon the Israeli forces.

11. Internationalization of Jerusalem was a means, not an end in itself. The Arabs had proved that they were qualified to ensure the proper maintenance and protection of the Holy Places and free access to them by worshippers of all faiths under an Arab political régime. An Arab Jerusalem could achieve the desired objectives and avoid the difficulties of internationalization, and would result in a considerable saving to the United Nations. Finally, the status of the Jews in Jerusalem could be dealt with equitably in a just settlement of the entire Palestine question.

12. In conclusion, Mr. al-Jamali reaffirmed that the question of Jerusalem could not be separated from the question of the whole of Palestine, that right and justice must form the basis of any Palestine settlement, and that in any just settlement Jerusalem could only be an Arab city with freedom of access and worship for all.

13. Mr. LOURIE (Israel), speaking on a point of order, took exception to the fact that Mr. al-Jamali had referred to the representative of Israel as the "Jewish representative". He pointed out that the State of Israel was neither exclusively nor entirely composed of Jews, and that other States had Jews among their representatives in the United Nations.

14. The CHAIRMAN agreed that the term "representatives of Israel" should be used in referring to that State's representatives.

15. Mr. KOZIAKOV (Byelorussian Soviet Socialist Republic) stressed that, since the General Assembly resolution of 29 November 1947 was still in force, the Committee should be guided by the relevant provisions of that resolution in discussing the future of Jerusalem. He had not been convinced by the United Kingdom representative's argument to the effect that an entirely new approach was necessary because the situation in Palestine had changed in the past two years and because the General Assembly's decision on the creation of two States in Palestine had not been implemented. It was common knowledge that it was the United Kingdom itself, actively supported by the United States and other countries, which had done everything possible to prevent the implementation of the General Assembly's resolution of 29 November 1947. The United Kingdom was continuing its intrigues in the Near East, hoping to induce the Arab States to maintain the struggle on behalf of British imperialism. That being so, it was surely illogical of the United Kingdom delegation to support the Conciliation Commission's proposals on the grounds that the resolution of 29 November 1947 had not been put into effect.

16. A similar position had been adopted by the representatives of a number of other countries including the United States, France and Turkey, the States represented on the Conciliation Commission and therefore responsible for the proposals before the Committee.

17. The Conciliation Commission's draft was entitled "Proposals for a permanent international régime for the Jerusalem area". The content of the proposals, however, contradicted that title. The proposals by no means provided for an international régime as contemplated in the resolution of 29 November 1947. Mr. Koziakov pointed out that one of the three members of the Commission, the representative of Turkey, had announced as early as 18 February 1949 that the Commission would not be bound by decisions adopted previously by the United Nations. As a result of such an attitude, the Commission's proposals not only did not reflect, but actually violated, the provisions of the resolution of 29 November 1947.

18. The proposals had nothing in common with the draft statute for Jerusalem elaborated by the Trusteeship Council[1], the United Nations organ which had the chief responsibility in the matter. Consequently, the Assembly was faced with two widely differing proposals, one of which, the Trusteeship Council's draft, was based strictly on the resolution of 29 November 1947 and provided for an international régime of the

[1] See *Official Records of the Trusteeship Council*, Third Part, of the second session, annex, document T/118/Rev.2.

City of Jerusalem as a *corpus separatum* under United Nations administration, while the other, submitted by the Conciliation Commission, proposed the division of Jerusalem into two zones and the virtual handing over of administrative powers to the Arab and Jewish authorities respectively.

19. Moreover, the proposed procedure for the establishment of a General Council was entirely undemocratic and violated the rudimentary civil rights of the citizens of Jerusalem. Under the Commission's plan, all the fourteen members of the General Council would be appointed by the Commissioner himself or by the responsible authorities of each zone, none being elected by the citizens of Jerusalem. The delegation of the Byelorussian SSR strongly objected to such proposals.

20. By favouring the division of Jerusalem, the United Kingdom, the United States and other delegations wished to legalize the existing abnormal situation in that city. No permanent solution could be achieved on such a basis. Those who had elaborated the Commission's plan, as well as those who supported it, obviously disregarded the requirements of peace and security in the Jerusalem area. The plan bore the familiar stamp of Anglo-American policy, which from the outset had been directed towards the maintenance of troubled and hostile relations between the Arab States, on the one hand, and Israel on the other.

21. The delegation of the Byelorussian SSR supported the Soviet Union's amendments (A/AC.31/L.41) to the Australian draft resolution (A/AC.31/L.37). Referring in particular to paragraph 4 of the amendments, Mr. Koziakov remarked that the Conciliation Commission's draft absolutely ignored the provisions of the resolution of 29 November 1947 regarding direct participation of the Trusteeship Council in the preparation of a statute for Jerusalem and the administration of that city, although the Council, by virtue of its limited membership and greater number of sessions, was better suited to deal with those matters than the General Assembly itself. Under the Commission's plan, a United Nations Commissioner would be responsible directly to the General Assembly. In view of the wide scope of its agenda and the fact that it held only one session a year, the General Assembly would be unable to exercise effective control over the Commissioner's activities.

22. With regard to the USSR amendment proposing that the Conciliation Commission should be dissolved, Mr. Koziakov stressed that the Commission, dominated as it was by United States interests, had shown by its work that it was not only incapable of conciliating the positions of the interested parties but, on the contrary, represented a serious obstacle to agreement. It was surely significant that the Commission's plan had received the unreserved support of the United States and the United Kingdom, while the majority of delegations had opposed it and had insisted on effective implementation of the resolution of 29 November 1947.

23. The delegation of the Byelorussian SSR objected to the Commission's proposals, which represented an attempt by the United Kingdom and United States to circumvent the General Assembly's previous decision and to impose a solution which would serve the Anglo-American interests in the Near East. It would vote in favour of the USSR amendments to the Australian draft resolution.

24. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) remarked that, although two years had elapsed since the adoption of the General Assembly resolution of 29 November 1947, many of its basic provisions had not yet been implemented. No Arab State had been created in Palestine; the question of the statute of the City of Jerusalem was still under discussion, and the preceding debate had shown the existence of serious obstacles to its rapid solution. Furthermore, military operations between the Jews and the Arabs, provoked by certain States having interests in Palestine, had given rise to the new and important problem of Arab refugees.

25. All those facts were due to the selfish attitude of States such as the United Kingdom and the United States, which, pursuing their narrow economic and military interests in the Near and Middle East, entirely disregarded the requirements of peace and security in that part of the world. Those States had resorted to every possible method in order to cricumvent the General Assembly's decision on partition. As a first step, they had brought about the dissolution of the United Nations Palestine Commission; later, when the Jewish State in Palestine had been created despite their opposition, they had tried to divide the Arab part of Palestine between the neighbouring Arab States, and thus to prevent the creation of a new Arab State. They had also done everything in their power to prevent the implementation of the provisions of the resolution of 29 November 1947 dealing with the statute of the City of Jerusalem.

26. Those provisions took into consideration the interests of both the Jewish and the Arab communities in Jerusalem and guaranteed the protection of the Holy Places and religious monuments in Palestine. On the basis of those provisions, the Trusteeship Council had elaborated a draft statute for Jerusalem which, with some amendments in the direction of its greater democratization, could have been approved by all members of the Council. The United States, however, had suddenly reversed its position and had demanded the convening of a special session of the General Assembly,[1] with the result that the draft statute drawn up by the Trusteeship Council had not been approved at that time.

27. After the failure of United States attempts to revoke the resolution of 29 November 1947 at the second special session, the USSR delegation in the Trusteeship Council had proposed[2] that the draft statute prepared by the Council should be considered and approved. That proposal had, however, been rejected by the majority under the leadership of the United States, the United Kingdom and Belgium, and the question had been deferred for an indefinite period.

28. At the third session of the General Assembly, the United Kingdom delegation had proposed the creation of a United Nations conciliation commission for Palestine which, among other things, was to elaborate and submit to the fourth

[1] See document S/705.

[2] See *Official Records of the Trusteeship Council*, third session, 35th meeting.

session of the Assembly detailed proposals for a permanent international régime for the Jerusalem area. That proposal had been adopted in resolution 194 (III) despite the fact that such proposals had already been elaborated by the Trusteeship Council and had been found satisfactory by the majority of members of the Council, including the United States representative. In that connexion, Mr. Galagan quoted the Trusteeship Council's resolution 32 (II) of 10 March 1948.

29. The reason for the abandonment of the Trusteeship Council's draft was that the United States and United Kingdom Governments had, on the basis of the Mediator's plan, reached a separate agreement on the Palestine question, including the question of Jerusalem. That fact alone made it clear that in the matter of Jerusalem those Governments were guided by considerations entirely unconnected with religion.

30. The Conciliation Commission's proposals submitted in application of the General Assembly's resolution of 11 December 1948 had been criticized by a large number of delegations, including some of those which approved its basic provisions in principle. In the first place, those proposals entirely ignored the resolution of 29 November 1947, despite the fact that that resolution retained its full legal value and had never been revoked by the General Assembly. Considering the composition of the Conciliation Commission, that was hardly surprising.

31. The United States, one of the three members of the Commission, was concerned solely with the maintenance of its economic and strategic interests in Palestine, and had from the outset played a double game in the Palestine issue. The United States and the United Kingdom had manoeuvred in the interests of the oil companies; they were not interested in implementing the 1947 resolution, but in undermining it. Turkey, the second member of the Conciliation Commission, had voted against the resolution of 29 November 1947 and could not, by virtue of historical factors and of its relations with the United States, be considered impartial. France, the third member, had voted for the 1947 resolution only after great hesitation; moreover, it had been ousted from its position in the Near and Middle East and was trying to get back on any pretext.

32. Instead of the internationalization of Jerusalem, the Commission was proposing the division of the Jerusalem area between Israel and the Hashemite Kingdom of Jordan. The proposed system of internationalization was purely fictitious, and represented a crude attempt to induce the maximum number of members to vote for the Commission's plan.

33. Furthermore, in disregard of paragraph 5 of section C of the third part of the plan of partition of 29 November 1947,[1] the Commission's draft made no provision for the creation of elected legislative organs in Jerusalem, replacing such organs by a powerless general council whose members were to serve by appointment. Other proprosals of the Commission were also entirely inconsistent with the resolution of 29 November 1947.

[1] See *Official Records of the second session of the General Assembly*, Resolutions, page 148.

34. The delegation of the Ukrainian SSR, which had consistently upheld the principles of that resolution in all organs of the United Nations, was unable to accept the Commission's proposals and considered that they should be rejected in their entirety.

35. The delegation of the Ukrainian SSR believed that the steps proposed in the Soviet Union's amendments to the Australian draft resolution offered the only acceptable solution. Any other decision with regard to the future of Jerusalem would deal a serious blow to the prestige of the General Assembly and the United Nations.

36. The delegation of the Ukrainian SSR therefore wholeheartedly supported the USSR amendments, which were strictly based on the General Assembly resolution of 29 November 1947, and would vote in favour of those amendments.

37. Mr. RODRÍGUEZ FABREGAT (Uruguay) indicated that the Uruguayan delegation would have preferred that discussion of the urgent humanitarian question of assistance to Palestine refugees should have preceded consideration of proposals for an international régime in the Jerusalem area and protection of the Holy Places.

38. He proceeded to refer to the various concrete proposals regarding Jerusalem and to the various resolutions of the General Assembly and the Security Council on the subject, pointing out that other important elements of the background of the question made the subject very complex. Careful study was therefore essential. Yet in the final stages of the current session of the General Assembly, it might be difficult and time might be insufficient to study the various proposals adequately and to arrive at the final solution of a question which was of vital importance not only to the inhabitants of Jerusalem and to the nations involved, but also to the international community as a whole.

39. Recalling the basic position of his delegation with regard to the Palestine question in 1947, he noted that it had favoured a territorial solution of the Jewish problem, a partition scheme, special status for the Old City of Jerusalem and special status for the Holy Places throughout Palestine.

40. It must further be remembered at that juncture, as had already been pointed out, that new developments had occurred in the interval since 1947, that internationalization would be costly, and that any decision establishing an international régime would require practical implementation and corresponding responsibilities.

41. He expressed whole-hearted support of the very useful suggestion of the Chairman that a sub-committee should be appointed to make a thorough study of the various aspects of the question and the various proposals presented, and to seek the best possible solution.

42. It must also be borne in mind constantly that partition was a reality and that permanent peace must be sought to replace the prevailing truce. Moreover, no difficulty which might lead to a further outbreak of hostilities must be allowed to arise.

43. In the interest of the international community, the universal right to worship freely, and consequently to have free access to the Holy Places, must be safeguarded. It was, however, important

to note that the Holy Places were in many cases situated outside the Holy City of Jerusalem in various other parts of Palestine. Mr. Rodríguez Fabregat recalled that a somewhat parallel situation had existed in connexion with the Church of Saint John of Lateran, which was outside the Vatican. By the Treaty of Lateran of 1929, the sovereignty of the Vatican had been recognized and the Church of Saint John and various other churches in Rome had been given special status. At no time had it been suggested that those churches should become a territorial part of the areas in which they were located, neither had it ever been proposed that Rome should be internationalized in order to ensure freedom of worship within that city. He wondered why there had been no suggestion to internationalize only the actual territory of the Holy Places in Jerusalem.

44. During the preliminary stage of the discussion, the Uruguayan delegation wished emphatically to affirm the right of worship in the Holy Places for adherents of all religions. Uruguay, a Member State of the United Nations which had no official religion but which guaranteed freedom of worship to all, felt that that fundamental right would meet with universal acceptance.

45. He pointed out that the Holy Places of Palestine were situated both in Arab and Israel territory and that the representatives of both Israel and Jordan had solemnly pledged themselves to respect those Holy Places and to grant free access thereto.

46. The Uruguayan delegation was mindful of the provisions of the General Assembly resolutions, was open-minded in considering proposals for solution, had carefully studied the various aspects of the question, and had adopted no final position at the current stage of the discussion.

47. It would, however, be advisable for the sub-committee which it was proposed to set up to keep certain basic considerations constantly in view, particularly the right of all to worship and to have access to Holy Places and the need for a special international régime for those Holy Places. A sub-committee could deal far more adequately than a full committee with the detailed study of the concrete proposals for settlement of the question.

48. The Uruguayan delegation reaffirmed its continued interest in the finding of a satisfactory solution which would contribute to lasting peace in the area and which would grant the necessary safeguards to the international community, in a spirit of co-operation and good will. Mr. Rodríguez Fabregat emphasized the fact that the views he had expressed represented the preliminary opinion of his delegation at the current stage of discussion, rather than a final position.

The meeting rose at 12.55 p.m.

FORTY-EIGHTH MEETING

Held at Lake Success, New York, on Monday, 28 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran)

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD.1) (*continued*)

1. Mr. AMBY (Denmark) stated that his delegation, which had voted for resolutions 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948, was still of the opinion that the guiding principle for a solution should be effective United Nations control and a form of internationalization guaranteeing a special status for Jerusalem and the surrounding areas. The Danish delegation felt bound to appraise the proposals of the Conciliation Commission, to whose work it paid a tribute, in the light of the principle of effective United Nations control over the Jerusalem area. No real peace could prevail in that sacred area unless Jerusalem, as a unit, was placed under the control of the entire civilized world.

2. The Danish delegation felt that the proposals of the Conciliation Commission (A/973) were not such as to provide for real internationalization of the Jerusalem area under effective United Nations control. It would vote for any plan which seemed likely to fulfil that condition.

3. Although the representatives of Jordan and Israel had not expressed themselves favourably on the Conciliation Commission's proposals as a whole, it would appear that certain parts might be acceptable to them, and that therefore the exact areas of agreement and disagreement should be ascertained.

4. With regard to the willingness of the United Nations to accept all the obligations arising from real internationalization and effective United Nations control, it was evident that, whatever the recommendations which might be adopted, the obligations would be of a substantial character, whether the United Nations committed itself to real international control or to control of the kind proposed by the Conciliation Commission.

5. The Danish delegation had no formal amendments to propose to the draft resolution of the Conciliation Commission, but hoped that a sub-committee would be set up to consider the various draft resolutions and any amendments which might be submitted; until then it reserved its final position.

6. Mr. AZOUNI (Yemen) said the debates in the United Nations had, to a great extent, been characterized by political pressure and had reflected conflicting interests. He wondered whether sober and dispassionate judgment would finally prevail.

7. The City of Jerusalem was of concern to the whole world; its future was in the hands of the United Nations. The problem of the status of Jerusalem and its environs was the only one of its kind. It was the duty of the United Nations

to ensure the peace and security of the Holy Places and the surrounding area.

8. Jerusalem had always been and would always be an Arab city; Moslems all over the world considered it as the third Holy City in addition to Mecca and Medina.

9. The Arab armies had entered Jerusalem in the first half of the seventh century, not as conquerors but as pacifiers. The keys of the Holy City and the custodianship of the Holy Places had been entrusted to the great Moslem Caliph Omar by the Patriarch Sophronius. During a visit of the Caliph Omar to the Holy Sepulchre, he was invited to pray in the Church of the Holy Sepulchre; he had replied that if he were to accept that invitation, the Moslems would take possession of the church and transform it into a mosque. He had made his prayer fifty yards away from the church, and the mosque which still stood there had been erected on the spot. That episode needed no comment.

10. The pledges given by the Caliph for the safety of the Holy Places and freedom of worship had no equal in history; they could be compared with the recently adopted Universal Declaration of Human Rights. The Jews had received liberal treatment. Justice and freedom of worship had never been infringed. The Jews from the ghettos of the West had sought refuge in the region of Jerusalem, where they had enjoyed the same rights as their compatriots. All that showed that Jerusalem and the surrounding area should be kept in Arab hands.

11. In contrast, the speaker recalled one of the numerous appeals from various Christian church dignitaries following the destruction of churches and holy shrines and the desecration of the Holy Places by Jews in Palestine.

12. He quoted a statement sent by Archbishop Hughes to the *Catholic Herald* of London on 22 November 1948, according to which Catholic churches in Haifa had been desecrated by Jews, crucifixes and statues of the Virgin had been shamefully defaced, the Patriarchal Seminary of Beit Jala had been bombarded and occupied by Jews, several monks had been wounded, and a Palestinian priest had assured the Archbishop that the Jews were demonstrating particular hatred against Catholic institutions.

13. There had been a number of other deplorable incidents when churches, hospitals and synagogues had been used by Jews for military purposes, and Holy Places had been shelled from them.

14. There was no doubt, therefore, that a multitude of believers all over the world sincerely wished to remove all factors likely to lead to a recurrence of such incidents or of fighting in Jerusalem, which would lead to still greater destruction of what remained of the Holy Places.

15. On 29 November 1947 the United Nations, the successor of the League of Nations, had decided by its resolution 181 (II), to create two States in Palestine, one Arab and one Jewish, Jerusalem and its environs being an enclave under an international régime. Following the surrender of the Mandate for Palestine by the United Kingdom, on 14 May 1948, the United Nations had become responsible for the protection of the Holy Places and the international enclave of Jerusalem and its environs. That responsibility had been reaffirmed by General Assembly resolution 194 (III) of 11 December 1948, under which the Jerusalem area was to be accorded special and separate treatment from the rest of Palestine and placed under effective United Nations control. The Conciliation Commission for Palestine had been set up for that purpose, and had been instructed to present to the fourth session of the General Assembly detailed proposals for the establishment of an international régime for the Jerusalem area.

16. In recent months a complete defiance of the United Nations resolutions of 29 November 1947 and 11 December 1948 on the part of the Government of Israel had been witnessed; government departments had been transferred from Tel Aviv to Jerusalem to confront the world as a whole and the United Nations in particular with a *fait accompli*. The representatives of Israel had recently suggested, in unequivocal terms, that the General Assembly resolutions of 29 November 1947 and 11 December 1948 were null and void, and that the only solution open to the United Nations was the conclusion of an agreement with Israel on the supervision and protection of the Holy Places in Jerusalem.

17. The representative of Israel appeared to have forgotten that his country owed its very existence to the United Nations, and that it was the intervention of the United Nations which had enabled the Jewish forces to obtain arms and reinforcements in violation of the Security Council order of 29 May 1948.[1]

18. What the Government of Israel actually wanted was that the United Nations should bow to force and aggression and forsake the implementation of its resolutions of 29 November 1947 and 11 December 1948.

19. He had been greatly interested to hear the Colombian representative's account of the assurances the Colombian delegation had received from the Government of Israel regarding the establishment of an international régime in Jerusalem and its environs.

20. The Zionist leaders owed their very existence in Palestine to their consistent pursuit of the *fait accompli* method. It was surprising that some delegations, which were avowed champions of a strong and effective United Nations, should adopt a conciliatory attitude towards that method. Nothing could be more detrimental to the prestige and honour of the United Nations. Such an attitude was, in fact, an open invitation to would-be aggressors to take whatever action they saw fit, and was a negation of the principles on which the United Nations was based. The appeasement policy of the League of Nations had reduced it to a mockery because it had bowed to the dictates of the aggressors and the violators of world peace. Acceptance of the dictates of Tel Aviv would have far-reaching consequences. Those consequences would not be confined to the *fait accompli* of Jerusalem, to the annexation of the Arab city of Jaffa or to the displacement of a million Palestinian Arabs from their homes. Such acceptance would undermine the very existence of the United Nations, and would threaten the Organization and the world with a repetition of that catastrophe.

[1] See *Official Records of the Security Council*, Third Year, Supplement for May 1948, document S/801.

21. The whole of Palestine was holy in the eyes of the Arab and Moslem world, and the question of the internationalization of Jerusalem, its environs and the Holy Places, then under discussion, should not have precedence over the problem of Palestine in general, and that of the Arab refugees in particular. The United Nations had the fate of the Arabs in its hands; despite its decision to partition the country, a decision opposed by the Arabs as being based on injustice, the United Nations had proved unable to carry out the basic provisions of that resolution.

22. Mr. C. MALIK (Lebanon) said that the complexity of the question of Jerusalem was due to the fact that it reflected the whole problem of Palestine. Its complexity was due to the conjunction of two sets of interests and factors, political interests and factors on the one hand, and religious interests and factors on the other. From the political point of view two antagonistic nationalisms were involved, as well as the right of self-determination for the communities settled in Jerusalem. The problem lay in the balance of power between those two forces. Political considerations tried to take into account the *status quo*, the territorial situation and the desire of the inhabitants for incorporation in the one or other adjacent State, while religious considerations took into account the fact that the three world religions regarded Jerusalem as a Holy Place.

23 Any solution had perforce to give due weight to each of those factors, the spiritual and the political, the universal and the local, the international and the national. But owing to the complexity of the situation, those factors had no point in common, and everything thus hinged upon the weight attributed to one or other factor, upon the point of departure, and upon what factor was to be subordinate to another.

24. There would be no problem in Jerusalem were it not the Holy City. The Jerusalem problem was not the conflict of two nationalisms; it was not the political incidents of 1948; it was not the dispute between Arabs and Jews. The crux of the problem was the city's international, spiritual and universal character. If it had merely been a question of safeguarding the free expression of the will of its inhabitants, of their right to self-determination, the problem would have already been solved; all that would have been involved was the demarcation of frontiers. But religious, universal and human interests were involved, which could not be so easily dismissed.

25. The resolutions of 1947 and 1948 still expressed the view of the world community; they did not express a political fact, but the General Assembly's appreciation of the international, universal and religious character of Jerusalem. That character was also confirmed by numerous pronouncements by the world's religious leaders.

26. The United Nations should properly approach the problem of Jerusalem from the universal and spiritual point of view, rather than considering some particular aspect of the problem. In dealing with the problem, the starting point should not be the partition of the city between Israel and Jordan, leaving the future of the religious interests to be dealt with later. The first step must be to put the religious and universal interests in their proper place, and only then to consider how the respective interests of Arabs and Jews could best be reconciled with those religious interests. The approach to the problem was therefore all-important.

27. The Chairman of the Conciliation Commission had said, at the beginning of the statement he had made at the 43rd meeting, that the Commission had tried to take into account the existing political and territorial situation. But the Commission's terms of reference had in no way indicated that it should take the existing political and territorial situation into account. It seemed that the members of the Commission, whose work of conciliation had been otherwise praiseworthy, had, in pursuing that course, exceeded their terms of reference as laid down in the resolution of 11 December 1948.

28. A casual reading of the account of the work of the Conciliation Commission left the clear impression that the Commission, which had had to work in very difficult circumstances and seemed sometimes to have suffered from timidity, had subordinated the religious, spiritual and universal factors to the political. Accordingly it had thought of delimiting the two zones by the easy recourse of taking the existing demarcation line. It was hardly likely that the General Assembly, when setting up the Conciliation Commission, had intended the Commission to confine itself to registering the *de facto* situation.

29. Another example of the precedence which the Conciliation Commission gave to political over religious and universal considerations, could be found in the recent attitude of the representatives of the United States, the United Kingdom and France, if that attitude was compared, at least in the case of the United States and France, with the attitude they had taken up two years, one year, even six months earlier. Instead of first setting themselves the objective of an effective international régime and then finding the means of implementing it, they began by weighing the drawbacks and the possible or imaginary obstacles. As those representatives saw it, the new objective was no longer internationalization, but some vague and impracticable supervision of the Holy Places.

30. But the objective of internationalization could not have varied in the meantime. The religious sentiment of humanity with regard to Jerusalem was still there. There had been no change in that sentiment or in its solemn registration in the General Assembly decision.

31. He was surprised that the Conciliation Commission had not provided, as an annex to its report, an account of the conversations it had had with the representatives of the various religious authorities. He had himself been in contact with the various religious authorities, and, for the purpose of filling that gap, he proceeded to give the Committee an account of religious opinion on the subject of Jerusalem.

32. As regards Islam, there was no doubt that the three or four hundred million Moslems in the world looked upon Jerusalem as a Holy City. On that point he would not add to the eloquent statements made in the Committee by the representatives of Egypt, Iraq, Yemen, Pakistan, Syria and Saudi Arabia.

33. He had had no contacts with the representatives of Judaism, being convinced that

Mr. Eban would do full justice to the Jewish interest in Jerusalem.

34. As regards the Christian world, he had done his utmost to get in touch with the heads of the various Christian churches and sects forming part of the three great churches: Orthodox, Catholic and Protestant.

35. As regards the Orthodox Church of the East, both the Patriarch of Antioch, in the name of the Greek Orthodox Church of Antioch and the East, and the Greek Patriarch of Alexandria, had sent him telegrams in which they pressed for a real and effective internationalization of Jerusalem and all the Holy Places in Palestine; the Patriarch of Alexandria had pointed out that the *status quo,* as exemplified by the Church's authority over the holy shrines, must continue.

36. Moreover, the Oecumenical Patriarch of Jerusalem, in his appeal to the United Nations in May 1949, had said that the only appropriate solution lay in the application of an international statute, under United Nations supervision, to the city of Jerusalem and the Holy Places of Palestine. The speaker recalled that, in his fine speech at the 46th meeting, the representative of Greece had reported the Greek Patriarch of Jerusalem as holding the same view.

37. The Maronite Patriarch of Antioch and the Whole of the East proposed, in order to meet the wishes of Jews, Arabs and Christians, all of them interested in the Holy Places, that the Holy Places should be administered by a republic represented by those three denominations and guaranteed by the United Nations.

38. The Catholic Patriarch of Antioch, the Whole of the East and Jerusalem pressed for the execution of the idea of the internationalization of Jerusalem and the Holy Places, including Bethlehem and Nazareth. If it were not to be an illusory measure, the administration and supervision of that internationalization should be exercised by the United Nations; it was not enough to lay down the principle and then leave Israel to apply it in practice.

39. From the Archbishop of Canterbury he had received a plan which he had submitted to various Members of the United Nations and which proposed the following: between the international enclave, formed by the Old City and adjacent areas, and the territory of the State of Israel, which would cover the northwestern portion of the city, there should be a kind of buffer zone. The Archbishop of Canterbury, somewhat sceptical as to the practical value of the Conciliation Commission's plan, had asked the Lebanese representative to convey his views to the General Assembly and to inform the latter that the compromise plan he had proposed represented the considered opinion of the Anglican Church.

40. The representative of Lebanon next turned to the other Protestant Churches. In April 1948, the President of the Federal Council of Churches of Christ in America, writing to Mr. Austin, leader of the United States delegation, had proposed that, following the partition proposals of 29 November 1947, Jerusalem should have trust status and be given the character of an open city. The House of Bishops of the Protestant Episcopal Church, meeting at San Francisco in September 1949, had recommended the internationalization of the Holy City and its environs as the most practical way of reconciling the claims of Moslems, Jews and Christians. The Committee on International Justice and Goodwill, appointed by the General Synod of the Reformed Church in America, speaking for itself but convinced also that it expressed the mind of the Reformed Church in America, approved the principle of the plan of the administration and control of Jerusalem and its environs proposed by the United Nations Conciliation Commission. Since Jerusalem was of deep concern to the three religions, the said Committee felt that the control should be exercised neither by Christians, Jews, or Arabs; the only hope of preserving the sacred shrines and ensuring free access to them lay in international control exercised by the United Nations.

41. The Near East Christian Council, a constituent member of the International Missionary Council which united the Protestant Churches of Arabia, the Balkans, Egypt, Ethiopia, Iran, Iraq, Lebanon, North Africa, Palestine, the Sudan, Syria, Jordan and Turkey, had, on 27 April 1949, expressed the wish that the Jerusalem area should be placed under United Nations administration so as to constitute a religious centre for all faiths.

42. In a memorandum addressed to the Conciliation Commission, then meeting at Lausanne, the Commission of the Churches on International Affairs, a body jointly established by the World Council of Churches and the International Missionary Council, without wishing to define the mechanism by which that international responsibility would be assured, had affirmed its conviction that the protection of the Holy Places by the community where they were situated, particularly in the Jerusalem area, would not constitute an adequate means of exercising international responsibility. The covering letter sent with that memorandum and the interpretation to be placed on the views expressed in the memorandum had endorsed, in principle, the internationalization of Jerusalem.

43. With regard to the Roman Catholic Church, the representative of Lebanon did not doubt that the members of the *Ad Hoc* Political Committee had documents setting forth the position taken by the Holy See. In order to save the Committee's time he would not open the copious file of documents expressing the Catholic point of view, but would confine himself to the statement issued by the American Cardinals, Archbishops and Bishops at their meeting in Washington on 17 November 1949. The statement, which represented the opinion of the Pope, emphasized that the question of the status of Jerusalem, preeminently religious in character, was of profound interest to the Catholics of the United States. After referring to the Christian effort to protect the Holy Places, the statement recalled that after the end of the British Mandate, the responsibility for the protection of the Holy Places and for freedom of access thereto had become a concern of the United Nations. The statement referred briefly to what had been done by the United Nations, and proceeded to say that the proposals of the Conciliation Commission, while calling for the internationalization of Jerusalem, by no means achieved it. The statement added that the Pope had declared again and again that the only effective guarantee for the

protection of the Holy Places, for the free exercise of the indisputable rights of the Christian minority and the free access of pilgrims to the sanctuaries, was a territorial internationalization of the Jerusalem area under the sovereignty and the effective control of the family of nations. In their capacity as defenders of the sacredness of the Holy Places and of free access thereto, the American Cardinals, Archbishops and Bishops appealed to the civil authorities and to the nations for an effective internationalization of Jerusalem and its environs.

44. He then proceeded to deal with the objections voiced to complete internationalization.

45. In the first place, there was the obviously important question of finance. He recalled that certain delegations, particularly those of the United States and France, had, with the best intentions in the world, emphasized these difficulties. Yet it was strange to hear the same delegations affirm that they desired the establishment of a permanent and effective international régime, while at the same time they cast doubts upon the willingness of the United Nations to provide the means to make that régime truly effective. But according to the old maxim, he who wills the end, must also will the means. To will the end but not the means would be tantamount to evading responsibility. It would be more honest for those delegations to say that they were reluctant to defray the cost because they already had too much on their hands.

46. Furthermore, to be unwilling to support a plan of effective internationalization on the grounds that it would cost too much was to assume that others were also unwilling to assume the financial burden. He felt that until a plan had been presented and discussed in detail, and until it was known whether Governments were willing or unwilling to bear the cost of such a plan, it was premature to oppose the plan for such reasons.

47. The Lebanese Government, despite its slender resources, was prepared to pay twice its fair share of the expense for a genuine international régime in Jerusalem.

48. At the 46th meeting, the French representative had raised three questions, which Mr. C. Malik would deal with later; for the time being he merely expressed his regret that the representative of France had not indicated the intentions of his Government in the matter; the French representative might have been expected to say that France, faithful to its traditions, was willing to pay, for example, up to 10 million dollars out of a total expenditure of 30 million dollars. Similarly, the representative of the United States might have been expected to say that his country was willing to pay the remaining 20 million dollars. Instead, the French representative had said that the question of expense was an insuperable difficulty.

49. If the internationalization of Jerusalem was really desired, the fifty-nine nations should surely be able to save something on their national budgets so as to produce an aggregate of 30 million dollars, if, indeed, as much as that was needed. In that connexion he recalled that Pakistan had contributed hundreds of thousands of dollars toward the cost of building a mosque in Washington; surely Pakistan would not be backward in contributing to the cost of the internationalization of the third Holy City of Islam.

50. Moreover, the representative of Egypt had stated at the 45th meeting that the three great world religions could, among themselves, defray the expenses of a genuine internationalization.

51. Therefore, if the question of expense was the only objection of certain delegations, they had no real right to oppose a plan for complete and effective internationalization until such a plan was placed before the Committee and thoroughly considered. Similarly, they had no right to advance or support plans other than those providing for a complete implementation of the General Assembly's decisions taken with a view to a genuine internationalization of Jerusalem.

52. The sum of 30 million dollars, mentioned by the representative of the United States, was surely greatly exaggerated. A part of the budget of Jerusalem would be covered by local taxes and revenue, and the city would need only a police force to maintain internal order; consequently the expenditure during the first few years should not exceed 10 million dollars.

53. Possibly in five years, or at the most, in ten years, the area of Jerusalem might even be largely self-supporting. Therefore, if the internationalization of Jerusalem was genuinely desired, the question of the relatively small initial cost should not be insuperable.

54. Mr. C. Malik then turned to the political objections advanced, which were more serious than purely financial objections. Briefly, it was claimed that in view of the opposition to internationalization of both the Arabs and the Jews, who were in occupation of the city, internationalization could not be implemented except by the imposition of force, which the United Nations was in no position to use.

55. In reply to this argument, he wished to offer a comment of a general character. When the plan of partition had been discussed by the General Assembly in the autumn of 1947, the same objections had arisen. In spite of that, even when the argument had been accepted as valid, a number of delegations which had defended that argument had nevertheless voted in favour of partition.

56. The statements of representatives of the western Powers, the United States, the United Kingdom and France, which had offered the possible opposition of Jordan to internationalization as an excuse for not supporting it themselves, led him to the conclusion that those States had no real will to make a serious effort to achieve internationalization. Internationalization was most certainly possible if the western Powers genuinely desired to accomplish it. Future generations would never be able to believe that considerations of that nature had caused the western Powers to abandon the principle of internationalization; those Powers would appear before history as having failed in their obligations.

57. The same could be said concerning the opposition of Israel to internationalization. Since it was known how far the very existence of the State of Israel depended upon the political and financial support of the United States, it could not be seriously contended that the United States was unable to induce Israel to accept the internationali-

zation of Jerusalem. Again it was seen that, in reality, the question was one of will and not of insuperable obstacles.

58. But even if it were true that no State was able to persuade Israel, surely the United Nations was not equally impotent to do so. If in reality the United Nations was not in a position to impose its will upon a Member State of its own creation, it should abandon all hope of ever imposing its will upon any State which defied its decisions.

59. But he did not believe that the United Nations was powerless in the matter; the Charter provided the means of enforcing decisions, or at least of taking firm measures against those who defied it, and the United Nations should not hesitate to employ such measures if, as was unlikely, Israel chose to ignore or defy the decisions of the General Assembly.

60. The core of the problem lay not in the opposition of any one State or States to a decision of the United Nations; the issue was how far the Organization was determined to implement its decisions.

61. He proceeded to deal with the argument that, though complete, effective and genuine internationalization was impracticable, the Conciliation Commission's proposals were feasible.

62. Under article 8 of the draft statute (A/973), the United Nations representative or commissioner was responsible for securing the permanent demilitarization and neutralization of the area. In passing, Mr. C. Malik pointed out that the representative of the United States had laid particular emphasis on that question at the 43rd meeting. Yet it was not clear how the United Nations commissioner would be able to fulfil his functions; if he possessed the necessary power to perform those functions, then that would mean that it was possible to enforce a complete internationalization. If, on the other hand, the commissioner had no such power, presumably he would not be able to effect even such partial internationalization.

63. In other words, the plan of the Conciliation Commission was faced with the same problem of implementation as would be a plan for complete internationalization.

64. He then dealt with the third objection to complete and genuine internationalization: it was claimed that such internationalization was unnecessary, and that there was no incompatibility between the continued functioning of the civil authorities of Israel and Jordan and the existence of an international commission responsible merely for the supervision of the Holy Places, and that there was also no threat to the sacred character of the city or of any site within the area.

65. So long as Jerusalem was divided between two States, so long as that division went through the very heart of the city, so long as Jerusalem was the political capital of one of the two States concerned, or was likely to become the political capital of one of those States, the whole of the city and the Holy Places it contained would be exposed to the danger of destruction.

66. The city as a whole could not be treated apart from its Holy Places; for all Jerusalem was holy, and the sacredness of certain particular places was derived from the sacredness of the whole area. It could not be admitted that only some places should be protected, while the whole of the city was not. In cases of war, no distinction could be made between the Holy Places and the city as a whole. Consequently the security of the Holy Places could only be assured by removing the whole of the city from the jurisdiction of both Jews and Arabs.

67. A street could not be an adequate frontier between States which would still be hostile to each other for many years to come. It could not be claimed that the situation in Palestine had been settled, and that in future the Arabs and Jews would maintain peaceful and good-neighbourly relations. Nothing could justify that assumption. On the contrary, everything seemed to show that the situation was still fluid, and that disturbances could recur. Jerusalem should be sheltered from such disturbances.

68. Even if it was admitted that complete, effective and permanent internationalization would present serious difficulties, it ought to be recognized that it would be simpler to effect internationalization forthwith, in spite of all the difficulties, than to allow the present situation to worsen.

69. If events were allowed to take their course, four dangers might arise.

70. First, the city would in fact still be divided into two separate parts. That situation was certainly neither healthy nor conducive to peace.

71. Secondly, it might be that the State of Israel would suddenly declare Jerusalem its capital.

72. Thirdly, it was possible that Israel might seek to absorb the part of the city at present held by the Arabs.

73. Fourthly, it might be that Israel and Jordan would conclude an agreement depriving the United Nations of any chance to have a say in the future of Jerusalem. It was an open question what the United Nations would do under such circumstances.

74. That was why it was not a matter of choosing between complete and effective internationalization, on the one hand, and a compromise proposal like that submitted by the Conciliation Commission for Palestine, on the other: the choice must be made between complete internationalization to be effected immediately and no internationalization at all.

75. Mr. C. Malik then referred to the questions which the French representative had raised before the members of the Committee at the 46th meeting. The French representative had first asked whether the United Nations was prepared to assume the responsibility for imposing a solution of the problem of Jerusalem on the parties concerned. That was a political question. Secondly, he had asked whether the Organization was prepared to assume responsibility for the administration of Jerusalem, and finally, whether it was prepared to assume financial responsibility for such administration, together with its budgetary consequences.

76. He thanked the French representative for having asked those questions, which defined the problem clearly and obliged the members of the Committee to make a decision on them. Of course, in asking those questions, the French representative had exposed himself to the risk of being misunderstood. It was not clear whether the

French representative had raised those difficulties for the purpose of overcoming them, or for the purpose of weakening the moral determination of the Members of the Assembly to support the principle of internationalization and to apply it effectively. However that might be, the Organization's reply to those three questions could not be ambiguous, and could only be affirmative.

77. Like all the inhabitants of Lebanon, he felt the most profound attachment to France, and he therefore hoped that the questions which he, in his turn, would ask the French representative would not give rise to any misunderstanding, and would be answered during the general discussion.

78. Was the Government of France aware that, failing complete and effective internationalization achieved through United Nations control, the Holy City of Jerusalem would fall into the hands of Israel? Secondly, had the Government of France abandoned the historical rights and traditions which France had acquired in the Holy City in the course of centuries? Finally, and that was the most important question, were the Government and people of France prepared to assume, before future generations, responsibility for the fact that, faced with a unique opportunity to accomplish peacefully the aims for which generations of Frenchmen had fought and died in Palestine for a thousand years, they had been unable to rise to the occasion?

79. He had expected from the French representative, not a series of questions casting doubts on the possibility of implementing the internationalization of Jerusalem, but rather a proud and bold statement in accordance with the noble tradition which had always been the tradition of France, one in which the French representative would have undertaken, on behalf of his Government, to assume as much of the expense and political responsibility inherent in the problem as was humanly possible.

80. He proceeded to consider the report of the Conciliation Commission for Palestine. A number of delegations, particularly that of Egypt, had given an excellent analysis of the report, and he would not go over the same ground again. He wished, however, to give a brief outline of his delegation's position on the basis of criticisms with which many other delegations were doubtless in agreement.

81. First, instead of providing for effective, genuine and complete internationalization, the Commission's proposals merely provided for the perpetuation of the existing partition of the City of Jerusalem.

82. Secondly, instead of providing for the exercises of real and effective authority over Jerusalem by the United Nations, they merely provided for the presence of a representative in the city, whose functions would in effect be limited to the supervision and control of the Holy Places, and who would be deprived of legislative or executive authority.

83. Thirdly, instead of complying with the wish of the General Assembly, as expressed in its resolution 194 (III) that the grant of the maximum local autonomy should be subordinated to the vital necessity of establishing a special international régime, the proposals of the Conciliation Commission in fact subordinated the scope and effectiveness of the international régime to the existing conditions of partition.

84. Fourthly, its proposals, which were acceptable to neither Arabs nor Jews, contained no indication of the methods by which they could be carried into effect. They did not therefore make a greater contribution towards solving the problem of implementation than a plan for complete internationalization.

85. The Commission's proposals therefore had neither the merit of being acceptable to either party nor that of indicating methods of implementation. He believed that the Commission should either have drawn up a plan for complete and effective internationalization or should have recognized that the internationalization of Jerusalem was impractical.

86. The *Ad Hoc* Political Committee could adopt three different methods in dealing with those proposals. It could ignore them, strengthen them or weaken them. In suggesting that they should be amended to make them more acceptable to Israel or Jordan, the representatives of the United States and the United Kingdom could have had only one object, that of weakening the proposals in the hope that the Governments of Jordan and Israel would realize that they did not infringe their authority and could therefore be accepted. But the real problem was not that of expressing the wish of the United Nations in a form acceptable to the Governments of Jordan and Israel, but rather of ensuring that the proposals submitted to those Governments contained a full statement of the intentions of the world community and of the spiritual and religious interest of the whole world in Jerusalem. It was clear from the speeches which had been made in the Committee that the Commission's proposals did not express the intentions of the United Nations adequately. Instead of envisaging amendments to make the proposals more acceptable to the Governments of Jordan and Israel, he therefore hoped that the representatives of the United States and the United Kingdom would consider amendments to make them more acceptable to the Members of the United Nations.

87. The Lebanese representative proceeded to discuss the Australian draft resolution (A/AC. 31/L.37), which included four main points. First, it reaffirmed the intention of the United Nations to establish a permanent international régime in Jerusalem in conformity with the decisions taken by the General Assembly in 1947 and 1948. With that provision, he was in wholehearted agreement. Secondly, it proposed the reconstitution and enlargement of the Conciliation Commission, a provision with which he was also in agreement. Thirdly, it requested the Conciliation Commission to reconsider its proposals and to bring them into closer harmony with the draft statute drawn up by the Trusteeship Council,[1] and, finally, it asked the Conciliation Commission to report to the fifth session of the General Assembly.

88. He said he was unable to accept the third and fourth points. As he had said before, the existing situation in Jerusalem was fraught with grave danger, and to delay a solution of the problem would be to play into the hands of those

[1] See *Official Records of the Trusteeship Council*, third part of the second session, annex, document S/118/Rev.2.

who opposed internationalization of the city. For that reason, the Lebanese delegation could not support the principle of postponing a decision on the problem. Those provisions of the Australian draft resolution were extremely serious and, unless they were deleted, despite all the good intentions which had inspired it, the draft resolution would destroy all possibility of internationalization. It was impossible to over-emphasize that the task of facing the General Assembly at its current session was not to defer the establishment of a system of internationalization until its next session, but to establish that system forthwith.

89. He then discussed the statement made at the 44th meeting by Mr. Sharett, representative of Israel. He wished to confine himself to a few observations, since other delegations had expressed their views at length. Mr. Sharett's statement had confirmed the misgivings in regard to Israel's intentions of which Mr. Malik had spoken to the General Assembly during the third session.[1] He would leave it to the Committee and to world history to decide whether the statement made by the Foreign Minister of Israel did not exude defiance and threats.

90. The Lebanese representative then turned to the positive aspect of his speech. If the aim in view was the setting up of a real, permanent, and effective international regime for the Jerusalem area, the problem could be approached in two ways, by using as a basis either the documents drawn up by the Trusteeship Council or the draft statute of the Conciliation Commission for Palestine, amended in the direction of genuine internationalization. He himself had no preference as between the two methods and, while whole-heartedly supporting the proposal submitted by the USSR delegation (A/AC.31/L.41) for the use of the Trusteeship Council plan, he thought, nevertheless, that the members of the Conciliation Commission ought not to feel that their plan had turned out to be useless; he was, therefore, equally prepared to use the draft statute drawn up by the Conciliation Commission as a basis for the Committee's work.

91. To that end he wished to submit certain amendments (A/AC.31/L.44) to the draft statute, amendments jointly sponsored by the representative of Colombia. Their purpose was to modify and strengthen the Conciliation Commission's text, with a view to producing a real, honest régime of internationalization for Jerusalem. The mainspring of the Lebanese amendment was a return to the original concept of internationalization as defined in the General Assembly resolution of 29 November 1947, namely, the idea of a *corpus separatum* under direct United Nations administration. It should be remembered that the overwhelming majority of the members of the Committee had spoken in favour of such a concept.

92. In drafting his proposals, Mr. Malik said he had tried to preserve as much of the Conciliation Commission's draft as possible, deleting only those articles which departed from the concept of 29 November 1947, and, on the other hand, adding only such clauses as were necessary to bring the draft into conformity with those concepts.

93. The principal changes to be made in the Conciliation Commission's text were the following:

(1) The addition in the preamble of a reference to the resolution of 29 November 1947;

(2) The deletion of all articles and parts of articles referring to the division of Jerusalem into two zones, Arab and Jewish, and to the existence in those zones of two separate authorities, since that was contrary to the idea of true internationalization and tantamount to a partition of Jerusalem between Jordan and Israel; in the place of those authorities, the Lebanese amendment provided for purely municipal authorities to be set up by the United Nations commissioner.

(3) The Conciliation Commission's proposal envisaged that the powers of the United Nations commissioner would be restricted to matters concerning the Holy Places, and to a general supervisory authority over the Arab and Jewish zones. The Lebanese amendment would give the commissioner full executive powers. Legislative power, which the Conciliation Commission's proposal would give to the States of Jordan and Israel, would, under the Lebanese amendment, be vested in a local legislative council. In the event of delay in the establishment of a local elected legislative council, the United Nations commissioner was to exercise legislative authority;

(4) The Lebanese delegation had added an article instructing the United Nations commissioner to effect the restitution of all property seized from its rightful owners since November 1947, and asking him to set up a special tribunal to determine the disputes to which such restitution would certinly give rise. Mr. Malik pointed out that the question of restitution of property was an essential element of any settlement of the Jerusalem problem;

(5) Article 5 of the Conciliation Commission's draft statute stated that the responsible authorities in the Jewish and Arab zones should take no steps in matters of immigration which might alter the existing demographic equilibrium of the Jerusalem area. The Lebanese delegation, in an endeavour to delete all reference to specific Jewish or Arab authorities, had deleted that article also. The Lebanese amendment instructed the United Nations commissioner to make laws concerning immigration in conformity with the arrangements made in 1948 and with a view to restoring the balance of population existing in 1947;

(6) The Conciliation Commission proposed the setting up of a general advisory council; that proposal had been replaced by one for the establishment of an elected legislative council;

(7) Article 13 of the Conciliation Commission's draft statute providing for joint tribunals, based on the co-existence of separate Arab and Jewish zones, had been deleted. The Lebanese amendment provided that the United Nations commissioner should establish a unified judicial system;

(8) Under the Lebanese amendment, the United Nations commissioner was made responsible for the organization and direction of the police force, instead of the police force being subject to the local authorities, as in the original text;

(9) The United Nations commissioner was also made responsible for the fiscal system,

[1] See *Official Records of the third session of the General Assembly, Part II*, 207th plenary meeting.

whereas the original Conciliation Commission text had provided that the local authorities would make their own arrangements.

(10) The Lebanese delegation in its amendment also contemplated that the legal instrument should come into force 90 days after its adoption by the General Assembly;

(11) Lastly, in conformity with the amendment submitted by the representative of El Salvador (A/AC.31/L.40) to the Australian draft resolution (A/AC.31/L.37), the Lebanese delegation had included Nazareth in the region to be governed by an international régime.

94. In conclusion, he wished to emphasize again that any delay in setting up machinery to carry out the wishes of the United Nations and to meet the aspirations of religious communities throughout the world would diminish and eventually rule out any chance of establishing an effective and practical international régime in Jerusalem. Any proposal liable to delay the establishment of the international régime was in fact a proposal that impaired the Organization's chances of success. If the existing régime of the partition of Jerusalem were allowed to persist, the final result would be either the ultimate destruction of the city or its complete incorporation in the State of Israel. Anyone who wished the *status quo* to remain was, wittingly or unwittingly, promoting the incorporation of Jerusalem in Israel.

95. The first point to be determined was whether the Organization would allow itself to be guided by purely political and pragmatic considerations, thus altering its stated intentions to fit in with all those considerations, or whether, on the contrary, it really wished to attain the purpose it had set for itself. Future generations would pass judgment on the decision that the Organization was to take, and would consider that decision to be of fundamental importance. Not in a thousand years had the Moslem world made an offer to share Jerusalem with the Christian world. The Moslem world was making that friendly gesture. It would be unrealistic to believe that Israel would always remain the essential factor in the Middle East, in so far as Jerusalem was concerned. The Arabs and other Moslem peoples had always constituted the essential element of the Middle East. In the long run, they would determine the course of events. At a historical moment when the Moslem world was turning towards the Christian world with an offer of friendship, purely political considerations could not be allowed to influence a decision on the problem, and it was impossible to ignore the wishes of the majority of the human race, which whole-heartedly longed for the establishment of a free and peaceful Jerusalem. If those political considerations were allowed to play an essential part and if those profound wishes of humanity as a whole were ignored, history and God Himself would not fail to pass a terrible judgment upon those responsible for such a failure.

96. Mr. González Allendes (Chile) said the establishment of a working sub-committee was becoming more and more necessary. Since such a sub-committee would have an opportunity of hearing the views of the various delegations, which would subsequently be reconsidered in the *Ad Hoc* Political Committee, it seemed unnecessary to define one's attitude immediately, and he would therefore waive his right to speak. He urged the Chairman to propose the establishment of a sub-committee immediately, since that would enable members of the Committee to save time and to reach a solution of the Palestinian question more rapidly.

97. The Chairman pointed out that the late hour made it impossible to hear the representatives still on the list of speakers. He therefore wished to use the few minutes that remained to the Committee in order to settle the problem of the establishment of a working sub-committee. In accordance with the suggestion submitted formally by the representative of India at the 46th meeting, he proposed that the Committee should set up a working sub-committee of eleven members instructed to study all the draft resolutions and amendments submitted both to the *Ad Hoc* Political Committee and to the sub-committee itself. The sub-committee was to report to the *Ad Hoc* Political Committee not later than three days after its establishment. If the sub-committee was still unable to present one or more draft resolutions after the expiry of that time limit, the *Ad Hoc* Political Committee would vote upon the various draft resolutions and amendments submitted to it.

98. Mr. Tsarapkin (Union of Soviet Socialist Republics) felt it was premature to decide upon the establishment of a sub-committee. Subsequent speakers might submit suggestions or amendments, as the Lebanese representative had done. Moreover, the number of members of the sub-committee could not yet be decided, and that point might be clarified in the general debate. He therefore hoped that, when the general debate would have been concluded at the end of the following meeting, it would be possible to consider the establishment of such a sub-committee with advantage, but was of the opinion that, at the moment, it would be premature.

99. The Chairman pointed out that it would be possible, in order to save time, to decide upon the principle of the establishment of the sub-committee and to fix a three-day time limit for its work, without defining precisely either its terms of reference or its competence.

100. Mr. Drohojowski (Poland) pointed out that it was not advisable to fix a time limit for the sub-committee's work immediately, since some of the proposals that might be made by speakers still on the list might require more careful study, and the sub-committee might be unable to conclude its work in three days. Moreover, some of the representatives who would speak at the following meeting might make especially constructive suggestions, which might prove extremely useful to the sub-committee. For that reason, the number of members of that sub-committee should not be limited at that stage.

101. The Chairman considered that the Polish representative's remarks were extremely pertinent. He agreed that the time-limit for the work of the sub-committee and the number of delegations to be represented should not be determined until the end of the general debate. He pointed out that the Indian representative, when making his proposal, had left it to the Chairman to determine the membership of the sub-committee. That was a delicate task, and he would prefer the representatives of Mexico, Denmark and India to consult together and to submit a provisional list

of the members of the sub-committee to the *Ad Hoc* Political Committee at its following meeting.

102. Mr. AMBY (Denmark) thanked the Chairman for the honour that had been paid him, but felt that the Chairman himself, with his wisdom and tact, was best qualified to settle the difficult problem of the composition of the sub-committee.

103. The CHAIRMAN thanked Mr. Amby for the confidence he placed in him, but considered that the procedure he had suggested was preferable, and called upon the members of the Committee to accept his proposal that the representatives of Mexico, Denmark and India should draw up a joint provisional list for the composition of the sub-committee.

It was so decided.

The meeting rose at 5.50 p.m.

FORTY-NINTH MEETING

Held at Lake Success, New York, on Tuesday, 29 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD.1) (*continued*)

1. Mr. DEJANY (Saudi Arabia) said that three major courses of action had been suggested in dealing with the problem before the Committee. The first was based on General Assembly resolution 181 (II) of 29 November 1947, and called for the internationalization of the Jerusalem area as a *corpus separatum*. The second, recommended by the Conciliation Commission (A/973), would maintain the partition of the area into the existing Jewish and Arab zones, with limited exercise of authority by the United Nations. The third course, proposed by the two authorities exercising *de facto* control of the area, Israel and Jordan (44th and 46th meetings) would not alter the *status quo*.[1] A fourth course, which had not been openly advocated, but for which there was obviously some support, was for inaction and delay that would postpone any solution of the problem.

2. The plan for the internationalization of the Jerusalem area as a *corpus separatum*, its complete demilitarization and neutralization as set out in the November 1947 resolution had been regarded by those who had supported that decision as the fairest possible solution. Even those who could not accept the major part of the decision had felt that internationalization of the Holy City was essential. The great Powers had pressed for the adoption of the resolution with zeal and eloquence and had attached special importance to internationalizing Jerusalem.

3. It was therefore all the more amazing that the same Powers had now withdrawn their support for the original plan on the grounds that it was impracticable. The truth was that it had been rendered impracticable by the refusal of the Member State which now controlled a zone of Jerusalem to permit any interference by the United Nations in its administration.

4. There were many cogent arguments to justify a genuine international régime in Jerusalem as outlined in the Trusteeship Council's draft statute.[2] It would be consistent with the majority position expressed in the November 1947 resolution and in the Assembly's later resolution 194 (III) adopted 11 December 1948. It would ensure the safety of the Holy Places and remove the causes of friction which endangered peace and security in the area, and which would persist if the *status quo* were maintained. It would ensure freedom of worship and free access to and from the shrines. It would afford the population of the Jerusalem area full local autonomy, and enable the majority of the Arab inhabitants to return to their homes. The adoption of a resolution establishing such an international régime would have great moral weight.

5. The opponents of such a resolution had argued that the authorities in control of the Jerusalem area objected to United Nations interference in its administration. They had drawn attention to the problem of co-operation from the Jewish and Arab inhabitants in administering the area. Finally, they had stressed that the United Nations did not possess the material means of carrying out the plan which would involve an annual expenditure of more than 30 million dollars to be borne by the Member States.

6. The figure of 30 million dollars appeared greatly exaggerated. Computed on a *per capita* basis and compared with the cost of the administration of the whole of Palestine in 1945, that figure should not exceed 5.5 million dollars for the 200,000 inhabitants of Jerusalem. In peacetime, government receipts had always exceeded expenditure and Palestine had never had a substantial deficit. The *Annual Report for the Municipality of Jerusalem for 1938*, for example, showed that there was an excess of receipts over payments amounting to some 31,000 dollars for the year, despite a decrease in certain items of revenue. While the figures were not complete, they did indicate that the minimum estimate of 30 million dollars per year to be expended by the United Nations on an international régime in Jerusalem was fantastic. That view was further borne out by a comparison of that estimate with the cost of administration of various States in the United States of America, a country with an exceedingly high standard of living. The total cost for the State of Kansas, for example, with a population of 1,800,000, amounted to no more than 18 million dollars. On the basis of those comparisons, it was unlikely that the annual deficit in the cost of administering a rehabilitated Jerusalem would run into millions. It remained for Governments to decide, however, whether their

[1] See also document A/AC.31/L.34.

[2] See *Official Records of the Trusteeship Council*, third part of the second session, annex, document T/118/Rev.2.

share in a possible deficit should outweigh the importance to their peoples of the future of Jerusalem.

7. Apparently in order to meet the objections raised to genuine internationalization as proposed in the November 1947 resolution, the Conciliation Commission had drawn up proposals which had been supported outright by the States members of that body and by the United Kingdom. Those proposals allegedly provided a fair and practicable plan for effective United Nations control of the Jerusalem area, as recommended in the General Assembly's resolution of 11 December 1948.

8. In reality, despite the Commission's effort to appease one of the authorities controlling Jerusalem, its proposals had met with as much opposition as the original internationalization scheme. The argument that the United Nations was not in a position to impose the original plan applied equally to the new proposals. The only guarantee they offered for the demilitarization and neutralization of the Jerusalem area rested on the pledges of the two authorities in control. In fact, however, the prospects of achieving such demilitarization would be much greater if sole and absolute authority were vested in the United Nations. Nor could a plan which divided Jerusalem into two zones, each with its own régime, be considered practicable. The artificial boundary drawn through one of the streets of the Holy City would be an inevitable source of friction and would multiply the problems of administering the common services for the two zones. Further, both authorities in *de facto* control were as much opposed to the Commission's plan as they were to the original plan in the 1947 Assembly resolution. Hence it could hardly be described as more practicable. Moreover, it was flagrantly unfair. It denied almost half the Arab inhabitants of Jerusalem the right to return to their homes and allowed the Jews to control more Arab land in their zone than Jewish land. It could not be considered as an implementation of the December 1948 resolution calling for effective United Nations control. Finally, the most serious defect of the Commission's proposals was that they tended to give a *fait accompli* United Nations approval.

9. If the Assembly were to accept the *status quo* in the Jerusalem area, it would be nullifying its resolutions of November 1947 and December 1948. It would be sanctioning their flouting by Member nations, and conceding that they were devoid of political or moral significance. Before Israel had become a Member, the Government of Israel had repeatedly stated its intention to abide by the Assembly's decisions. Those assurances had profoundly influenced the attitudes of many delegations, particularly those of some Latin-American States. It might justifiably be asked, in the circumstances, whether the assurances then given by the representative of Israel might not have been designed as a manoeuvre to achieve favourable action by the Assembly on the question of its admission to membership. Failure of that Government to respect its pledges must not be countenanced by the Assembly. Had they not been made, many delegations concerned with the future of Jerusalem might have withheld their support of Israel's admission.

10. Those who advocated deferring action by the Assembly until the fifth session must be aware that developments during the interim period would eliminate all prospects for ultimate internationalization and leave no alternative but to accept the *fait accompli*. Thus the Assembly would be led to accept the third course which had been proposed in the Committee: maintenance of the *status quo*. The delegation of Saudi Arabia would deplore the adoption of either course. It would imply an evasion of responsibility in distinguishing right from wrong and would imperil the prestige and authority of the United Nations. The Assembly would be approving open violation of its decisions and recognizing as valid and legal a situation created by force of arms. Postponement of a decision would permit a deterioration of that situation; Saudi Arabia could not accept it.

11. It remained for the Assembly to choose between the two plans for internationalization of the Jerusalem area. Since both plans had proved equally unacceptable to the parties concerned, the General Assembly could choose freely between them. It could either reaffirm its approval of the original scheme or shifts its support to the defective proposals of the Conciliation Commission.

12. The delegation of Saudi Arabia was convinced that neither past nor future developments could alter the legitimate rights of the Arabs to Jerusalem. During long centuries of Moslem rule the Holy Places had been adequately protected, free access and worship had been permitted and tolerance had been practised on a scale not matched in the Christian world. No legitimate complaints had been made against Arab custodianship of the shrines and sacred places. On the contrary, there were many proofs that the Arabs had discharged their responsibility for the administration of the Holy Places in a wholly satisfactory manner.

13. Nevertheless, in response to the concern expressed in the United Nations and throughout the world for safeguarding the Holy Places, the Government of Saudi Arabia was reluctantly modifying its earlier position and was prepared to support the transfer of Arab authority in the Jerusalem area to the United Nations, provided that the entire area was established as a *corpus separatum* under direct United Nations control. Accordingly, it would support the internationalization plan embodied in the November 1947 resolution and given form in the draft statute elaborated by the Trusteeship Council, subject to minor modifications. It also supported the amendments of Lebanon and Colombia (A/AC.31/L.44) to the Conciliation Commission's proposals and would accept any other internationalization scheme incorporating the five essential principles enunciated by Syria at the 44th meeting. It would also be prepared to support the Australian draft resolution (A/AC. 31/L.37) if it were amended so as to bring the terms of reference of the Conciliation Commission into closer relation with the specific provisions of the 1947 resolution, which the Commission should be instructed to execute.

14. Mr. EBAN (Israel) noted that his Government's position had been criticized on three main counts: that its opposition to internationalization of Jerusalem had not been frankly stated during the debate on the admission of Israel to the United Nations; that it had repudiated a valid international obligation by deviating from the November 1947 Assembly decision; and that the position of Israel in Jerusalem was a *fait accompli* resulting from conquest and having no basis in law.

15. Before replying to those criticisms, he felt bound to speak on his country's vital interest in a constructive outcome of the debate. The Government of Israel was responsible for the political, social and economic welfare of 100,000 inhabitants of the City of Jerusalem whom it had rescued from the annihilation which threatened it during the conflict of the summer of 1948. It had defended the city and restored it to its normal peacetime equilibrium. In that process, an indissoluble bond of mutual responsibility and common aspiration had been established between Israel and Jewish Jerusalem. Removal of the full authority of the Israel Government from the New City would result in a collapse of the structure which had been rebuilt in Jerusalem at the cost of so much sacrifice. Deprived of their political freedom and their vital defence, the Jewish inhabitants of Jerusalem would be plunged into fear and confusion, and the allegiance to the Israel Government, forged through common sacrifice, would be driven underground while a new outside authority would vainly strive to win their loyalty. If United Nations security agreements were to be disregarded against the will of their signatories, and the stability prevailing in the Holy City were to be disrupted without any assurance of its effective replacement, the religious and secular peace of the area would be endangered. In the full knowledge of its responsibility, his delegation would exert every effort to avert such a tragic outcome, with all its implications for Jerusalem and the prestige of the United Nations.

16. The value of draft resolutions before the Assembly depended on their practicability. Their validity was preserved not by their adoption but by their execution. That lesson had been learned primarily in Jerusalem, immediately after the termination of the Mandate when the Arab forces had attempted by force of arms to prevent the internationalization of the Holy City. At that time, Israel's appeals to the United Nations to assume its responsibilities for the security of Jerusalem[1] under the November 1947 resolution had fallen on deaf ears. The Trusteeship Council, the Security Council and the Assembly itself had failed to take any action to protect Jerusalem; internationalization had faced the decisive test and failed. The Jews of Jerusalem had learned that they could not expect the United Nations to defend them or to ensure their welfare. Through that experience, they had realized that internationalization could not guarantee the secure development of their city. That realization had been strengthened by their firm adherence to the decision of November 1947 during several critical months, despite the onslaught of the Arab States and the rejection by the General Assembly of all proposals calling upon the United Nations to assume responsibility in Jerusalem.

17. The people of Jerusalem had thus become convinced that only through union with the rest of Israel could they ensure their own security. That conviction had been conveyed to the United Nations and its organs as soon as it had become clear. At the third session, the Government of Israel had opposed[2] any internationalization except one limited to the Walled City in which the Holy Places of the three great world religions were concentrated. On 1 April 1949, the Prime Minister of Israel had told the Conciliation Commission that a withdrawal of Israel's authority from Jerusalem would imperil the security of the area. On 5 May 1949, Israel had proposed[3] a functional internationalization whereby the jurisdiction of the United Nations would extend to the Holy Places in Jerusalem and outside. Those facts demonstrated that there was no foundation for the charge that the Government of Israel had concealed its opposition to internationalization during the debate on its admission to membership, only to reveal it, once that objective had been attained.

18. His country was deeply attached to the United Nations, an attachment based on the inherent sense of international solidarity of its population. Israel had devoted much energy and zeal to gaining admission to the international Organization. Nevertheless, in no circumstances would it have been prepared to acquiesce in the withdrawal of Israel's authority in Jerusalem in order to achieve that objective. Faced with that alternative, it would have renounced, with great regret, the prospect of membership. In order to clarify that position, he had stated on 5 May 1949, that his Government supported a United Nations international régime for Jerusalem concerned exclusively with the control and protection of Holy Places and sites and was prepared to co-operate if it should be established. As an alternative to such a system of functional internationalization, he had recalled his earlier proposal for a limited internationalization to apply only to the area of Jerusalem in which there was the greatest concentration of religious and historic shrines. That statement was formally noted in General Assembly resolution 273 (III) of 11 May 1949; the Government of Israel continued to adhere to every word of it.

19. In opposing any separation between the State of Israel and Jewish Jerusalem, the Government of Israel was merely reaffirming the position it had stated in the *Ad Hoc* Political Committee on the eve of its admission to membership. Israel had never suggested that its admission implied approval of its views on the future of Jerusalem for that matter was not before the Committee at that time. In the light of those recorded statements, which had been recalled pertinently by the representatives of Pakistan and Lebanon during the debate, it was inadmissible to charge Israel with concealing its views on the internationalization of Jerusalem, for tactical reasons, before its admission to the United Nations.

20. The representative of Colombia had, at the 46th meeting, made a still more serious charge against the Government of Israel. He had claimed that his Government had received, in May 1949, a letter expressing Israel's "support for the internationalization of Jerusalem", which had made it possible for the Colombian delegation to vote in favour of Israel's admission to membership in the United Nations. Mr. Eban stated that the object of that letter had not been to conceal, but frankly to emphasize, the limitations which, after the lapse of two years, Israel considered to be essential in a practical and equitable application of the principle

[1] See *Official Records of the Security Council*, Third Year, Supplement for May 1948, document S/765.

[2] See *Official Records of the third session of the General Assembly, Part I*, First Committee, 200th meeting.

[3] See *Official Records of the third session of the General Assembly, Part II*, Ad Hoc Political Committee, 45th meeting.

of an international régime. The relevant passage of the communication in question read as follows:

"My Government has suggested two alternative means of approach for expressing the international principle in a practical and realistic way within the immediate capacities of the United Nations.

(1) The establishment of an international régime limited in area so as to apply to the greatest concentration of Holy Places and sites,

(2) An international régime covering the whole area of Jerusalem but restricted functionally so as to be concerned entirely with the protection of Holy Places and sites."

21. Thus both publicly and privately the Government of Israel had made it abundantly clear that in its view and judgment the possibility of any full scale internationalization, comprising the New City, had been superseded by the processes of fusion and integration which had taken place in Jerusalem during the extended period when the statute provided by the resolution of November 1947 had remained unimplemented and Jerusalem had been left to work out its own salvation without international protection or aid. He trusted that the representative of Colombia would correct the impression that his delegation had ever received from the Government of Israel any letter supporting the internationalization of Jerusalem except to the limited degree and extent to which Israel still supported it.

22. The principles advocated by the delegation of Israel for the solution of the Jerusalem problem had been further criticized on the grounds that they deviated substantially from the statute contained in the resolution of 29 November 1947. Yet the Foreign Minister of Israel had described to the Committee, at the 44th meeting, how for many critical months Israel alone, of all the parties addressed by the 1947 resolution, had moved forward against military violence and political obstruction for the fulfilment of such provisions as depended upon its initiative and support. There was not the slightest moral inconsistency between Israel's efforts, at that time, to secure faithful implementation of that resolution and its firm conviction, at the current juncture, that the General Assembly must take into account not only the facts and principles created by the adoption of that resolution, but also the consequences arising from its non-implementation.

23. The resolution of November 1947 had been a recommendation addressed to many international bodies and to specific Member States. The Arab States, together with all Members of the United Nations, had been called upon to acquiesce and assist in its implementation. Instead the Arab States had taken up arms against all its provisions, particularly against the internationalization of Jerusalem. The Security Council, the Trusteeship Council, the Economic and Social Council, the Mandatory Power and the United Nations Palestine Commission had failed to carry out the specific tasks assigned to them under the terms of the resolution. In May 1948 the General Assembly had deliberately suspended all machinery for the implementation of that resolution.[1] During the first part of the third session of the General Assembly every attempt to reaffirm any single part of the resolution of November 1947 had been emphatically rejected. Neither the United Nations Mediator for Palestine nor the Conciliation Commission had been endowed with terms of reference containing any hint of the validity or the existence of that resolution.

24. The final decision as to whether the legal force of that resolution could be unaffected by such overwhelming rejection and abandonment on the part of the international community could be left to jurists and future historians. Israel could not, however, be reproached for having fallen short of any of its critics in the effort and sacrifice required to make that resolution effective. The only part of that resolution ever to be translated into fact had been that part finally accomplished by the people of Israel: the establishment and consolidation of their State. It was therefore strange to find Israel criticized for lack of fidelity to the November 1947 resolution by some Member States that had taken up arms against the implementation of that very resolution in defiance of the Charter, and by many others whose votes and influence had not been available during the critical months when vigorous international influence might have secured peaceful implementation of the resolution.

25. Instead, the General Assembly itself had declared its complete freedom to seek a solution of the Jerusalem problem based on principles other than those contained in the statute of November 1947. Its resolution 194 (III) of 11 December 1948 made no reference to the Trusteeship Council's statute or to the resolution of November 1947. It was impossible to understand why the General Assembly had instructed the Conciliation Commission to work out, during an entire year, a new plan for Jerusalem if the statute worked out in 1947 had been regarded as legally valid and as practically effective at that time.

26. If his Government's policies on Jerusalem deviated from the unimplemented resolution of November 1947, that might meet with agreement or disagreement. In no circumstances, however, could it rightly be said that for Israel, in common with many other delegations, to embark upon a new quest for an effective solution, constituted a repudiation of its international responsibilities or a reflection on its original right to statehood.

27. Nor could he agree with the representatives of Australia and Lebanon that the establishment of Jerusalem as a separate political entity reflected the unanimous desire of religious opinion. Christian leaders in many lands had often submitted proposals involving the maintenance of Israel's political connexion with Jerusalem. The Government of Israel, through its Ministry of Religion, was in constant contact with religious leaders in Israel, including all the Patriarchates and the Papal Envoy. As appeared even from the correspondence read by the representative of Lebanon at the 48th meeting, those religious leaders were not unanimously in favour of a separate political status for Jerusalem.

28. Never before in the long and eventful history of the Holy City had an international status for Jerusalem been regarded as an indispensable attribute of its holiness. Throughout modern history the typical method for the protection of the Holy Places has been a system of guarantees given by the political authorities

[1] See *Official Records of the second special session of the General Assembly*, Supplement No. 2, resolutions 186(S-2) and 187(S-2).

concerned to the great Churches, or more recently, to the organized international community. He doubted if posterity would be critical of any failure to attempt political internationalization. Indeed, immediate adoption of the solution proposed by Israel (A/AC.31/L.42) for establishing full United Nations control over the Holy Places themselves would represent the most direct expression in recorded history of universal responsibility for the protection of Jerusalem's holiness.

29. Hence it should not be thought that any particular political régime for Jerusalem was the unanimous dictate of Christian conscience. Furthermore, the statement of the representative of Lebanon, who had appeared before the Committee as the spokesman for the Moslem world, generously handing over to a partnership with the Christian world all the Holy Places of Jerusalem, was in strange contrast with the absence of any such offer by the representative of the Moslem dynasty which controlled all of the Holy Places of the three world religions in Jerusalem. In 1947 the entire Moslem world had vehemently opposed the idea of a separate régime and the current debate indicated that Moslem opinion was in no sense united in support of internationalization.

30. Finally, the Chief Rabbis of Israel had advocated the international supervision and protection of all Holy Places, together with the maintenance of the connexion between Jerusalem and the State of Israel.

31. Thus, in the light of history and the contemporary religious scene, no delegation was entitled to claim that only the supporters of the statute of November 1947 were animated by religious sincerity and by the spiritual interests of mankind.

32. A third and very serious criticism had been advanced, in the course of the Committee's discussion, against the principles underlying his Government's position. The Committee had been urged not to attach too much weight to current facts in Jerusalem, particularly to the fact that Israel was exercising all the functions of governmental authority in the New City. It had repeatedly been alleged that that fact arose out of an illegitimate situation resting on military conquest rather than on law. The Committee had been warned against the ratification of accomplished facts, and the representative of Egypt had said at the 45th meeting that the United Nations had been confronted with a series of acts designed to prevent internationalization and thus to thwart the will of the United Nations. That statement had referred not to the Egyptian invasion of Palestine and the assault by Egyptian forces upon Jerusalem itself, with the aim of preventing internationalization, but to the measures taken by Israel in promoting the institutional development and economic rehabilitation of the city under its own governmental control.

33. The representative of Greece had spoken, at the 46th meeting, of defiance of United Nations authority and had used the term "aggression" in relation to the situation in Jerusalem. The representative of Australia had expressed, at the 43rd meeting, the view that the total integration of the Jewish area into the structure of the Government of Israel should be regarded as contrary to the spirit and letter of previous United Nations decisions.

34. In thus questioning the legitimacy of Israel's position in Jerusalem, those representatives had inevitably been led towards proposals for disrupting Jerusalem's institutions, rescinding laws and measures adopted under the authority of the Government of Israel, and advocating as a desirable if unattainable end, the banishment of the Government of Israel from the exercise of its functions in favour of other authorities presumably endowed with a more legitimate right to impose their will on the population of Jerusalem.

35. The delegation of Israel had listened with growing amazement to the views expressed. The question whether Israel's rule in Jerusalem constituted an act of aggression or conquest, or was in accordance with the elementary principles of self-defence, self-determination, democracy and government by consent, could best be answered by speculating what the position would have been if that Government of Israel had declined to accept governmental duties and responsibilities in Jerusalem. When, on 15 May 1948, the Mandatory Power had completed the withdrawal of its governmental machine and security forces, no authority had existed in Jerusalem to interfere with the exercise by the United Nations of the authority which it had claimed and received. At that time Jerusalem had theoretically and potentially been the undisputed domain of the United Nations. In that unique status, the Holy City had been subjected to assault by Arab forces and had been ravaged by incomparable devastation and anarchy. In the heroic struggle of the beleaguered city, the State of Israel alone, though itself in not much better circumstances at that time, had supplied assistance and preserved Jerusalem from annihilation.

36. That had been the beginning of the process which had been described as aggressive, illegitimate, inappropriate and contrary to the letter and spirit of the United Nations decisions. If those accusations were at all true, it was presumably an "act of aggression" for the Government of Israel to have constructed, under enemy fire, a road for the relief of Jerusalem and it was a *"fait accompli"* by that Government which had restored a minimum water supply to the city. The "inappropriate" activity on the part of the Government of Israel had taken place when Jerusalem was beset by anarchy and dissidence through lack of organized governmental machinery. The Government of Israel had established first a military Government, then a civil administration, which had later merged into a complete union with the administrative structure of Israel itself. The Government of Israel had also made lavish financial contributions in order to restore the economy of Jerusalem and to speed its rehabilitation.

37. In the political sphere the Government of Israel had concluded an international agreement[1] under United Nations auspices which had brought the situation in Jerusalem under the sanction of international law, resting upon mutual consent and making possible a substantial decrease in military tension. Thus the alleged

[1] See *Official Records of the Security Council*, Fourth Year, Special Supplement No. 1.

illegitimate aggression of Israel was embodied in the Security Council's Official Records and was registered with the Secretary-General as a valid international agreement requiring that Government to exercise jurisdiction for the maintenance of law and order in the city.

38. The central theme of the Committee's discussion had been the legal and moral validity, as well as the practical effect, of Israel's existing authority in Jerusalem. The crux of the entire matter was the degree to which the General Assembly should seek to confirm or undermine that authority. It was surprising to hear such invidious attacks against a process of valiant defence which, in the nick of time, had saved the people of Jerusalem from the worst consequences of unfortunate international failure. It might be asked whether the advocates of juridical legitimacy would have preferred to see Jerusalem suffer its great ordeal without assistance, and perish in isolation.

39. He freely admitted that many of the activities of the Government of Israel to ensure the survival and rehabilitation of Jerusalem might have been said to conflict juridically with the letter of the United Nations resolutions. Yet day by day, in activities alleged to be inappropriate, the Government of Israel was intervening at great effort and at considerable cost to sustain Jerusalem, while no international organization was taking any action to that end. The Jews of Jerusalem were living under a democratic and efficient Government and were an integral part of the State of Israel. In no circumstances could the Government of Israel conceive that the integration of Jewish Jerusalem with the State of Israel was open to any justified reproach from international bodies. If Jerusalem had waited passively for international action, the city would have been a graveyard and a shambles. The rescue of the Holy City was one of the most illustrious achievements of the new State of Israel, and constituted a greater act of reverence than eloquent speeches about Jerusalem's sanctity. The position of the Government of Israel in Jerusalem rested squarely upon the foundation of morality and law. The integration of Jewish Jerusalem into the life of Israel could not be deplored unless the restoration of peace in Jerusalem was also deplored. It was integration which had accomplished and made possible restoration of peace in Jerusalem. Moreover, the only moment in modern times when Jerusalem had faced the danger of destruction was the moment when it was withdrawn from the authority of any State.

40. Summing up his delegation's reaction to the three main points of criticism, Mr. Eban said that Israel's views on Jerusalem were completely identical with the views previously expressed and represented no deviation from the policies on the basis of which Israel had sought admission to membership of the United Nations. While it was true that Israel no longer regarded the 1947 statute as a just or realistic solution in current conditions, that conviction was shared by many important sections of international and religious opinion. Israel, as the only State which had sacrificed the lives of its citizens in defence of the November 1947 resolution against armed assault, could not be reproached if it frankly confronted the effects of the non-implementation of that resolution by the United Nations, and the consequent revolution in the life of Jerusalem. Israel had the right and the duty to seek a new solution in conformity with the justice and reality of the present. Finally, the integration of Jewish Jerusalem into the life of Israel was not an accomplished fact produced by illegitimate force but a situation fully sanctioned by the circumstances out of which it had arisen, by the legal basis on which it rested, and by the overriding principles of the Charter upholding self-preservation, self-determination and government by consent.

41. In view of the prospect of early discussion of concrete proposals by a sub-committee, he wished to make only a few general reflections of principle regarding the four categories of solutions which had been suggested. First, the Australian draft resolution (A/AC.31/L.37) advocated the implementation in 1951 of the draft statute for Jerusalem prepared in 1947. Secondly, the United States favoured (43rd meeting) the adoption of a resolution on the basis of the report of the Conciliation Commission for Palestine. Thirdly, the Government of Israel advocated (A/AC.31/L.34) the establishment of a functional system of internationalization whereby a United Nations representative would exercise jurisdiction for the protection of the Holy Places which were the original source of international interest in Jerusalem. That control could apply to each Holy Place individually or could be extended to the limited area in which Holy Places were uniquely concentrated within the walls of historic Jerusalem. With regard to the Jewish area, Israel considered a formal agreement as the most effective and binding method of implementing United Nations jurisdiction of the Holy Places. The main point was the substance of United Nations supervision of the Holy Places. The method suggested by Israel was only one particular form of achieving such supervision. Finally, the representative of the Hashemite Kingdom of the Jordan had proposed (46th meeting) that existing agreements and positions should be maintained and that the Holy Places should be left entirely to the care and responsibility of the Hashemite Kingdom's Government. The distinction between that position and the position of Israel was that Jordan, unlike Israel, was not inviting the United Nations to exercise any functions of direct control over the Holy Places.

42. The delegation of Israel was convinced that the test for the Australian proposal and all those allied with it was their capacity to offer a practical solution of the Jerusalem problem in the prevailing circumstances. The mere fact that the Australian draft resolution reaffirmed the decision of 1947 was not enough to warrant its adoption; the point at issue was whether the application of that decision would be just and practicable in the year 1949 and thereafter. The Committee, which was a responsible body competent to evolve a settlement for the Jerusalem problem, should not abandon its freedom of judgment by relying blindly upon a decision taken two years previously.

43. The overriding issue was current applicability and implementation. The Australian draft resolution proposed to cut off from the State of Israel a city bound to that State by innumerable

links; but it was by no means clear how that was to be done. It was questionable whether the Jewish population of Jerusalem would consent to transfer its loyalty and obedience from Israel to a new authority imposed from outside. A people already in complete union with a Government it had accepted had never in history voluntarily reverted to semi-autonomy under foreign rule. The United Nations could hardly convert an independent area into a perpetual Non-Self-Governing Territory. Furthermore, there was the question of enforcement if the proposed régime were not voluntarily accepted by the people of Jerusalem, who might not choose to renounce the privileges and obligations of Israel citizenship. It was surely not being seriously proposed that the Jews of Jerusalem should be prevented from participating in Israel's elections, going before Israel's courts, travelling on Israel passports, or enlisting in Israel's forces. He doubted if the representative of Australia had means at his disposal whereby to disfranchise, denationalize and subjugate 100,000 loyal Israel citizens against their will. It was equally unclear by what methods the authors of the proposal meant to compensate Jerusalem for the loss of the economic and financial influences of Israel, maintain the city as a self-supporting economic unit, protect it against possible aggression from outside, or ensure the maintenance of law and order within it. Unless a convincing and practical answer to all those questions could be given, the authors and supporters of the proposal could hardly invite the General Assembly to affirm that the principles underlying its resolution of 29 November 1947 represented a just and equitable settlement of the Jerusalem problem at the present day. Even a cursory examination of the problem of implementation must convince the Member States, including the adherents of the Australian proposal, of the latter's impracticability. Any attempt to reverse the course of history would generate confusion and resistance, and would in any case frustrate the avowed religious and universal purposes of the proposal. No true friend of the United Nations should accept a resolution which did not contain a single principle of implementation.

44. The representative of Syria, with slight respect for fact and history, had tried at the 44th meeting to suggest that in 1948 Jerusalem had been surrounded and besieged by Jewish forces. The records of the Security Council showed that violence had been initiated in Jerusalem by Arab forces. The Arab States, which had initiated the warfare, could not clear themselves of full responsibility for the violence which had ensued. Having been guilty of the first and only attempt to overthrow a resolution of the General Assembly by force, and having caused the only breach of international peace ever determined by the Security Council under Chapter VII of the Charter, they could not pose as the innocent victims of unprovoked attack.

45. In the light of the record, it was clear that the Arab States' insistence on the 1947 statute was certainly not due to high-minded principles. Egypt, Syria and Lebanon had not merely opposed the 1947 statute at the time it was under consideration; they had done their utmost to prevent its implementation, both by political opposition in the United Nations and by the violent assault of the Arab armies in the field. Egypt, which was urging observance of the resolution of 29 November 1947, had actually led the fight against internationalization during the decisive debates of May 1948; its armies had attempted the conquest of Jerusalem and Bethlehem; together with Syria and Lebanon, it had prevented the General Assembly from establishing its authority in Jerusalem on the eve of the expiration of the Mandate. It was abundantly clear that those States, which had resisted internationalization when the alternative had appeared to be full Arab domination, were championing it as a method of ejecting Israel from Jerusalem or of settling scores within the divided Arab world. Their object was not the positive one of establishing international rule in Jerusalem, but the negative one of eliminating the authority of Israel from the city. Those who had violated an Assembly resolution by force were hardly entitled to appear as its disinterested and pious champions after the event.

46. The representative of Syria had said that he wished to reconstruct the complex pattern of the 1947 resolution. But it was impossible to reconstruct a pattern once it had been destroyed. The fact was that many of the supporters of the Australian draft resolution were guided by motives very different from those of its authors. It should be recognized once and for all that while those Arab States which had no Holy Places under their control proclaimed their willingness to offer them to the international community, the one Arab State which controlled nearly all the Holy Places of Jerusalem refused the United Nations the slightest vestige of control or supervision.

47. It might appear at first sight that the proposals of the Conciliation Commission involved a much less abrupt departure from reality than those submitted by the Australian delegation. However, the Conciliation Commission's draft also failed in the test of implementation because it aspired, in many spheres, to substitute separation for indissoluble unity. In many important respects, the text of the draft instrument could not even be reconciled with the objectives defined by its authors in their interpretative document of 12 November 1949 (A/973/Add.1). Thus, while that document declared that the Government of Israel and the inhabitants of the Jewish area were to decide which political régime should prevail in that area, the original text of the draft instrument did not confer upon the Government of Israel any of the normal powers of government. Articles 4 and 5 denied to that Government the capacity to control the movement of people and institutions in Jerusalem, while article 21 denied Israel the right to maintain its international agreements with its neighbours, although the continued observance of those agreements had been demanded from Israel by the Security Council.

48. The representative of Egypt had been entirely correct in criticizing articles 10 to 13 of the draft instrument as representing an impossible attempt to impose co-operation on two independent authorities. Co-operation in Jerusalem was possible, but only if based on the free and spontaneous agreement of its peoples.

49. According to the draft instrument, the United Nations commissioner, and the General

Council were to enjoy extremely wide powers. The Commission's statement of 12 November 1949 indicated that considerable restrictions upon those powers were contemplated; the commissioner was to be responsible primarily for the protection and supervision of the Holy Places and the General Council was to be a purely advisory and consultative body. The United States representative had stated that the tribunals established under the draft instrument were not intended to set aside any part of the jurisdiction of existing courts; but the actual text of the draft implied the contrary. Similarly, while, according to the statement of 12 November 1949, the United Nations was to concern itself exclusively with matters affecting the international community, the draft instrument itself contained numerous instances of overlapping and conflicting responsibilities. If the draft recognized the Government of Israel as the responsible authority in Jewish Jerusalem, none of the functions entrusted to the newly established organs could be carried out unless there was a clear functional distinction between the secular and the religious domain, with the Government of Israel maintaining its full responsibilities in the former and the United Nations organs concerning themselves exclusively with the latter.

50. The supporters of the draft instrument would have to explain at an early stage how the proposed demilitarization could be reconciled with the armistice agreements, on the plane of law, and with the vital security needs of the Jewish City, on the plane of reality. The prospect of renewed hostilities had frequently been invoked as an argument in favour of demilitarization or complete internationalization. Yet, on 4 August 1949, Mr. Bunche, the Acting Mediator, had told the Security Council that the armistice agreements were proving very effective and that no action should be taken which might question the good faith or the future intentions of the parties to those agreements.[1] At that time, the United States representative in the Council had remarked that the Security Council had received effective pledges of mutual non-aggression. Mr. Eban further recalled that, when his delegation had asked whether the prospects of peace were sufficiently strong to permit the early lifting of all arms restrictions, the Security Council had unanimously replied in the affirmative.

51. The delegation of Israel was fully aware of the provisional nature of the armistice agreements. But while those agreements were in force, they had to be considered binding and effective. It would seem therefore that the dire predictions of the advocates of demilitarization were both unfounded and irresponsible. Mr. Eban hoped that a reply would be given to the question which his delegation had already asked twice during the current session: How could the demilitarization of Jerusalem give equal security to both areas, when in point of fact the Jewish area was surrounded on three sides by an Arab hinterland, so that the dismissal of all forces from Jerusalem would place the Jewish area at the mercy of the Arabs?

52. Those were the main reasons why the delegation of Israel was compelled to regard the Conciliation Commission's proposal as basically unacceptable in any form or interpretation. While seeming to acknowledge some of the fundamental defects of complete internationalization, the plan was still not free from the influences of that doctrine. The dilemma could be solved only by abandoning the entire administrative and judicial structure, and frankly defining the purposes and obligations of the United Nations solely in terms of the protection of religious interests.

53. The draft resolution and draft agreement submitted by the delegation of Israel (A/AC.31/L.42) offered a clear and workable solution. The Government of Israel was convinced that it was the Holy Places and religious sanctuaries which were both the source and the justification of special United Nations concern for the City of Jerusalem. If the General Assembly at its current session could take adequate agreed measures for the protection of the Holy Places, it would have secured the main objectives of international interest. Indeed, when the Palestine problem had first come before the United Nations, the special question of Jerusalem had been explicitly defined in terms of the existence of Holy Places and sites.

54. Religious leaders on behalf of the Vatican and the Custos of the Holy Land had testified that their concern was not for any particular political régime, but for guarantees of the protection and accessibility of the Holy Places within the framework of whatever political régime might prevail in the area or in any part of it. Some religious leaders had, quite understandably, allowed religious interests to prevail over the rights and sentiments of the population of Jerusalem. But the United Nations owed a duty not only to religious aspirations but also to legitimate political realities; it should seek to harmonize the two rather than subject one to the other. The solution clearly lay in a division between the realms of secular government and of religious interests. In the former field, the Jewish people of Jerusalem and their Government could not be denied full rights of self-expression. In the latter, the United Nations should operate unhampered as the agent of the international community, holding the sanctuaries of the world's religions in sacred trust.

55. The representative of Lebanon had declared at the 48th meeting that the United Nations interest in Jerusalem was primarily religious and not political. The logic of his own statement should compel him to support an arrangement under which the functions of the United Nations would be exercised in the religious field alone. The principle of the self-determination of peoples applied in the political field. Accordingly, the Government of Israel did not subordinate the religious interest to the political, or vice versa. All aspects, religious and political, national and international, particular and universal, could and must be harmonized and co-ordinated.

56. The most effective means of establishing United Nations control over Holy Places within the Israel area would be an act of formal agreement concluded between the United Nations and Israel pursuant to a resolution of the General Assembly itself. The Government of Israel was also willing to bring Holy Places outside Jerusalem under an appropriate form of United Nations supervision, and to make solemn declarations and give binding guarantees with regard to the freedom of all religious institutions to pursue their worship and their social and charitable

[1] See *Official Records of the Security Council*, Fourth Year, No. 36, 433rd and 434th meetings.

work with the full support and co-operation of the civil authorities and with all traditional immunities.

57. Many speakers in the debate had seemed hardly aware of the subsidiary extent to which the problem of the Holy Places currently fell within Israel's responsibility. All the Holy Places as defined in 1757, as well as the three Holy Sites which, by commonly accepted practice, had come to be treated on the same footing, were within the area under the control of the Hashemite Kingdom of Jordan. That fact stressed the illogical nature of any proposal seeking to deprive Jewish Jerusalem, built since the late nineteenth century outside the sacred walls, of its independence for the sake of Holy Places which it did not contain. The problem of the Holy Places was largely confined to the Walled City, which covered only a little more than one square mile. In the larger sense, the religious problem of Jerusalem was a function of the relations between Christianity and Judaism, on the one hand, and Islam on the other, for all the Holy Places in Jerusalem, whether belonging to Christianity, Judaism or Islam itself, were in Moslem hands. The Arab Government in control of all those Holy Places had ignored any claim for United Nations jurisdiction, whereas Israel offered to accept that jurisdiction over the Holy Places. In those circumstances, it was hardly possible to claim that the forcible disturbance of government and authority in the new city would be justified in terms of accepted universal religious interests.

58. The delegation of Israel hoped that a close study of those and other relevant facts would make it possible for both the religious and the national factors to be examined in their true proportion with a view to their ultimate co-ordination. It would continue the search for a solution which would take both factors fully into consideration.

59. The delegation of Israel doubted that any delegation would be able to assert that any proposal so far submitted could rival his delegation's proposal in realism, harmony and capacity of immediate implementation. Only a free, independent, self-reliant and contented population in Jerusalem could generate an atmosphere of tranquil harmony wherein the contemplation of the Holy City might inspire the reverent thoughts and memories of mankind.

60. Mr. AL- JAMALI (Iraq) denied that the Arab States, including his own country, had been guilty of aggression in Palestine, as the representative of Israel had asserted.

61. It was no secret that the Arab States had opposed the General Assembly's decision of November 1947; but they had not intended to defy that decision. Mr. Al-Jamali recalled that in November 1947, he had warned the Assembly[1] that the population of Palestine would not acquiesce in the decision on partition. That was precisely what had happened.

62. Under the British Mandate, the Jews in Palestine had been in a position to build up a trained military force, an opportunity which had been denied to the Arabs. Consequently, massacres had taken place in the period between the adoption of the resolution of 29 November 1947 and the expiration of the British Mandate in May 1948. The effects of those massacres had been that 280,000 Arabs fled from Palestine in that period, and the Arab States had felt that it was their duty to act in defence of the helpless Arab population of Palestine.

63. None of the Arab States had entered Palestine in defiance of the United Nations or as aggressors; they had done so only to save the lives of the victims of Jewish aggression.

64. As to the question of Jerusalem, the Arab States were united in the firm belief that Jerusalem should, in all justice, be an Arab city. Some of them did, however, feel that complete internationalization was acceptable as a means of warding off the danger of Zionist expansionism.

The meeting rose at 1.10 p.m.

FIFTIETH MEETING

Held at Lake Success, New York, on Tuesday, 29 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973/ADD.1) (*concluded*)

1. MOSTAFA Bey (Egypt) said that; in reply to the charges of having unleashed a war of aggression in Palestine which had been levelled against the Arab States by the delegation of Israel at the 48th meeting, he would merely express his agreement with the observations made on that subject by the representative of Iraq at the same meeting. He added that the various attempts which had been made, during the consideration of the Palestine question by the Security Council, to have the Arab States stigmatized as aggressors, had failed; the Arab States had not been described as such in any of the resolutions of the Security Council.

2. Mr. GARCÍA BAUER (Guatemala) said his delegation shared the concern expressed by all delegations with regard to the protection of the Holy Places throughout Palestine. The people of Guatemala, who were for the most part Catholic, had followed with great anxiety the events in Palestine in recent years, which had endangered religious peace. Guatemala felt that the Holy Places and the religious monuments and sites should be protected, and that free access to the Holy Places should be guaranteed, since they belonged to the three principal religions of the world: Christianity, Islam and Judaism.

3. The Conciliation Commission, created by General Assembly resolution 194 (III) of 11 December 1948, had suggested in its draft instru-

[1] See document A/AC.14/SR.34.

ment (A/973) the establishment in Jerusalem of two zones, one Arab, one Jewish, the appointment of a United Nations commissioner, and the creation of certain organs to ensure the internationalization of Jerusalem within the limits specified by the draft instrument. The idea that Jerusalem would constitute a *corpus separatum*, although submitted in a slightly different form in the Conciliation Commission's draft instrument, had already been envisaged in resolution 181 (II) of 29 November 1947.

4. Without going into the details of the Conciliation Commission's proposals, he wished to draw attention to those aspects of them which concerned the principle of the internationalization of Jerusalem. In that connexion he recalled the terms of the resolution of 29 November 1947.

5. The Australian draft resolution (A/AC.31/L.37) reaffirmed the fundamental principle of the internationalization of Jerusalem; on the other hand, the delegation of Israel proposed (A/AC.31/L.42) the establishment of a system of functional internationalization providing for the protection of the Holy Places and shrines by means of an agreement between the United Nations and the State of Israel. Those were the two theses before the Committee.

6. The delegation of Guatemala considered that the international protection of the Holy Places and shrines should not be confined to the Jerusalem area, but should extend to the whole of Palestine.

7. It could not accept references to *faits accomplis* in connexion with a question which concerned the heritage of all mankind.

8. His delegation did not mean to imply that the United Nations, when considering the problem, should not take account of the existing situation in Palestine, which had certainly changed since the resolution of 29 November 1947 had been adopted. The City of Jerusalem was divided into two zones in accordance with the terms of the armistice agreement between Israel and Jordan.[1] Israel occupied the New City, and Jordan the Old City. It was in the latter that almost all the religious monuments and the Holy Places of Jerusalem were situated.

9. The representatives of Israel and Jordan had expressed the opposition of their Governments to the internationalization of the Jerusalem area, and that fact should be taken into account in considering the adoption of any plan; otherwise the plan would not work and the Holy Places and the religious buildings and monuments of Jerusalem would not be effectively safeguarded.

10. The speaker referred to the most important questions raised by the French delegation at the 46th meeting. Moreover, he recalled that the representative of Uruguay had mentioned, at the 47th meeting, the Lateran Treaty when speaking of another form of internationalization for the protection of religious buildings.

11. Before coming to a decision, the United Nations should carefully consider all aspects of the question. For that reason the delegation of Guatemala was in favour of setting up a sub-committee to study all the proposals which had been made, as well as any further ones which might be submitted.

12. Finally, the delegation of Guatemala repeated that it was in favour of the principle of the international protection of the Holy Places and religious monuments and buildings, and of guaranteed free access thereto, not only in Jerusalem but throughout Palestine. It was in accordance with that principle that it would consider the report of the sub-committee which was to be established.

13. General McNAUGHTON (Canada) said that, in the opinion of his delegation, the resolution of 11 December 1948 was complete, as it set forth the explicit terms of reference of the Conciliation Commission. Moreover, his delegation considered that the resolution of 29 November 1947 should be regarded in the light of the changed circumstances.

14. The resolution of 11 December 1948 stipulated that the Conciliation Commission was to make proposals providing for "the maximum local autonomy for distinctive groups"; this meant that the Commission should take into account the new elements of the situation which had developed since 29 November 1947.

15. Of course, maximum local autonomy for the Arab and Jewish communities of Jerusalem was subject to the primary requirement of an effective United Nations control with full safeguards for the protection of the Holy Places, as well as free access to them, and for religious freedom.

16. Thus the first question which arose was what kind of United Nations control was required to ensure the effective protection of, and free access to, the Holy Places, as well as religious freedom. His delegation continued to believe that those matters should be organized under international authority, in view of the danger of religious struggles among the Christians, Moslems and Jews of that unique city.

17. The next question was the extent of international control which would, on the one hand, safeguard effectively the religious interests and, on the other hand, leave maximum local autonomy to the two main groups of the population of Jerusalem. In that connexion his delegation considered that the plan of the Conciliation Commission offered an acceptable basis for discussion. Those proposals might well have to be strengthened, as many representatives had suggested. Generally speaking, however, they seemed to be in accord with the resolution of 11 December 1948, and nothing had happened since that date to suggest that any radically different solution should be considered. The Conciliation Commission's plan appeared to provide for the interests of the peoples of Jerusalem and, at the same time, to offer a way to give effect to the basic principle of the protection of the Holy Places and freedom of access thereto.

18. It offered a much simpler and less arbitrary scheme of international control than that proposed by the Trusteeship Council in April 1948,[2] under which an undivided Jerusalem would have been ruled, under the Trusteeship Council, by a

[1] See *Official Records of the Security Council*, Fourth year, special supplement No. 1.

[2] See *Official Records of the Trusteeship Council*, third part of the second session, annex, document T/118/Rev.2.

United Nations governor, exercising full executive power and authorized during emergencies to exercise legislative power as well.

19. His delegation thought that the Conciliation Commission's plan was more practical in that it accepted the existing fact of a divided Jerusalem. The duties of the United Nations representative which it proposed were restricted to what was essential, and other matters were left to the competence of responsible Arab and Israel municipal authorities, with adequate provision so that they could co-operate in their common interest through the mechanism of the tribunals and the General Council to be created under the plan. Unlike the former proposals of the Trusteeship Council, the Conciliation Commission's plan had been drafted only after the matters at issue had been discussed both in Palestine and at Lausanne with the Arab and Israel authorities. While those discussions had not succeeded in producing an agreed solution, nevertheless the Conciliation Commission had at least had the benefit of the views of the two parties concerned, and it had been able to evaluate the considerations in the light of circumstances.

20. His delegation, therefore, supported the Conciliation Commission's draft statute (A/973) as a basis for discussion, and suggested that the sub-committee should adjust the provisions of that plan as might be found necessary, bearing in mind the two essential elements of the resolution of 11 December 1948: the effective safeguarding of the Holy Places, as a first and paramount requirement, and maximum local autonomy, as a second requirement.

21. It might be found expedient to amend the wording of the Conciliation Commission's proposals to make it abundantly clear that the first requirement should take precedence over the second, and further, that the General Assembly would continue to have the duty to keep the situation constantly under review so that, if arrangements made in relation to the Holy Places should not prove to be satisfactory, it could effect whatever revision it might deem necessary.

22. The General Assembly could, of course, decide to go back to the resolution of 29 November 1947, if it so wished. In such a case, however, it would be necessary to make sure that the United Nations not only desired to establish an international city, on the grounds that that far-reaching solution was really necessary for the purpose in view, but also that the Organization would be willing to assume the heavy financial, administrative and military obligations which a territorial internationalization would entail.

23. He recalled the statement of the representative of France on the issue, and said that the Assembly would fail to serve either the interests of the international religious community or of the people who lived in Jerusalem if it adopted such an ambitious plan without being satisfied that it was really essential, and without being fully determined to carry it out in the face of the vigorous opposition which it would certainly arouse.

24. His delegation shared the view expressed on two occasions (46th and 48th meetings) by the representative of Lebanon, that something had to be done at once if something was to be done at all. Postponement of action would lessen the authority of the United Nations and would encourage the forces tending to new *faits accomplis,* which might make it more difficult to ensure the kind of internationalization deemed necessary for safeguarding the paramount religious interests in Jerusalem.

25. Finally, his delegation recognized the genuine and legitimate desire of the two main groups which inhabited the city to administer their own affairs in the closest possible relation with their respective States, and also recognized that if their legitimate aspirations were met in that regard, the protection of the Holy Places would rest on a more enduring foundation.

26. The Conciliation Commission's plan, in its broad outlines and with the modification that had been indicated, seemed to contain the formula which best met such desires without endangering the international religious interests with which all were primarily concerned. His delegation regarded the Conciliation Commission's plan not as a compromise, but as the basis for an effective long-term solution in which all interests would have been duly taken into account.

27. In conclusion, General McNaughton hoped that all the Governments concerned would recognize the necessities of the position and that they would fully explain those necessities to their peoples. In that respect he considered that a particular responsibility rested with the State of Israel, since it had been made clear to that State, when it was admitted to membership in the United Nations, that the world counted on a solution of the problem of Jerusalem which would be satisfactory to all parties. Canada had supported Israel's application for membership in the confidence that expectations in regard to the proper protection of, and access to, the Holy Places would be fulfilled in the spirit of the resolutions of the General Assembly and the Security Council, and of the aims and purposes of the United Nations. His delegation trusted that the Government of Israel would agree to fulfil its part of those obligations in good faith.

28. Mr. TSARAPKIN (Union of Soviet Socialist Republics) recalled that the General Assembly had adopted on 29 November 1947 a resolution that two independent States should be established in Palestine, one Arab and the other Jewish, and that a special international régime should be set up for Jerusalem. Jerusalem was to be a *corpus separatum,* administered by the Trusteeship Council on behalf of the United Nations. Thus the resolution of 29 November 1947 placed three essential tasks before the United Nations: first, the creation of an independent Jewish State; secondly, the creation of an independent Arab State, and thirdly, the establishment of an international régime for Jerusalem.

29. The first of those tasks had been accomplished and the State of Israel had been created. In regard to the second, things were very different. In fact, not only had no independent Arab State been set up in Palestine, but the territory provided in Palestine for that State had been seized by "Transjordan" and occupied by the troops of King Abdullah, led by the British General Glubb Pasha. Likewise, the international régime for Jerusalem had not yet been established, although there had been no valid reason

for delaying application of the General Assembly resolution providing for the establishment of such a régime.

30. In order to rectify the situation and eliminate the obstacles to the accomplishment of those two essential tasks, it was important that the real causes at the root of the situation should first of all be realized. The essential cause lay in the desperate efforts made by the United Kingdom and the United States to obtain the revision of the resolution of 29 November 1947 in order to satisfy their imperialistic aims in the Middle East. In the spring of 1948, the United Kingdom and the United States had managed to have a special session of the General Assembly convened, and the United States delegation had submitted a plan to establish a trusteeship over the whole of Palestine.[1] The United States was thus going against the interests of the Arab and Jewish populations of Palestine which, under the resolution of 29 November 1947, had been entitled to create their own Governments. That was exactly what the United Kingdom and the United States had wished to avoid at any price, for the establishment of such Governments would block their imperialistic aims in the Middle East. The General Assembly rejected the United States plan.

31. The United States and the United Kingdom, however, did not abandon their efforts on that account, and on 14 May 1948 they had succeeded in obtaining the adoption of resolution 186 (S-2) appointing a United Nations Mediator for Palestine. Although that resolution had assigned only advisory and conciliatory functions to the Mediator, the United States and the United Kingdom had none the less been able to direct his activities to suit their interests. The Mediator had not confined himself to his duties as such; he had worked out a draft settlement for the Palestine problem at variance with the draft settlement set forth in the resolution of 29 November 1947. The objectives pursued by the United States and the United Kingdom in Palestine at a time when the State of Israel was already in existence had been reflected in the plan which the Mediator had submitted for consideration to the Arabs and the Jews during the month of June 1948.[2] In fact, instead of the creation of two independent States in Palestine, one Arab and the other Jewish, according to the resolution of 29 November 1947, the Mediator's plan had aimed at establishing a single Government in the form of a union between Israel and "Transjordan". It was thus clear that the United Kingdom, with the active support of the United States, had wanted to regain control of Palestine, "Transjordan" being merely a puppet in the hands of the United Kingdom. The Mediator's proposal had been rejected both by the Arabs and the Jews.

32. At the third session of the General Assembly, the Mediator had submitted new proposals[3] which had also been designed to secure the union of "Transjordan" with Palestine. As, however, the State of Israel had by that time achieved complete independence, the plan had provided for the union of "Transjordan" with only that part of Palestine which the resolution of 29 November 1947 had indicated as the territory for an independent Arab State. The plan had met with severe and perfectly justified criticism from an overwhelming majority of the Members of the General Assembly, and its imperialist nature had been brought to light in a striking manner. The General Assembly had rejected it, for the majority was opposed to the efforts made by the United Kingdom to regain its lost influence in Palestine and recover control of that area. Thus the United States and the United Kingdom had been unable to obtain from the General Assembly the decision which would have excellently served their interests. But they did not give up all hope, and attempted to have their plan adopted in a less open form; for them, the General Assembly's decision of 29 November 1947 had been a dead letter, so they had tried to present the United Nations with a *fait accompli.*

33. The Arab Legion of "Transjordan" had invaded Palestine and occupied that part of the country which, according to the General Assembly's decision, was to be the territory of the independent Arab State. The General Assembly was currently being asked to bow before that act of aggression, and to ratify, with all the authority of the United Nations, the Arab invasion of that part of Palestine. Mr. Tsarapkin emphasized that no one had asked the Arab populations of the area for their opinion on the problem. The Arab population had been given no opportunity of freely expressing its will or deciding whether the territories which had been earmarked for an independent Arab State should be annexed by "Transjordan".

34. The representatives of the Arab population of Palestine had never said that they had accepted such annexation, and current events in the Arab area of Palestine furnished evidence not only of the existence of a movement of public opinion in favour of the creation of an independent Arab State in Palestine, but also of the very rapid growth of that movement, which was affecting ever-increasing masses of the population. It should be pointed out that the movement was growing constantly despite the persecution to which its supporters were subjected by the occupation authorities of "Transjordan", and that it had the support alike of the Palestine National Congress, the General Committee on Refugees, and the Liberal Party. Mr. Tsarapkin referred in that connexion to the memorandum addressed to the Secretary-General by the Organization of Arab Palestine in August 1949, which furnished abundant evidence of the Arab population's desire to see an independent Arab State set up in Palestine according to the General Assembly's resolution of 29 November 1947. Even those Arab leaders who had formerly entertained some illusions concerning King Abdullah of "Transjordan" gave their fullest support to the Organization of Arab Palestine and the programme it set forth in the memorandum submitted to the Secretary-General of the United Nations.

35. The USSR delegation thought that it was the General Assembly's duty to put an end to the intrigues of the United Kingdom and the United States in Palestine, thereby removing the

[1] See *Official Records of the second special session of the General Assembly*, annex to volumes I and II, document A/C.1/277.

[2] See *Official Records of the Security Council, Third Year*, Supplement for July, document S/863.

[3] See *Official Records of the third session of the General Assembly*, Supplement No. 11, Part one, section VIII.

obstacles to the creation of an independent Arab State. Such a State should be created, just as the State of Israel had been created.

36. He then turned to the problem of Jerusalem. He stressed the fact that, if an international régime had not yet been established in Palestine, it was because the policy followed there by the United Kingdom and the United States had constantly opposed the achievement of that essential objective contained in the resolution of November 1947. It was not the first time that, from the rostrum of the United Nations, speakers had pointed out the danger of "Transjordan's" expansionist aims, which the United Kingdom was utilizing to serve its imperialist interests. It was the United Kingdom that had prompted King Abdullah to invade Palestine, with troops armed with British weapons and led by British officers.

37. In the path of British imperialism, however, there was an insurmountable obstacle: the General Assembly resolution which provided for the establishment in Jerusalem of a permanent international régime. In order to avoid direct conflict with the United Nations should the forces of King Abdullah invade Jerusalem after the city had been placed under the international control and United Nations administration, the United Kingdom, supported by the United States, had made every possible effort to prevent the application of the resolution of 29 November 1947. That attempt had been crowned with success.

38. In the spring of 1948, the Trusteeship Council, acting on its own account and without any instructions from the General Assembly authorizing it to do so, had discontinued its study of the status of Jerusalem at a time when work on the subject had reached its final stage.[1] Jerusalem was therefore without a statute, without an international régime, and without United Nations administration.

39. Such a situation could only play into the hands of King Abdullah and help him to effect the invasion of the city. Jerusalem was therefore divided into two zones, one controlled by Israel and the other by "Transjordan". It was clear that it was that situation, established in direct opposition to the General Assembly's decision, which was the main obstacle to the creation of an international régime in Jerusalem.

40. It should also be noted that the proposals advanced by the Conciliation Commission tended to confirm the situation which had been thus illegally established in Jerusalem, and to legalize the division of the city into two zones. True, the report of the Conciliation Commission attempted to disguise those obvious aims under an apparent desire for internationalization. Analysis of the Commission's proposals clearly showed, however, that they disregarded the fundamental conditions of internationalization as defined in the resolution of 29 November 1947. The masters of Jerusalem would, in fact, be the Powers which now occupied the city, and which, in violation of the General Assembly resolution, had divided the city into two zones.

41. The Conciliation Commission's plan had therefore been drawn up to replace the express provisions of the resolution of 29 November 1947, and to legalize the partition of the City of Jerusalem. It was a plan inspired from Anglo-American sources, and it was intended to strengthen the interests of those two countries in an area of vital political and strategic importance. The representatives of the United States and the United Kingdom had, moreover, stated that they warmly supported it, just as they had supported the Mediator's plan at the third session. The plan of the United States and the United Kingdom had not changed. While it had been modified in some of its details, the essence had remained the same. As in the past, the General Assembly could only reject it. The discussions had clearly shown that the majority of delegations were in favour of applying the equitable régime laid down in the resolution of 29 November 1947.

42. He then considered the Australian draft resolution (A/AC.31/L.37) and noted that, in its present form, it did not give complete satisfaction to any delegation. The draft recognized, on the one hand, that in relation to Jerusalem the principles underlying the previous resolutions of the General Assembly, and in particular the resolution of 29 November 1947, represented a just and equitable settlement of the question; but it also requested that account should be taken of the resolution of 11 December 1948, which in reality had been drawn up to evade and replace the provisions of the resolution of 29 November 1947.

43. Moreover, the Australian draft resolution recommended that the powers and functions of the Conciliation Commission conferred upon it by the resolution of 11 December 1948 should remain unimpaired. It was clear, however, that the Conciliation Commission had in no way contributed to solving the problem of Palestine. Its purpose had been essentially to prevent the application of the resolution of 29 November 1947, and thus to facilitate adoption of the plan which would best serve the interests of the United Kingdom and the United States, a plan involving the annexation of the Arab part of Palestine by "Transjordan".

44. For those various reasons, the Australian draft resolution was unacceptable in its present form, and the USSR delegation had therefore proposed some amendments (A/AC.31/L.41) to ensure the effective application of the resolution of 29 November 1947. Thus, a Soviet Union amendment recommended that the Trusteeship Council should be instructed to complete at its next session the preparation of the draft statute for Jerusalem omitting the provisions which had become inapplicable, such as articles 32 and 39, and introducing into the statute amendments in the direction of its greater democratization, and to approve the statute.

45. With regard to the Conciliation Commission, experience had revealed the true nature of its activities. It was clear that that Commission, far from attempting to reconcile the points of view of the two parties, had rather placed obstacles in the way of their agreement. The USSR delegation proposed that the Commission should be dissolved.

46. With regard to the amendment to the Australian draft resolution submitted by El

[1] See *Resolutions adopted by the Trusteeship Council during its second session*, resolution 34 (II).

Salvador (A/AC.31/L.40), the delegation of the Soviet Union, aware that the main problem was to ensure the application of the resolution of 29 November 1947, accepted its paragraph 1. Paragraph 2, on the other hand, which suggested the inclusion of Nazareth in the permanent international régime under the administration of the United Nations, seemed to him to go beyond the resolution of 29 November 1947, since according to that resolution Nazareth was to form part of an independent Arab State.

47. In conclusion, Mr. Tsarapkin stated that the USSR delegation, firmly attached to the principles of the resolution of 29 November 1947, considered it essential to give effect to such of the provisions of that resolution as had not hitherto been applied. It therefore insisted that an independent Arab State should be created, and that an international régime should be established in Jerusalem making that city a *corpus separatum* administered on behalf of the United Nations by the Trusteeship Council.

48. Mr. MÉNDEZ (Philippines) was still awaiting instructions from his Government with regard to the important problem with which the Committee was faced, but he was in a position to state that in the eyes of his delegation, which represented a predominantly Catholic population, Jerusalem, as the capital of the religious world, was the common heritage of mankind. That was a fundamental aspect of the question.

49. That question should be settled in such a way as to eliminate any recrudescence of racial or religious rivalry. To that end it would not seem to be enough to establish a neutral strip, a kind of "No-man's-land", between the potential adversaries. That region of the world might easily be the tinder-box of a conflagration the consequences of which would spread far beyond the frontiers of Palestine. It was imperative, in order to obviate that risk, that all causes of political antagonism should be eliminated and, hence, that all military activity on either side of the line of demarcation should be halted.

50. In that connexion it had been said that certain legal difficulties might arise if the inhabitants of the City of Jerusalem wished to enlist in the armies of their countries. That was not really an impediment, however, since local law and local autonomy would naturally be respected if an international régime were established. What must be avoided at all costs was that Jerusalem should become a battlefield in case of a clash between the parties.

51. In other words, an agreement must be reached which would permit the faithful of the three great world religions freely to gather in the region of Jerusalem and worship in the Holy Places. The agreement should thus ensure the protection of the Holy Places and free access thereto, and the right of residence and worship for the Moslem, Jewish and Christian inhabitants of Jerusalem; it was implicit in that right of residence that all property would be restored to its rightful owners or, failing that, that the latter should receive compensation.

52. The existing situation was the result of the various ordeals through which Jerusalem had passed; it was urgent that it should be remedied. If it was allowed to deteriorate, future generations would have no difficulty in apportioning the responsibility.

53. Mr. MULKI (Hashemite Kingdom of Jordan) wished to reply to certain statements that had been made concerning his country.

54. Mr. TSARAPKIN (Union of Soviet Socialist Republics) pointed out that the representative of "Transjordan" had been invited to take his place at the Committee table merely to state the views of his Government on the question of Jerusalem. He was not entitled to speak on any other subject.

55. The CHAIRMAN ruled that the representative of Jordan had the right to speak when his country was attacked, on the understanding that he must confine himself to replying to the attack.

56. Mr. MULKI (Hashemite Kingdom of Jordan), in reply to the representative of the USSR, stated that Jordan was a fully sovereign, independent State, the policies of which were dictated by national interests alone.

57. He could also affirm that the Arabs of Palestine were very favourably disposed towards Jordan.

58. The CHAIRMAN announced the closure of the general debate on the question of the internationalization of Jerusalem.

59. The Committee should now determine the membership of the sub-committee which would examine the various proposals that had been made in connexion with that question. The delegations of Mexico, Denmark and India, which the Committee had asked for suggestions, had submitted the following list: Australia, Canada, Cuba, Egypt, El Salvador, Iraq, Israel, Lebanon, Netherlands, Poland, Uruguay.

60. He proposed to add India and Sweden to the list.

61. Mr. DROHOJOWSKI (Poland) regretted that his delegation would be unable to take part in the Sub-Committee's work, a number of its members having already left.

62. In view of the fact that the Sub-Committee's work could only be effective if its membership was sufficiently representative, he suggested that the Ukrainian SSR should replace Poland.

63. Mr. HOOD (Australia) suggested that Greece should be included in the Sub-Committee. That country had a special interest in the question by virtue of its close historical religious association with Jerusalem.

64. The CHAIRMAN regretted that Poland was unable to take part in the Sub-Committee's work, but felt sure that the Committee would agree to the inclusion of the Ukrainian SSR in the list of members.

65. Furthermore, if the Committee agreed to extend the membership of the Sub-Committee, there would certainly be no objection to the participation of Greece. The Greek Orthodox Church would thus also be represented.

66. Mr. GONZÁLEZ ALLENDES (Chile) suggested that Mexico should be a member of the Sub-Committee. That country took a keen interest in the question and could contribute greatly to the Committee's work. Moreover, it would be preferable to have an uneven number of

representatives on the Sub-Committee, i.e., fifteen instead of fourteen.

67. Mr. AL-JAMALI (Iraq) had thought of proposing Pakistan as the fifteenth member of the Sub-Committee.

68. Mr. TSARAPKIN (Union of Soviet Socialist Republics) wondered what principle was being applied in the choice of the members of the Sub-Committee. Was the intention to have representatives of the various Churches with interests in the Jerusalem area? Was it to conform to the principle of geographical distribution? Or was it that all the authors of proposals and amendments on the question should be represented?

69. The CHAIRMAN, in reply to the USSR representative, said that in view of the difficulty and complexity of the question the intention had been to conform to the principle of geographical distribution, to take into account any special interests that certain countries had in the question for reasons such as proximity and religion, and lastly to take into consideration the interests of the different Churches.

70. He added that, whatever the membership of the Sub-Committee, all the authors of proposals would naturally be able to submit their views to it. The representative of the Conciliation Commission would have the same opportunity.

71. Mr. URRUTIA (Colombia) pointed out that there were three divergent trends in the Latin-American delegations, some representatives being opposed to internationalization, others being in favour of a form of internationalization differing more or less from that proposed by the Conciliation Commission, and others, including the delegation of Peru, adopting a special and entirely different attitude. That third trend was not, for the moment, represented in the Sub-Committee; it would therefore be appropriate to include Peru.

72. Mr. Ross (United States of America) supported the nomination of Peru. Considering that the Sub-Committee should not be too large if it was to work speedily, he proposed that the list, which he approved, should be closed.

73. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) noted that the authors of the list had not conformed to the usual practice according to which the members of sub-committees were chosen in such a way as to ensure their representative character, all the authors of proposals or amendments being included among the members. The Soviet Union, however, was not among the members although it had submitted amendments to the Australian draft resolution. On the other hand, the authors of other draft resolutions or amendments had been included. The injustice was all the more striking since the USSR had always striven to defend the General Assembly resolution of 29 November 1947 in all its aspects. If it was remembered, moreover, that the majority of the members of the Committee had been in favour of the establishment of an international régime in Jerusalem, according to the resolution of 29 November 1947, it was obvious that the USSR should be represented on the Sub-Committee. Mr. Galagan therefore formally proposed the candidature of the USSR, and thanked the Polish representative for having suggested that of the Ukrainian SSR.

74. Mr. TSARAPKIN (Union of Soviet Socialist Republics) regretted having to intervene to defend the nomination of his own country, but was obliged to do so in view of the truly surprising procedure followed in the matter. In fact, the Soviet Union was the only country submitting proposals that was not included among the members of the Sub-Committee. Yet it was only fitting that that country should be enabled to defend its own amendments in the Sub-Committee and take part in its work, particularly in view of the role it had played in the evolution of the question, and of the consistent and logical attitude it had always adopted in the matter.

75. The CHAIRMAN explained that the authors of the list had thought that they ought to omit the name of the USSR because the other permanent members of the Security Council were not represented on the Sub-Committee.

76. He was willing to include the Soviet Union in the list, however, as that country had submitted amendments to the Australian draft resolution.

77. Mr. URRUTIA (Colombia) pointed out that he had not asked for his country to be represented on the Sub-Committee although it had submitted an amendment jointly with Lebanon (A/AC.31/L.44). On the contrary, he had proposed the candidature of Peru, in order that the three positions adopted by the Latin-American delegations should be represented.

78. The CHAIRMAN read the final list of members of the Sub-Committee, which consisted of Australia, Canada, Cuba, Egypt, El Salvador, Greece, India, Iraq, Israel, Lebanon, Mexico, Netherlands, Peru, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, and Uruguay.

79. Mr. HOOD (Australia) wanted it to be made clear that, if the Sub-Committee was not able to produce an agreed document or more than one document, the various draft resolutions and amendments submitted in the Committee would remain extant and would in due course be voted upon.

80. The CHAIRMAN said that, even if the Sub-Committee agreed on a draft resolution, the draft resolutions and amendments to which the Australian representative had just referred could still be submitted to the Committee as amendments to the Sub-Committee's draft resolution.

81. He announced that the Committee would consider the question of Palestine refugees at the following meeting.

The meeting rose at 4.50 p.m.

FIFTY-FIRST MEETING

Held at Lake Success, New York, on Wednesday, 30 November 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

ASSISTANCE TO PALESTINE REFUGEES: REPORT OF THE SECRETARY-GENERAL

1. The CHAIRMAN invited discussion on the question of assistance to Palestine refugees.

2. Mr. EBAN (Israel) wished to correct a statement appearing in the last part of the first interim report of the United Nations Economic Survey Mission for the Middle East (A/1106), entitled "Discussion of findings and recommendations," which read as follows:

"The Governments of Iraq and Israel are both engaged in finding work for the relatively small number of refugees within their territories, and advised the Mission that they do not immediately need external assistance to this end."

3. The latter part of that statement could not be correctly ascribed to the Government of Israel. On receipt of the Economic Survey Mission's report, the delegation of Israel had consulted by telegram with Mr. David Horowitz who had represented the Government of Israel in its negotiations with the Mission. It appeared that the representative of Israel, far from supporting the view ascribed to him in the report, had drawn attention to the particularly high cost involved in refugee work projects in Israel where wages and the cost of living were higher than anywhere else in the Middle East.

4. Reserving the right to comment on that point later, he added that his Government had always understood that international financial assistance for refugees would be available to all countries in proportion to their efforts to solve the refugee problem.

5. Mr. DE LA TOURNELLE (France) emphasized that his Government continued to abide by the principles set forth in the General Assembly's resolution 194 (III) of 11 December 1948 and particularly the provision in paragraph 11 dealing with the repatriation of Arab refugees wishing to return to their homes. Unfortunately, the attempts of the Conciliation Commission, of which France was a member, to implement that provision had so far been unavailing. However, the machinery established by the General Assembly's resolution 212 (III) of 19 November 1948 was designed to care for the refugees during the interim period and had functioned satisfactorily. The French delegation paid tribute to the States, organizations and specialized agencies which had so generously contributed to the alleviation of the plight of the victims of the war in Palestine.

6. While the material conditions in the refugee camps had been comparatively good, moral conditions had become critical. The refugees lived in a state of enforced idleness which was thoroughly demoralizing and constituted a potential danger to stability in the Middle East. Accordingly, by the authority vested in it under resolution 194 III, the Conciliation Commission had set up an Economic Survey Mission consisting of representatives of the four countries best qualified to study the situation on the spot. In its first interim report (A/1106), the Economic Survey Mission had outlined a plan for employing a large number of refugees in public works projects in the vicinity of the camps. The programme would not only raise the standard of living and morale of the refugees themselves but also benefit the host countries.

7. The object of the draft resolution sponsored jointly by France, Turkey, the United States and the United Kingdom (A/AC.31/L.46) was to give effect to the recommendations of the Economic Survey Mission (A/1106), with whose conclusions the French Government agreed. The draft resolution also appealed to Member and non-member States as well as to the specialized agencies to make further contributions to the success of the programme. It took note of the warning, by the Chairman of the International Red Cross, in the name of all the organizations engaged in the distribution of relief, regarding the serious effects of an excessively rapid reduction in the number of rations issued (A/1106, annex I (A)).

8. The French delegation was confident that the Member States would reaffirm their interest in continuing United Nations assistance to alleviate the distress of the Arab refugees and effect their moral rehabilitation.

9. Mr. KURAL (Turkey) stressed the gravity of the political and human problem arising from the plight of the Arab refugees. The General Assembly, recognizing its serious implications, had resolved in its resolution 194 (III) of 11 December 1948 "that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return". It had further instructed "the Conciliation Commission to facilitate their repatriation, resettlement and economic and social rehabilitation . . ." As everything largely depended on an economic settlement, the Commission, while continuing to negotiate for a political settlement of the entire question of peace and stability in the Middle East, had established the Economic Survey Mission whose terms of reference were to be found in A/1106, appendix D. The new body, on which Turkey was represented together with France, the United Kingdom and the United States, had reported the wretched conditions in which the refugees had been forced to live after their flight into exile. The Mission's interim report confirmed their desire to return to their homes; unfortunately, that desire had not yet been satisfied.

10. The problem could only be solved effectively in the manner advocated in the General Assembly's resolution 194 (III), that is, by the repatriation and resettlement of the victims of the war in Palestine. In the interim period, the situation was deteriorating and emergency measures had to be taken. The assistance given in response to a first appeal had been generous, but it would not be adequate to prevent famine and suffering during the coming winter. Moreover, if the refu-

gees were to continue to depend on charity, it would be all the more difficult and costly to take constructive measures for their rehabilitation at a later stage.

11. In order to avert a further deterioration of the condition of the Arab refugees, Turkey had joined with France, the United Kingdom and the United States in sponsoring the draft resolution before the Committee. Mr. Kural reviewed the terms of that draft resolution, stressing that 33,700,000 dollars would be required for direct relief and works programmes for the period 1 January to 31 December 1950, and an additional 21,200,000 dollars would cover works programmes from 1 January to 30 June 1951. The joint draft resolution contained an appeal to Member States as well as non-member States for voluntary contributions in money or in kind to make up those sums. The joint resolution also provided for the creation of a Near East relief and works agency and an advisory commission composed of representatives of the four States sponsoring the proposal to assist the director of that agency, who would be appointed by the Secretary-General.

12. The delegation of Turkey reaffirmed its view that the adoption of the joint draft resolution in no way conflicted with the terms of the General Assembly's resolution 194 (III) concerning repatriation and resettlement, which it regarded as the proper methods for dealing with the refugee problem.

13. Sir Alexander CADOGAN (United Kingdom) said the draft resolution of which his delegation was a co-sponsor ought to be regarded as a strictly practical approach to the problem of the Palestine refugees. That problem was the product of the whole complex Palestine situation and the rehabilitation of the refugees depended on a solution accepted by all the parties concerned. Since the Assembly could not hope to find a final solution of the larger question of Palestine during the current session, a final solution of the refugee question was equally unlikely during the session.

14. The basic principles of an effective solution of the refugee question had been laid down in the Assembly's resolution 194 (III). The Government of the United Kingdom regretted that so little progress had been made in putting those principles into effect through the agency of the Conciliation Commission, as recommended in the resolution. It urged the Government of Israel to to take the necessary positive steps to comply with the elementary principles of justice proclaimed by the Assembly. It also appealed to the Arab States to seek agreement by negotiations either directly, or through the Conciliation Commission, with a view to a final settlement of all questions outstanding between them and Israel. That final settlement would determine the ultimate solution of the refugee problem, and all the parties concerned bore a heavy responsibility to contribute to it.

15. The immediate problem was to ensure that the refugees would not die of starvation. The funds made available through the United Nations Relief for Palestine Refugees (UNRPR) were almost exhausted; and a continuation of charity would be unsatisfactory both to the donors and the recipients. Consequently, the Conciliation Commission had established the Economic Survey Mission on 23 August 1949 to consider the economic and social aspects of the refugee problem. The Mission's report (A/1106) represented a constructive and realistic approach. It suggested a practical means of employing a large number of refugees usefully within a comparatively short time, without prejudice to the final determination of their future. Its works programme would benefit both the refugees and the countries concerned. Moreover, contributors would be glad to know that their contributions were being used constructively and not simply for direct relief which did nothing to raise morale.

16. The object of the joint draft resolution was to give effect to the recommendations of the Economic Survey Mission. It might be criticized for failing to deal with repatriation and compensation. It did, however, constitute a practical measure which must be taken pending a final political settlement. It might also be criticized because it called for an end of direct relief on 31 December 1950. The United Kingdom Government considered that the States directly concerned would have had ample opportunity before that time to reach a final settlement which would make direct relief unnecessary. Finally, it might be criticized for the provision in paragraph 11 for the reduction of the number of rations by progressive stages from 940,000 to 652,000. The UNRPR had interpreted the General Assembly's resolution 212 (III) of 19 November 1948 liberally, so as to cover people who were not technically refugees; yet the time had come to reconsider the expenditure of international funds and to effect economies with a view to putting whatever funds were available to more constructive use. The increased burden on certain Arab States resulting from such economies would be offset by the investment of the savings effected by the proposed Near East relief and works agency (A/AC.31/L.46) in public works which would be of permanent benefit to the countries where they were carried out. The United Kingdom was confident that the Arab Governments would co-operate fully with the agency.

17. He hoped the States not directly concerned in the Palestine question would contribute generously towards the proposed programme; their contributions would do much to speed the restoration of peace and security in the Middle East.

18. Sir Alexander concluded his statement with a tribute to the organizations which had done splendid work in alleviating the distress of the Palestine refugees.

19. Mr. Ross (United States of America) said his delegation associated itself with the remarks made by the representatives of France, Turkey and the United Kingdom in support of the draft resolution of which the United States was a co-sponsor.

20. He recalled that resolution 212 (III) of the General Assembly had recognized that "the alleviation of conditions of starvation and distress among the Palestine refugees is one of the minimum conditions for the success of the United Nations efforts to bring peace to that land". Accordingly, UNRPR, an emergency relief organization, had been established to carry out a programme of providing food and shelter to those unhappy people.

21. Governments, private and voluntary agencies and specialized agencies had generously contributed to the relief programme. Unfortun-

ately the original hope that UNRPR might conclude its operations during 1949 had not been realized, and there was a continuing need to assist the Near Eastern Governments to meet the pressing problem. But there was a limit to the resources which could be made available through philanthropic contributions and contributions by Governments. Furthermore, direct relief alone, although the only available instrument for a short term programme, was undesirable over a longer period because dole and enforced idleness were demoralizing and unproductive. Accordingly the Palestine Conciliation Commission had, very commendably, taken the initiative of constituting an Economic Survey Mission to study the refugee problem on the spot, to make recommendations concerning that problem and to consider means of overcoming economic dislocations created by the hostilities in Palestine.

22. In considering the report and recommendations of the Economic Survey Mission which provided an excellent basis for discussion, the Committee should bear in mind that the Mission, by its terms of reference, had been limited to the study of economic matters as distinct from political problems which were the direct concern of the Palestine Conciliation Commission itself.

23. Although in the short time since its establishment the Economic Survey Mission had been unable to report on all the items within its limited terms of reference, its first interim report (A/1106) included recommendations which foresaw the end of direct relief and made provision for the transition from a programme of direct relief to a programme of constructive public works. These, while limited in scope, would be of ultimate permanent benefit to the local communities concerned and to the countries in which those works were to be executed.

24. The Economic Survey Mission also recommended that direct relief for the refugees should be continued until 31 December 1950 on a scale that would be gradually reduced to avoid duplication between direct relief and work relief. It further recommended stricter regulations for the granting of direct relief so that rations would be distributed only to persons qualifying as refugees and without means of their own to purchase food, clothing and shelter. In that connexion the Mission recommended a reduction of the number of persons receiving relief from 940,000 to 652,000 by 1 January 1950. While the United States accepted the Mission's current estimate of 652,000 as the number of *bona fide* refugees, it was impressed by the consideration that too rapid reduction in the number of persons receiving relief might lead to grave difficulties and by the difficulties faced by those in charge of field operations. In the light of those considerations, the United States delegation did not believe that the target of 652,000 persons on direct relief could be achieved as early as 1 January 1950, though it did feel that such reduction must be achieved by progressive stages at the earliest possible date.

25. It was also clear that further substantial reductions must and could take place when once the work relief programme came into operation and its direct and indirect benefits to local economies were felt with increased force.

26. In order to carry forward the programme of relief and public works, the Economic Survey Mission had recommended that a new agency, the Near East relief and works agency, should be established within the framework of the United Nations, but with sufficient autonomy and authority to enable it to carry out field operations with a maximum degree of efficiency. The joint draft resolution before the Committee took that recommendation into account. The proposed agency was to be headed by a director of outstanding international reputation, to be assisted by an advisory commission and to be provided with a small expert staff. The agency would have its headquarters in the Near East and would cooperate with local Governments in carrying out the programme proposed by the Economic Survey Mission. It was to be hoped that many phases of the programme would be executed by local Governments with the advice of the agency. It was also proposed that the agency be authorized to consult with Near Eastern Governments, which so desired, concerning measures that those Governments might take in preparation for the time when United Nations funds for relief and work projects would no longer be available.

27. The proposal that the advisory commission should be composed of representatives of the Governments of France, Turkey, the United Kingdom and the United States, was in recognition of the services of those Governments on the Palestine Conciliation Commission and the Economic Survey Mission, and their very substantial contributions to the work of UNRPR.

28. The report of the Economic Survey Mission indicated that the useful works to be undertaken would cover water and soil conservation, terracing, afforestation, road-building, housing schemes, as well as work on air and sea ports. Such projects would make a substantial contribution towards better economic and social conditions in the countries concerned.

29. It was estimated that the programme of eighteen months duration would cost the equivalent of 54,900,000 dollars for both relief and public works. The average monthly cost of the programme would only slightly exceed the current monthly rate of expenditures for direct relief alone. The delegation of the United States believed that the programme had been conceived within prudent and wise financial limits, and was confident that the necessary amount could be supplied in cash or in kind by voluntary contributions from non-member as well as Member Governments, including those Governments now sheltering refugees.

30. The final report of the Economic Survey Mission to be distributed in December 1949 should serve as a further guide to the new agency for application within the scope of its activities and within the limits of its financial resources.

31. The United States, which had consistently felt that improved economic conditions in the Near East would provide a basis for solution of many of the problems confronting that area, considered the recommendations already made by the Economic Survey Mission as well conceived and desirable.

32. The fourth session of the General Assembly had made a notable contribution toward furthering the technical assistance programme of the United Nations. In the Near East there was a concrete and pressing need for such works and

development to aid the refugees. The report of the Economic Survey Mission offered an opportunity to initiate useful work immediately and would make possible effective co-ordination of all technical assistance programmes in the area.

33. At the time of the establishment of the Economic Survey Mission, the President of the United States had pledged full support of the new Mission and careful consideration of appropriate assistance by the United States in carrying out the recommendations of that body. The resolution before the Committee provided for the implementation of the recommendations of the Mission. While it was impossible for his Government to make commitments without legislative approval, Mr. Ross indicated that, if the resolution was approved by the General Assembly, the Executive Branch of the United States Government would seek from Congress the authority and funds necessary to implement its fair share of the programme envisaged by the resolution during the coming eighteen months.

34. Pending the receipt of contributions from the various Governments, the joint resolution (A/AC.31/L.46) would authorize the Secretary-General to arrange advances from the working capital fund of the United Nations and from the International Refugee Organization (IRO). Since the funds of UNRPR would be exhausted in January 1950, all possible steps must be taken to prevent any lapse in the funds available for the programme, and to ensure the receipt of contributions at a timely rate to make possible the implementation of the programme as recommended.

35. The United States delegation believed that the programme presented in the joint draft resolution offered a prudent and constructive basis for implementing the recommendations of the Economic Survey Mission. The United Nations must continue to assist the unfortunate victims of the conflict in Palestine, but must at the earliest possible moment eliminate the demoralizing effects of the dole, through a programme of useful and productive work which would assist the refugees materially and morally, bring lasting benefit to the communities concerned and contribute to the economic stability, peace and security of the Near East. For all those reasons he hoped that the draft resolution would meet with the Committee's support.

36. Mr. DROHOJOWSKI (Poland) said the problem of the many thousands of refugees who had left their homes as a result of war operations in Palestine was intimately connected with the entire situation in the Middle East. Its solution was to a large extent dependent on the establishment of permanent peace in Palestine. Accordingly the political background of the problem had to be borne in mind.

37. In the first part of the second progress report of the United Nations Conciliation Commission for Palestine (A/838), "the Arab delegations were unanimous in recognizing the necessity, both for humanitarian and political reasons, of giving absolute priority to the refugee question, over and above all other questions pending between the Arab States and the State of Israel". On page 3 of the same report, the Commission had stressed the intimate connexion between the refugee problem and political questions, and stated that "neither repatriation to Israel nor resettlement in Arab territories can be carried out in satisfactory conditions without a considerable amount of preparatory work of a technical nature".

38. The policies of the United Kingdom and, later, of the United States, had been responsible for the war in Palestine; consequently those two Powers, and particularly the United States, bore the primary responsibility for the tragic situation of the refugees. It would be an over-simplification of the issue to place the blame on either or both of the sides actually involved in the war in Palestine.

39. While recognizing that the United States and the United Kingdom were mainly responsible for the plight of the refugees, the United Nations could not disclaim its obligations in the matter, if only because of its resolution 194 III which stated "that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date".

40. In interpreting that decision, it should be understood first of all that refugees returning to that part of Palestine which was now the State of Israel should in no way impair the safety of that State. Guarantees to that effect should be provided. Secondly, the United Nations should not, in helping the countries concerned to find a solution of the refugee problem, overlook the economic implications of large-scale movements of population. That element was of particular importance in determining the date when refugees should be permitted to return to Israel. As regards the question of compensation to refugees, also provided for in paragraph 11 of the resolution 194 (III), "the loss of, or damage to, property" involved would no doubt be determined by special agreements.

41. It was to be expected that many refugees would, for various reasons, refuse to return to their homes. In that connexion, it was suggested in the Conciliation Commission's Second Progress Report (A/838) that Israel and the Arab States might undertake a programme of public works which would make possible both the return of the refugees and the immediate absorption of those who did not desire to return to their homes. Such a course, if wisely executed, might solve at least a part of the problem.

42. The United Nations was faced with a difficult problem because it had to make a collective decision on a situation which was not of the making of the great majority of Members. It was to be hoped that those mainly responsible would not, at that juncture, obstruct whatever steps might be taken for the welfare of the many innocent victims of the war in Palestine.

43. The Polish delegation, while agreeing with the views expressed in the Secretary-General's report (A/1060) regarding the urgency of the problem and the need for immediate action in order to avoid the termination of the relief programme, especially during the winter period, felt that the Assembly should not lose sight of a permanent solution of the refugee problem with all its implications, political and otherwise.

44. According to a letter from the American Friends Service Committee to the Secretary-General (A/1060, annex I, (C)), prolonged direct

relief would contribute to the moral degeneration of the refugees and might also militate against a swift political settlement of the problem. The greatest obstruction to the present programme was the persistent lack of an over-all political settlement for the Palestine area. Similar views had been expressed by the representative of France and other speakers, and also appeared in the report of the Economic Survey Mission (A/1106). The latter also stated that the continuing political stalemate in the relations between the Arab countries and Israel precluded any early solution of the refugee problem by means of repatriation or large-scale resettlement, and stressed that the prime object was the finding of temporary work. The report frankly admitted that the repatriation of refugees required political decisions outside the Mission's competence.

45. The Polish delegation thought that the General Assembly could, in the near future, ensure the survival of the refugees merely in conditions which would not contribute to a further deterioration of their morale, but for a permanent solution, it must look further ahead.

46. Mr. Drohojowski reserved his delegation's right to comment at a later stage on the joint draft resolution (A/AC.31/L.46). The sponsors of the draft resolution, and particularly the representative of the United States, had implied that a permanent solution of the refugee problem could be found, without regard to the political situation in the Palestine area. The Polish delegation was convinced that it would be impossible to solve the problem of the refugees until peace was established in Palestine. Unless the United Nations put an end to the practice of interference by the imperialistic Powers in Middle Eastern affairs, a practice of which the refugee problem was an inevitable consequence, that problem would continue to exist as part of a wider situation constituting in itself a grave threat to peace.

47. The Polish Government, which knew from its own experience of all the implications of a refugee problem, was deeply concerned about the fate of the refugees in the Middle East. It also knew that any solution must take into account not only the welfare of the refugees themselves but also the interests of the States concerned. The Polish delegation strongly urged the Committee to recommend such measures as might be considered adequate for the purpose of liquidating a situation which threatened to become a permanent source of friction in an important part of the world.

The meeting rose at 12.15 p.m.

FIFTY-SECOND MEETING

Held at Lake Success, New York, on Wednesday, 30 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

ASSISTANCE TO PALESTINE REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/1060, A/1060/ADD. 1, A/1106) (*continued*)

1. RAHIM Bey (Egypt) said that by a strange irony of fate the problem of the refugees, one of the most tragic aspects of the Palestine question, was a direct consequence of a movement, the Zionist movement, which had long been regarded as humanitarian. Although the Zionist appeal for the establishment of a refuge for oppressed European Jews had been based on humanitarian grounds, the methods they had employed to realize their aim had been no less cruel than those practised by the nazis against the Jews. The General Assembly was now confronted with the problem of the Arab refugees, a problem far more extensive and serious than the problem of displaced Jews, which the Zionists had prided themselves on having solved. The Deir Yasin massacre, perpetrated on 10 April 1948, i.e. well before the outbreak of hostilities in Palestine, was a typical example of the methods later employed in other places to drive the Arabs from their homes and country. In that connexion it should be stressed that the terrorist organizations responsible for the massacre had boasted of it in public, and had asserted that the same method used elsewhere had caused the flight of the Arabs. A million human beings, suffering from cold and hunger and in utter despair, had been driven from their homes, deprived of both property and means of livelihood, and were now on the borders of Palestine. A million human beings, Moslem and Christian, who were the rightful owners of Palestine, had been expelled from their homes so that Jews from all over the world might take their place.

2. The Conciliation Commission, which had been appointed to bring about a settlement of the Palestine problem, including the refugee problem, had worked untiringly for many months with the sincere co-operation of the Arab States; its efforts had, however, proved unavailing. Rahim Bey referred in that connexion to the findings of the first interim report (A/1106) of the United Nations Economic Survey Mission for the Middle East, and submitted by the Chairman of the Conciliation Commission on 16 November 1949. It appeared from that report that the Arab refugees, who had been unable to return to their homes because Israel refused to admit them, had not succeeded in gaining a livelihood in the Arab States which had received them, on account of the limited opportunities of employment in those States. It was worthy of note that the State of Israel had announced its willingness to repatriate 100,000 Arab refugees on two conditions, first, that such repatriation should form part of a general settlement of the Jewish-Arab conflict and secondly, that the 100,000 Arabs to be repatriated should not be sent back to their original homes but should be resettled in areas especially designated by Israel, i.e. by the foreigners at that time in control of their country. Such a procedure would amount to the creation of Arab ghettos in an Arab country.

3. According to the report of the Secretary-General (A/1060), the number of Arab refugees exceeded one million, or four-fifths of the total Arab population of Palestine. Thus, 80 per cent

of the Arab population had been ruined or driven from their homes. The fate of the remainder was little better than that of the refugees. In fact, the armistice demarcation line separated many from their farmlands or from the areas with which they had traded, and, in addition, the influx of refugees to their towns and villages had had disastrous effects on their economy.

4. He quoted Gaza as an example. According to the last part of the report (A/1106) of the Economic Survey Mission for the Middle East entitled "Discussion of findings and recommendations", the population of Gaza, which was 70,000 before the outbreak of hostilities, had risen to 270,000, dispersed over an area of 150 square miles. Lying as it did outside the armistice lines, Gaza was cut off from the areas with which it traded. Furthermore, its farmers were separated by the demarcation line from the land they tilled and could only attempt to harvest their crops at the peril of their lives.

5. In the eastern part of Palestine, which was under the control of Jordan, the situation was no better. According to the same part of the report of the Economic Survey Mission for the Middle East, the original population of 460,000 had been increased by 60 per cent as a result of the influx of 280,000 refugees. The influx of refugees had had serious economic consequences in the Arab countries, particularly in those which had given them refuge. Moreover, as the second progress report of the Conciliation Commission (A/838) had shown, the moral and material situation of the refugees was deplorable, and the need to take measures towards a permanent solution of the problem became more pressing every day. Rahim Bey referred in that connexion to a letter dated 3 November 1949 from the American Friends Service Committee, which had been administering part of the United Nations relief programme, from which it appeared that the plight of the Arab refugees was wretched. After sixteen months of exile, their physical condition had deteriorated and their morale had declined from day to day, since no end to their troubles was in sight. Those members of the Commission who had worked in Gaza itself had been able to see the deplorable material conditions under which the refugees lived, their desire to return home at the earliest possible moment and the damage done to the family life and to the morale of the refugees by unemployment and the lack of educational facilities. The representatives of the American Friends Service Committee also expressed their concern in the letter over the eventual reduction in the rations issued by the United Nations.

6. The letter also showed that babies were not receiving the kind of nourishment that would give them the reserves of health for the winter, and that the refugees, while greatly appreciating the health services and freely making use of the camp clinics, were suffering greatly from lack of clothing, particularly with the approach of the cold season. The representatives of the American Friends Service Committee also told how those refugees, observing the refusal of the outside world to make decisions which would relieve their sufferings, were vainly looking round to see who were their real friends, and were giving way to bitterness. Lastly, they stated that the extraordinary urgency of the situation demanded extraordinary means for its solution.

7. Those quotations showed that if effective and rapid aid was not forthcoming, one of the saddest tragedies in the history of the world would take place.

8. The refugees were facing the rigours of winter with sapped vitality, lowered resistance to disease, and poor morale. The majority had had enough vitality and reserve vigour to pull through the first winter, but after nearly two years of under-nourishment their resistance to cold and disease was destroyed.

9. It was true that at its third session the General Assembly had voted to create, by its resolution 212 (III) a relief fund of 32 million dollars for the Palestine refugees, whose number was then estimated at 500,000. That fund was intended to last from 1 December 1948 to 31 August 1949. The number of the refugees was, however, very much greater, about a million, and it had proved necessary to issue daily rations to 940,000 persons. In addition, it had been decided that the sum voted should last until December 1949. In those circumstances, it had been necessary to reduce from 2,000 to 1,447 the calory content of the United Nations Relief for Palestine Refugees (UNRPR) rations. Those rations, which did not contain meat, eggs or cheese, were obviously deficient in proteins and vitamins. Since, as stated in chapter IV of the Secretary-General's report (A/1060), the over-all cost of the UNRPR portion of the combined ration scale had never exceeded 1,400,000 dollars a month, it was clear that each refugee had received an amount of nourishment per month representing a value of 1.50 dollars, or of 2 dollars at most if account were taken of the distributions made by the United Nations International Children's Emergency Fund (UNICEF) and various other organizations. In those circumstances, there could be no question, without condemning the great mass of the refugees to complete famine, of discontinuing the assistance or even, as proposed in the draft resolution (A/AC.31/L.46) submitted to the Committee by France, Turkey, the United Kingdom and the United States, of curtailing the amount of the rations distributed. On the contrary, assistance should be increased.

10. As was known, the Arab States had done all they could to relieve the refugees. They had been almost alone in assisting them until the end of 1948 and had continued their assistance even after the inauguration of the UNRPR. Of the 32 million dollars voted by the United Nations, the Arab States had contributed more than 6 million dollars.

11. If it had been within their power, the Arab States would certainly have continued to shoulder the load alone; but, as was pointed out by the Economic Survey Mission for the Middle East, in its first interim report (A/1106), in the section entitled "Guiding policies for administration of proposed programme", "No Government in the Near East, or any Government anywhere, can indefinitely provide special benefits to a particular group, transient in its domain, while there is substantial unemployment among its own nationals".

12. Moreover, the problem of the Palestine refugees should be solved on the international level, since it was partly the consequence of an international decision. The United Nations approval in resolution 273 (III) of the application for mem-

bership of the State that had created the refugee problem, without requiring the prior repatriation of the refugees, had undoubtedly tended to delay their return home. At the time, the Egyptian delegation had given warning[1] of the danger and imprudence of accepting the application of Israel for admission even before the provisions of the General Assembly resolution 194 (III) of 11 December 1948 had been applied, particularly those relating to the repatriation of refugees and the internationalization of Jerusalem. Having, in spite of that warning, admitted Israel to membership, the United Nations could not now escape its responsibility for the Palestine refugees.

13. The United Nations should, however, solve the problem for still other reasons. The presence of so large a number of refugees was, in fact, a threat to peace and security in the Near East, and the United Nations, which was responsible for the maintenance of peace and security in the world, could not remain indifferent to such a situation.

14. But the solution of the problem should not be sought in a mere continuation of the present relief work. There would be no need for relief if justice was shown to the Palestine refugees. In other words, the Arab peoples in general, and the Palestine refugees in particular, considered that the distribution of relief, apart from the danger of moral degradation which it entailed in the long run, could in no case be regarded as a palliative for the wrongs inflicted on them or as a substitute for repatriation. The Arab peoples asked not for charity but for justice, and they preferred a just and expeditious settlement of the problem rather than a dole.

15. The *Ad Hoc* Political Committee now had before it the first interim report of the Economic Survey Mission for the Middle East (A/1106), the conclusions of which were repeated in the draft resolution submitted jointly by France, Turkey, the United Kingdom and the United States (A/AC.31/L.46). Thanks were due to the Economic Mission for its thorough and painstaking study of the problem and its understanding, not only of the material conditions, but of the psychological factors involved. The Egyptian delegation heartily endorsed the Mission's recommendations for the institution of a public works programme to provide employment for some of the refugees and thereby to "halt the demoralizing process of pauperization, outcome of a dole prolonged", as it was expressed in the "Guiding principles for administration of proposed programme". The projects contemplated by the Mission were of the greatest utility and merited the most careful consideration. The Egyptian delegation also supported the creation of an agency to administer the relief programme and to supervise the execution of the work programme in co-operation with the local authorities.

16. On the other hand, the Egyptian delegation noted with regret that the Economic Mission recommended a drastic reduction in the amount of rations to be issued from 940,000 to 652,000. In support of its recommendation, the Mission pointed out that some of the persons who were now receiving relief were not refugees or were not, in all cases, in need; and it arrived at the number of genuine refugees by deducting the number of Arabs now in the territory controlled by the Jews, from the total number of the former Arab population of the area. In the opinion of the Egyptian delegation, that method of ascertaining the number was not satisfactory, for there had been no comparatively recent census of the Arab population of Palestine. In those circumstances, the conclusions of the Mission were based on a mere estimate. It would therefore be dangerous to accept them, the more so since, in fact, the number of refugees appeared to be very much higher, and the agencies administering the relief programme in Palestine had not been sparing in their warnings in that connexion.

17. In particular, the President of the International Red Cross Committee had put the *Ad Hoc* Political Committee on its guard against any arbitrary reduction in the number of rations distributed to refugees in a cable quoted in A/1060, annex I (A).

18. Rahim Bey recalled that the President of the International Red Cross Committee had appealed to the members of the *Ad Hoc* Political Committee and to the General Assembly not to decide, on a rigid and mechanical basis, to reduce, as from 1 January 1950, the rations which the United Nations had placed at the disposal of the International Red Cross. Mr. Ruegger had also said that the United Nations should not be bound by rigid instructions which would not allow the International Red Cross to continue the distribution of relief among several categories of sufferers in the winter.

19. The Egyptian representative also said that Mr. Pickett, the representative of the American Friends Service Committee, had declared that on 31 October 1949 the United Nations was able to give reasonable assurances in reply to his letter quoted in A/1060, annex I (C), "that adequate funds will be available to meet personnel and maintenance costs, and supply programmes, on the same scales which are minimal, as at present, and for the full period of the extension".

20. The Egyptian delegation considered that the agencies which administered the United Nations relief programme were in a better position to judge the exact number of refugees and of those who were still living at home but, as the result of hostilities, had become destitute. That question, together with the question of eliminating from the relief rolls those who were gainfully employed or who had independent means, should be left to the operating agencies.

21. In view of the foregoing considerations, the Egyptian delegation proposed that paragraph 6 of the joint draft resolution (A/AC.31/L.46) should be amended to increase the figure for direct relief and works programmes for the period 1 January to 31 December 1950 from 33,700,000 dollars to 40,900,000 dollars, which would bring the sum available for direct relief from 20,200,000 dollars to 27,400,000 dollars. The operating agency in the field would thus have the necessary funds to carry out the tasks entrusted to it. It should be clearly understood that any part of that amount which was not utilized for the purpose specified would be transferred to the work programme fund.

22. The Egyptian delegation could not support another conclusion of the report of the Economic

[1] See *Official Records of the Third Session of the General Assembly, Part II,* 207th plenary meeting.

Survey Mission for the Middle East: the Mission considered that the purpose of its recommendations was to abate the emergency by constructive action and to reduce the refugee problem to limits within which the Near Eastern Governments could reasonably be expected to assume responsibility. The Mission also considered that the work relief programme afforded the only possibility of putting an end to the need for international relief and of ensuring the rehabilitation of the refugees.

23. The Egyptian delegation thought that such optimism, which was also noticeable in the joint draft resolution, was unwarranted. Paragraphs 5 and 7 of that draft resolution should therefore be amended so as to rectify that unrealistic view of the problem and to reaffirm the refugees' right to return home in accordance with the General Assembly resolution 194 (III). No assistance or employment could make the refugees forget their homes; all the inquiries made on the subject showed that they wanted to go home again and that nothing could alter that desire. It would be showing little knowledge of the proud Arab character to believe that the offer of work, even permanent, might induce an Arab refugee to forget his home.

24. The Economic Survey Mission for the Middle East also raised the question why the refugees did not solve their own problem by going home, and replied forthwith that the great majority of refugees had no dearer wish, for they considered that, as a matter of right and justice, they should be permitted to return to their homes, their farms and villages, and the coastal cities of Haifa and Jaffa, of which many were natives.

25. He recalled, moreover, that the General Assembly in its resolution 194 (III) had recognized that right and the United Nations was responsible for ensuring respect for it. The refugees hoped that that resolution would be implemented without delay. In that connexion the programme recommended by the Mission should be carried out, and the Egyptian delegation would support any draft resolution to that effect.

26. The Egyptian delegation considered, however, that the only solution that was humane and just and likely to restore peace and security in the Near East was to repatriate the refugees; if that solution were not applied, the prestige and influence of the United Nations and the value of the Universal Declaration of Human Rights as adopted in General Assembly resolution 217 (III) would be dangerously undermined.

27. Mr. BEINOGLOU (Greece) said that his delegation associated itself with the tribute paid to the agencies which, under the auspices of the United Nations, had spared no efforts for the benefit of the Palestine refugees.

28. He recalled that, in the space of a single generation, Greece had twice had to face a similar problem.

29. A rapid solution of the problem of the Palestine refugees could only serve the interests of peace. Such a solution was possible if the question were separated from political matters, to which it was inevitably linked, and if it were considered solely in its social and humanitarian aspect.

30. A great deal of organization was, however, necessary and it would take many months. The Greek delegation therefore considered that the interim report of the Economic Survey Mission, the recommendations of which were contained in the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States, was most satisfactory. Those recommendations emphasized the work to be done, rather than the relief to be given, and offered a constructive provisional solution.

31. The Greek delegation would therefore support the joint draft resolution (A/AC.31/L.46).

32. The CHAIRMAN said that he intended to close the list of speakers after all those listed for the meeting on the following day had spoken.

The meeting rose at 4.15 p.m.

FIFTY-THIRD MEETING

Held at Lake Success, New York, on Thursday, 1 December 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

ASSISTANCE TO PALESTINE REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/1060, A/1060/ADD. 1, A/1106) (*continued*)

1. Mr. ISSIDEEN (Yemen) remarked that the disastrous situation of the Arabs of Palestine was a fact unprecedented in modern history. Over 80 per cent of the original inhabitants of a country had been driven from their homes by force and denied the right to return to them even after the cessation of military operations. Their homes and property had been occupied by aggressors and their plight continued despite the General Assembly's resolution 194 (III) of 11 December 1948.

2. It was ironic indeed that those responsible for the distress of the Palestine refugees had themselves for many years been subjected to nazi oppression, from which they had been released by the united efforts of the champions of democracy and human rights. More than that, they had been admitted to membership in the United Nations as a peace-loving State despite the legal objections of the Arab States. Mr. Issideen wondered whether the Member States, which had voted for the admission of that country, continued, in the prevailing circumstances, to regard it as peace-loving and willing to fulfil its obligations under the Charter for the maintenance of peace and stability in the Middle East.

3. The delegation of Yemen expressed its gratitude to the various Governments and organizations which had so generously responded to the appeal for assistance issued in the preceding year. The Arab refugees, now forced to rely on charity, had previously enjoyed a relatively high standard of living. Their present situation could not fail to injure their honour and self-respect. Mr. Issi-

deen appealed to the nations which had so recently fought for the observance of human rights and fundamental freedoms to work whole-heartedly towards a solution of the problem.

4. Failure to ensure the immediate return of the Palestine refugees to their homes would imperil the survival of almost one million persons during the winter period. It was for the General Assembly to decide whether it would tolerate the Jews' criminal attempts to delay the return of the refugees until it was too late.

5. Yemen would give every possible assistance to the refugees. It would not, however, endorse any plan designed to prevent any refugees wishing to return to their homes from doing so. It would willingly support the joint draft resolution (A/AC.31/L.46) submitted by France, Turkey, the United Kingdom and the United States, provided that it did not conflict with the General Assembly's resolution 194 (III).

6. The delegation of Yemen considered that the measures proposed in the report of the Economic Survey Mission (A/1106) were in the nature of temporary relief. The only just solution of the problem was to permit the refugees to return to their homes. Further disregard of that essential principle embodied in the Universal Declaration of Human Rights adopted by the General Assembly in resolution 217 (III) would arouse strong feelings of vengeance in future generations and would endanger peace and security.

7. The tragic events in Palestine had shaken the confidence of the Arab peoples in the United Nations. It was for the General Assembly to restore that confidence and redress the wrong done in the past. The entire Muslim world was looking towards the United Nations for a solution which would save the lives and redeem the honour of the Arabs of Palestine.

8. Mr. FENAUX (Belgium) stated that his delegation would vote in favour of the joint draft resolution. It constituted a practical and humane solution of the problem of Palestine refugees at the present stage. Belgium joined in the tribute paid to the various States and organizations which had so generously responded to the appeal of the United Nations Relief for Palestine Refugees (UNRPR). For its own part, the Belgian Government had contributed 440,278 dollars to the alleviation of their distress, a sum which almost equalled its contribution to the budget of the United Nations. That fact illustrated the importance which it attached to the problem. Without prejudging the nature and scope of its future contributions, the Belgian Government pledged itself to continue to assist the Palestine refugees.

9. Mr. GONZÁLEZ ALLENDES (Chile) presented an amendment (A/AC.31/L.47) to paragraphs 19 and 22 of the joint draft resolution (A/AC.31/L.46) before the Committee involving a technical matter of co-ordination of the work of the proposed new agency and existing organs of the Economic and Social Council in the field of technical assistance.

10. The CHAIRMAN, after reading the names of the delegations which had indicated their desire to speak in the general debate, declared the list of speakers closed.

11. He stressed the urgency of the problem of relief to the Palestine refugees and urged the members of the Committee to co-operate in expediting prompt action.

The meeting rose at 11.35 a.m.

FIFTY-FOURTH MEETING

Held at Lake Success, New York, on Friday, 2 December 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

ASSISTANCE TO PALESTINE REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/1060, A/1060/ADD. 1, A/1106) (*continued*)

1. Mr. Martin HILL (Secretariat), speaking on behalf of the Secretary-General, and with reference to paragraph 14 of the joint draft resolution submitted by the delegations of France, Turkey, the United Kingdom and the United States (A/AC.31/L.46/Rev.1), said that the total of the Working Capital Fund was 20 million dollars. It was primarily intended to cover payroll and other essential expenditures as well as unforeseen expenses pending the receipt of budgetary contributions. Experience indicated that a minimum of from 10 to 12 million dollars from the Fund would be required for 1950 to finance normal budgetary operations. That estimate represented the requirements at the lowest point which occurred during the first half of the year. In addition, outstanding loans to specialized agencies and other authorized withdrawals would amount to about 2,500,000 dollars and the Secretary-General had been required, by draft resolution II adopted by the Fifth Committee (A/1232), to maintain a reserve of another 2 million dollars for unforeseen expenses related to peace and security. Accordingly, total requirements would amount to between 14,500,000 dollars and 16,500,000 dollars.

2. In the circumstances, the Secretary-General wished to point out that it did not appear likely that he would be able to advance 5 million dollars for Palestine refugees within the first half of 1950. The maximum sum which would be available during that period would almost certainly be about 3 million dollars. While the Secretary-General was not suggesting a modification of paragraph 14 of the joint draft resolution, he considered it his responsibility to state clearly the actual financial prospects in connexion with the refugee programme.

3. RAHIM Bey (Egypt) stated that his delegation endorsed the joint draft resolution and congratulated its sponsors upon their sympathetic understanding of the tragic plight of the Palestine refugees. However, in order to clarify several provisions of that draft, he was submitting the amendment contained in document A/AC.31/L.48.

4. Parts 1, 2 and 7 of the Egyptian amendment were intended to give special emphasis to the General Assembly's resolution 194 (III) of 11 December 1948, with particular reference to its paragraph 11. That provision affirmed the inalienable and natural right of all Palestine refugees wishing to do so, to return to their homes. That right had been brutally violated by those who had driven them from their land, in defiance of all law and of the expressed will of the United Nations. The refugees clamoured not for relief, but for repatriation; not for a dole, but for a return to normal living in their own communities and freedom to enjoy their homes and property. The need for international assistance would end as soon as they had returned, and peace and stability had thus been restored to the Middle East. If the United Nations was to discontinue assistance by the end of 1950, it must implement its resolution 194 (III) which outlined the only real solution of the refugee problem. If necessary, it should invoke sanctions under the Charter in order to achieve that objective. The Egyptian amendment stressed that repatriation was the only just solution and made it clear that the assistance contemplated by the joint draft resolution was not intended as a substitute for it.

5. Parts 3 and 6 of the Egyptian amendment were designed to introduce greater flexibility in the terms of reference of the Director of the new relief agency and to avoid fixing a deadline for the termination of direct relief. It should be recalled that the number of rations had been progressively reduced despite the increase in the numbers of destitute. As a direct consequence of the refugee problem, hundreds of thousands of Arab inhabitants of the area were now in even greater distress than those who had originally fled from their homes. It was therefore essential to avoid a drastic reduction in the number of rations and to permit the new relief agency to meet legitimate demands without serious reduction in the diet available through direct relief. Accordingly, the Egyptian delegation had revised paragraph 6 of the joint draft resolution in order to leave the Assembly free to reconsider the advisability of terminating direct relief at the end of 1950 in the light of the needs of the refugees at that time. With the same objective in view, it had proposed an addition to paragraph 9 of the joint draft resolution whereby the director of the new relief agency would have greater latitude in apportioning the funds at his disposal between direct relief and works projects.

6. Part 4 of the Egyptian amendment called for a change in the title of the new relief agency which would accurately describe its nature and purposes. The countries of the Middle East had not asked for relief; assistance was to be given specifically to the Palestine refugees.

7. Finally, Part 5 stressed the importance of consultation and co-operation between the director of the new agency and his advisory commission and the Governments of the Middle East countries. As recommended by the Economic Survey Mission (A/1106), such co-operation was an essential of intelligent planning and of the harmonious execution of the works programme.

8. The Egyptian delegation hoped that the sponsors of the joint draft resolution would accept its amendment.

9. Mr. Ross (United States of America) found the amendment acceptable with one exception: the change in the title of the proposed new relief agency was too restrictive. Some works projects, for example, were to be undertaken not in Palestine itself, but in neighbouring countries such as Jordan where there were substantial numbers of refugees. While he did not wish to press the point, Mr. Ross suggested as a compromise title: Near East Refugee and Works Agency.

10. The CHAIRMAN suggested that the sponsors of the joint draft resolution should consult with the representative of Egypt regarding a change of the title of the proposed new relief agency.

11. Sir Alexander CADOGAN (United Kingdom) also accepted the Egyptian amendment. He emphasized, however, that while a reduction in the number of rations presented many difficulties, it was important to reduce them to some extent. On the other hand, the director of the new relief agency and his advisory commission were clearly best qualified to judge to what extent they should be reduced and he therefore had no objection to the Egyptian amendment.

12. Mr. DE LA TOURNELLE (France) also found the Egyptian amendment acceptable.

13. Mr. KURAL (Turkey) concurred with the other three sponsors of the joint draft resolution and said he would be prepared to follow the Chairman's suggestion to consult with the representative of Egypt concerning a possible change in the title of the new relief agency.

14. Mr. CHOUKAIRY (Syria) emphasized that the tragic situation of the Palestine refugees had deteriorated with time. In the throes of grave despair and demoralization, they were kept alive only by the hope of ultimate repatriation to their homeland.

15. The refugee problem had been created by General Assembly resolution 181 (II) of 29 November 1947. Even if there had been no conflict, the Arabs in Jewish territory would have been uprooted from their homes by discriminatory legislation and unrestricted Jewish immigration, while those in an Arab State would have been isolated.

16. In the period immediately preceding the termination of the mandate, Zionist terrorism, operating through the Jewish Agency, had taken a heavy toll of Arab lives and property. Despite stubborn denial of its responsibility, ample evidence proved that the Jewish Agency had deliberately planned to displace the Arab population as part of its policy to force an end to the mandate. The campaign of Zionist terrorism had been set off by the assassination of Lord Moyne in Cairo and the blowing up of the King David Hotel in Jerusalem. Successive acts of violence and murder had cost the lives of scores of innocent persons. Attacks on obviously non-military targets and mass slaughter had accounted for the deaths of hundreds of Arabs. For a full report of Jewish acts of terror, Mr. Choukairy referred the Committee to the supplement to a *Survey of Palestine* submitted to the United Nations Special Committee on Palestine by the Government of Palestine.

17. No less an authority than the Archbishop of York had confirmed the veracity of reports of Zionist violence when he had described to the

House of Lords on 29 March 1949 the gruesome details of the massacre of Deir Yasin. The news of that outrage and other attacks on Arab villages had spread panic among the population and forced tens of thousands of Arabs to flee from their homes at a moment's notice. Subjected to severe hardship, their belongings looted along the way, they had sought refuge in neighbouring countries. There they remained utterly destitute.

18. The refugee problem, he proceeded, was an inevitable consequence of the Zionist plan to drive the Arab population out of Palestine. On 9 June 1949, the head of the Jewish delegation, Mr. Eytan, referring to the question of repatriation, had told the Conciliation Commission held in Lausanne on 9 June 1949 that "the artificial re-creation of a minority group in Palestine such as was advocated at present by the Arab delegation would be a retrograde step so far as peace in the Middle East and the world was concerned". Mr. Choukairy pointed out that it was the Jews who represented the minority in Palestine; consequently, according to the Jewish representative's own argument, it would be the elimination of the Jews from Palestine which would ensure peace in the Middle East.

19. The provisions of paragraph 11 of the General Assembly resolution 194 (III) had been flagrantly disregarded by the Jewish authorities. Despite the efforts of the Conciliation Commission, which had given top priority to the problem, not a single refugee had been allowed to return to his home. The Jewish authorities refused to accept the principles of the resolution 194 (III), claiming that it was unrealistic to regard repatriation as a practical solution of the refugee problem. The head of the Jewish delegation had also told the Conciliation Commission on 9 June 1949 that many of the homes and farms of the refugees were ruined or were occupied by others. Mr. Choukairy maintained that that was not so; however, even if it was the case, it was surely a blatant violation of justice to prevent refugees from returning to their homes simply because the homes had been destroyed by those responsible for their flight. Even assuming that the Jews were the genuine victors in Palestine, they had no right to expropriate the vanquished citizens of that country. Such action was not justified by international law, nor was a parallel for it to be found in the cases of Germany, Italy or Japan. The argument advanced by the Jewish spokesman was obviously a mere pretext for the refusal to permit the repatriation of Arab refugees.

20. The Jews had also attempted to use the refugee problem as a bargaining factor in their quest for further territorial expansion. In a letter to the Conciliation Commission dated 29 May 1949, the Jewish Government had made the annexation of the Gaza strip a condition of its consent to take back the refugees now in that area. The Gaza strip was Arab territory; nevertheless, the Jews had asserted that "under no other scheme could Israel absorb so large a number of refugees".

21. Furthermore, they had rejected even the provisional measures suggested by the Commission to save Arab property.

22. The exact number of Palestine refugees could not be stated with complete accuracy, both because they were so scattered in neighbouring territories that a systematic census had proved impossible, and because Arabs continued to flee from Palestine as a result of Jewish action. In that connexion, Mr. Choukairy remarked that such action generally took place while the General Assembly was actually in session. Thus, on 4 November 1948, the Arab League had reported the Massacre of Dawayma near Hebron; on 17 November 1949, the Minister of Foreign Affairs of the Hashemite Kingdom of Jordan had reported the expulsion of two thousand Arabs from the Beersheba area. The purpose of such careful timing was to destroy the faith of the Arabs in the United Nations by impressing upon them that the United Nations was incapable of helping them or of preventing further aggression. It was for the General Assembly itself to take up the challenge.

23. The International Committee of the Red Cross, the League of Red Cross Societies and the American Friends Service Committee had calculated (A/1060, chapter III) the total number of refugees now in Cyprus, the Gaza strip, Iraq, Jordan, Lebanon, Palestine, Saudi Arabia and Syria as 940,000, almost three-quarters of the Arab population of Palestine (A/1106, Appendix B). The overwhelming majority of the refugees were anxious to return to their homes; that fact had been noted in the reports of the Conciliation Commission; the Economic Survey Mission and the three bodies operating under United Nations Relief for Palestine Refugees (UNRPR).

24. The total number of refugees, vast as it was, appeared still more enormous if viewed in terms of percentages. Transposed to the scale of a larger country, the number of refugees would have to be counted in tens or even hundreds of millions. Among the Arab refugees there were more than half a million children, living in appalling conditions, uprooted from their native soil, and to a large extent deprived of education. Those who did receive some schooling were handicapped by the shortage of teachers and the absence of buildings and equipment.

25. Repatriation was the only solution of the problem. The refugees were entitled to it both by virtue of the resolution 194 (III) and under the terms of article 14 (2) of the Universal Declaration of Human Rights adopted by the General Assembly in its resolution 217 (III). It was absurd to seek a new home for a whole nation when the old home still existed; in any event, the United Nations, with all its resources, was physically unable to create a new territory for so many people. If it were found that the abandoned Arab properties had been devastated, both the United Nations and the refugees themselves would work towards their rehabilitation; but the effort of solving the problem by means of resettlement was too great. Mr. Choukairy pointed out that the Arabs had represented the overwhelming majority in the areas from which they had fled, and cited to that effect figures given in the report dated 11 November 1947 of the Sub-Committee of the *Ad Hoc* Committee on the Palestinian Question.[1] Many of the areas concerned were part of the territory assigned to the Arabs under the resolution 181 (II) of 29 November 1947. If the inhabitants of those

[1] See document A/AC.14/32.

areas, together with those of Jerusalem, were repatriated as a first step, the present tension would be considerably eased.

26. Turning to the report of the Economic Survey Mission (A/1106), Mr. Choukairy expressed his delegation's appreciation of the Mission's efforts. The recommendations contained in the report were undoubtedly intended as temporary measures rather than as a substitute for repatriation.

27. The plight of the refugees had aroused the sympathies of men and women in all parts of the world. The Arabs of Palestine had neither money nor influence; whatever help or encouragement they received was given as charity. That was why the delegation of Syria felt compelled to appeal to the General Assembly on their behalf.

28. In conclusion, Mr. Choukairy cited extracts from the report of the late United Nations Mediator for Palestine, upholding the principle of repatriation and stressing the duty of the United Nations to give effective assistance to the refugees. It was to be hoped that that principle, embodied in a subsequent decision of the General Assembly, would not be forgotten.

29. Mr. JOCKEL (Australia) stated that the imaginative and practical proposals contained in the report of the Economic Survey Mission provided an excellent basis for a programme of international assistance. The Australian delegation would support the comprehensive resolution (A/AC.31/L.46) submitted by the delegations of France, Turkey, the United Kingdom and the United States on the basis of that report. The private agencies which had distributed relief were to be particularly commended for their contribution to the cause of the United Nations.

30. Referring to paragraph 9 (*a*) of the joint draft resolution, the representative of Australia hoped that the brief expression of the terms of reference of the Director would be understood to rest upon the general "Guiding principles for administration of proposed programme" outlined in the report of the Economic Survey Mission (A/1106). Co-operation with national Governments and consultation in selection and planning were important, and it was gratifying to have those points clarified by the Egyptian amendment (A/AC.31/L.48).

31. The representative of Australia presented an amendment (A/AC.31/L.49) to paragraph 8 of the joint draft resolution. The Australian amendment proposed to insert, in paragraph 8 of the joint draft resolution (A/AC.31/L.46/Rev.1) after the words "United States of America" the following words "with power to add not more than three additional members from contributing Governments". He explained that under General Assembly resolution 212 (III), a seven-member Advisory Committee had been established to advise the Secretary-General. In the past, few policy questions had arisen in the purely relief operations which had been undertaken. Future operations would, however, be more complex and, with a programme of 55 million dollars, more serious responsibilities would be involved. The Australian delegation had previously considered proposals for more direct supervision but would not press that point. It felt, however, that the advisory commission of four should be enlarged to seven by the addition of three members from among the important contributing Governments. Since most Governments, including his own, could not make commitments at the current stage, the advisory commission would, through a more flexible procedure, be empowered to increase its own membership.

32. The Australian delegation was disturbed by the statement of the representative of the Secretary-General in connexion with the Working Capital Fund. The Australian delegation considered it unsound to use the Working Capital Fund for relief purposes, although it recognized that this principle might require modification before emergencies. It could not agree to any arrangement which would threaten the normal functioning and financial stability of United Nations. The question would require study by the Fifth Committee. Although no modification of the figure given in the draft resolution had been proposed, the situation must be viewed realistically.

33. With regard to the Chilean amendment (A/AC.31/L.47) Mr. Jockel agreed that it was desirable to strengthen paragraph 19, but stated that the amended text was too detailed at the current stage. Besides, the designation of an observer might not be the best possible means of achieving the desired co-ordination. Moreover, detailed consideration would require reconvening of the Second Committee of the General Assembly.

34. The text might perhaps be satisfactorily amended to provide for appropriate arrangements to be made by the Economic and Social Council and the Director. Paragraph (*b*) would then be unnecessary.

35. Mr. DEJANY (Saudi Arabia) expressed sincere appreciation to all Governments, organizations and individuals that had generously contributed to the relief of Palestine refugees and had thus shared in a humanitarian effort which the Arab Governments alone could not have carried out.

36. Discussion of the problem of refugees could not appropriately be confined to the question of assistance alone because resolution 194 (III) of the General Assembly dealing with the question of Jerusalem and Arab refugees had reaffirmed the right of refugees to return to their homes and had instructed "the Conciliation Commission to facilitate the repatriation, resettlement and social rehabilitation of refugees and the payment of compensation". Moreover, reports of the Conciliation Commission and the Economic Survey Mission indicated that one year after the adoption of the General Assembly's resolution, the number of refugees had increased and their condition had deteriorated even further. Arab refugees had been unable to return to their homes because of the refusal of Israel to admit them; Israel had so far offered to repatriate only 100,000 Arab refugees and only as a part of a general peace settlement of all other issues; Arab refugees had not been compensated for the property that they had abandoned.

37. The denial of the universally recognized right of the Arabs to return to their homes constituted a violation of the General Assembly's resolution and was a characteristic manifestation of the increasing expansionist tendencies of Jewish authorities in Palestine. Through succes-

sive stages, the Jews in Palestine had passed from assurances of their peaceful intentions, advocacy of a Jewish State, and assurances that the Arabs would not be driven from the Jewish State, to a policy of forcing the entire Arab civilian population to suffer the miseries of exile on a scale unparalleled in the annals of history. The statements of Jewish leaders indicating that 950,000 Arab refugees were being used as a political pawn were even more shocking when it was considered that according to Red Cross reports 80 to 85 per cent of those refugees were women, children and old men.

38. The attempt of the Jews to evade responsibility for the suffering of Arab refugees by claiming that the Jews had not forced the Arabs out of their homes was in complete contradiction with the deliberate policy of the Jewish armed forces in expelling thousands of Arabs and in perpetrating savage massacres in Arab villages in order to spread panic and induce the Arabs to flee.

39. Even, however, if it were assumed that the Jews were not responsible for the plight of the refugees, it was inadmissible that they should refuse to allow the refugees to return to their rightful homes. That policy had but one object: to demoralize the Arabs so that they would sell their land and settle elsewhere. That policy also made it likely that a greater number of refugees would die and that with the passage of time world interest in their return to their homes would decrease.

40. The representative of Saudi Arabia indicated that the Jews had always based their right to return to Palestine on the Hebrew occupation of that country for a period of less than four hundred years more than two thousand years ago. It was further alleged that in the intervening period they had never renounced their claim to Palestine. If that line of reasoning were followed, the claim of the Arabs of Palestine was far stronger since they had lived on that land continuously for the past thirteen hundred years and still owned most of the land. While there was only a religious tie between modern Jews and the Hebrews in Palestine, the Arabs of Palestine were closely bound to the land by centuries of ownership and attachment. Every living refugee was deeply attached to his native land and, it must be recognized, the more the Jews prolonged the sufferings of the exiled Arabs the greater would be their bitterness and their hate.

41. The Jews constantly alleged that it would be impossible for the Arabs to return because their homes were being used for Jewish refugees and because most of the buildings in villages were in ruins. That allegation was manifestly absurd but, even if it were assumed to be true, Arab refugees would be no worse off if they were allowed to return even to ruined houses especially since, within a short period of time, they would be in a position to produce food and alleviate the grave shortage which prevailed. If such a transfer were effected and the burden of relief administrators were correspondingly reduced, it was possible that the medical service which refugees now enjoyed might be continued.

42. In the opinion of the representative of Saudi Arabia, no weighty argument could be advanced against the return of refugees. If security considerations were invoked, arrangements could be made to repatriate inhabitants of villages which were not close to the borders of the area. Objection to the admission of able-bodied men could be eliminated by limiting the first refugees to old men, women and children. The question of the availability of land could not arise because up to the termination of the mandate the Jews had owned less than 7 per cent of the land in Palestine and had developed only 20 per cent of the area they owned.

43. As reported by the Economic Survey Mission, psychological considerations were an important factor in the yearning of the refugees to return to their homes and to their land even under the most adverse conditions.

44. While relief and the economic assistance programme outlined in the joint draft resolution were admittedly important, those measures alone could not provide a solution to the refugee problem. The authorities concerned must be urged to facilitate the implementation of paragraph 11 of resolution 194 (III) of the General Assembly which reaffirmed the right of Arab refugees to return to their homes. In addition the Conciliation Commission must be requested to concentrate its efforts on the implementation of the provisions of that paragraph.

45. Referring to the joint draft resolution before the Committee, Mr. Dejany stated that the Saudi Arabian delegation could not disassociate the minimum fixed ration for relief from certain disturbing factors such as the steady reduction of the vitality of refugees and the increase of tuberculosis and other diseases. Nor could the delegation of Saudi Arabia see any justification for the proposed reduction in the number of rations to be issued, especially since the number of persons needing help had constantly increased and the number receiving rations had always exceeded previous estimates. Further, economic dislocation swelled the number of refugees and made it difficult to support any reduction in the number of rations.

46. The delegation of Saudi Arabia believed that the substitution of economic assistance programmes for direct relief was a wise and sound step and, subject to some modifications, it would support the joint draft resolution.

The meeting rose at 1.10 p.m.

FIFTY-FIFTH MEETING

Held at Lake Success, New York, on Friday, 2 December 1949, at 2.30 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

ASSISTANCE TO PALESTINE REFUGEES: REPORT OF THE SECRETARY-GENERAL (A/1060, A/1060/ADD. 1, A/1106) (*concluded*)

1. The CHAIRMAN invited the members of the Committee to continue the discussion of assistance to Palestine refugees, and to restrict their observations entirely to that most urgent question.

2. Mr. AL-JAMALI (Iraq) observed that the situation of the Arab refugees was one of the great tragedies of the century. It was inconceivable that the terrible sufferings of nearly a million human beings, the majority of whom were women and children, could continue to be treated with indifference by the organization whose duty it was to protect human rights and the welfare of mankind. If those unfortunates were left in such a state of abandonment and despair, the result might well be to create a group of subversive and anti-social elements.

3. The first thing that should be done was to determine the causes of the situation and to apportion the responsibility, since Zionist propaganda had always tended to distort the facts and to shift the blame.

4. The adoption of the partition plan, on 29 November 1947 by General Assembly resolution 181 (II) had provoked a popular reaction which was quite natural seeing that the decision violated the civic and political rights of the Arabs of Palestine, who were allowed neither arms nor military training by the Mandatory Power. The Zionists, on the other hand, had arms and munitions; they had fortified their villages and had created secret military organizations such as the Irgun and the Stern group. It was during the British occupation that the population of Deir Yasin was massacred and that the Jews committed numerous atrocities against the Arabs which had obliged some 280,000 of them to flee from Palestine.

5. He quoted a passage from an article in the *Star* of Washington, D. C. which stated that it had been the Deir Yasin attack which had terrified the Arab masses and caused their stampede, and that that had been a blessed miracle which had had disastrous effects for the Arabs. That statement was tantamount to a confession of guilt.

6. During the fighting the civilian population had naturally had to leave the area of battle in order to escape from Zionist atrocities, but the expulsion of Arabs from their homes had continued after the cessation of hostilities, and in violation of the terms of the armistice agreement between Israel and Jordan.

7. The sole causes of the tragedy of the refugees were Zionist terrorism and cruelty, together with Israel's defiance of the United Nations decision.

8. The truth was that the Zionists had never been satisfied with what they received under the partition plan adopted by General Assembly resolution 181 (II); they would always try to find excuses for their aggressive and expansionist designs.

9. He recalled that under the terms of resolution 194 (III) of 11 December 1948 "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practical date and that compensation shall be paid for the property of those choosing not to return".

10. The refugees did wish to return to their homes; that was their right, not only by virtue of a United Nations decision, but also according to the terms of article 13 (2) of the Universal Declaration of Human Rights, which had been adopted by the General Assembly in resolution 217 (III) and which laid down that "everyone has the right . . . to return to his country". The fact that the refugees wished to return home was corroborated by the first interim report of the United Nations Economic Survey Mission for the Middle East (A/1106).

11. The Zionists, however, defied the decision of the United Nations and the Universal Declaration of Human Rights; the report of the Economic Survey Mission already quoted, stated categorically that "the Arab refugees have not been able to return to their homes because Israel will not admit them". Also that: "Israel had to date offered to repatriate only 100,000, and only as a part of a general peace settlement of all other issues".

12. The reason why Israel would not admit the refugees was that hundreds of thousands of Jews all over the world were being induced to give up their homes and nationality and immigrate to Palestine. The speaker quoted an article from the *New York Herald Tribune* of 27 November 1949, according to which the Jewish population of Israel had numbered 750,000 when statehood was proclaimed; since then 300,000 immigrants had arrived in Israel at the rate of 17,000 a month for the past six months, and despite difficulties of all sorts, the Government and people of Israel were holding to the policy of open entry for all Jews.

13. The question was what would be the repercussions of that policy of denying the refugees the right to return to their homes and at the same time bringing in such large numbers of Jews.

14. That policy would have both human and political consequences as far as the Arabs were concerned. As to the Jews, the Zionist policy would certainly tend to undermine the loyalty of Jewish citizens all over the world to the country where they lived, thus creating confusion and instability.

15. In that connexion he quoted a United Press report of 16 September on the European Zionist Conference, stating that two appeals had been made to the Conference for continued financial support of Israel, and that a proposal had been put forward that Jews in all parts of the world should have double nationality—that of the country in which they lived and that of Israel.

16. The policy of uprooting the Arabs and making Jews occupy their homes was financed by the Zionists of the United States. Without their financial help that policy would be impracticable. It was regrettable that the people of the United States were unaware of that side of the question, on account of the silence of the Press of that country with regard to anything that might offend the Zionists.

17. The United Nations, led by the United States and the USSR, could not absolve themselves of responsibility. The plan for the partition of Palestine was their work. The sponsors of that plan should see to it that justice was done to the Arabs and that the Zionists abided by international decisions. So far they had obeyed only those decisions which served their purpose, and had flouted all those which partially recognized Arab rights.

18. The problem of the refugees should be approached from two angles, it should be dealt with first along the humanitarian line—which was temporary and not very effective—and secondly along the political line, which should guarantee full Arab rights in Palestine and compensate their losses.

19. With regard to the humanitarian side, the delegation of Iraq welcomed the principle of work for the refugees embodied in the report of the Economic Survey Mission (A/1106) and in the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States (A/AC.31/L.46/Rev.1).

20. However, the delegation of Iraq wished to make the following remarks:

21. First, it seemed that the Economic Survey Mission's report and the joint draft resolution implied that, sooner or later, the rights of the Arabs to return to their homes would be liquidated, and that after a year or so the Arab States would have to take over the burden of the refugees in their own territories. In that connexion, the speaker quoted article 7 of the draft resolution.

22. The delegation of Iraq thought that the United Nations could not, for humanitarian reasons, escape from their responsibility for that question until the refugees had been finally settled in their homes.

23. Secondly, he thought that the words "Near East" in the title "Near East Relief and Works Agency" as it appeared in the draft resolution, were ill chosen. In fact, those words did not indicate the fundamental functions of that agency, namely, assistance to Palestine refugees. Moreover, the Near East was a vast area including Greece and Turkey, which were not within the jurisdiction of that agency. Nor was it within the jurisdiction of the United Nations to establish an agency for any sovereign States without the consent of those States. For that reason the words "for Palestine refugees" should be substituted for the words "Near East".

24. Thirdly, the number of members in the proposed Advisory Commission was too limited. The Commission should have at least two additional members.

25. Fourthly, the proposed funds might prove to be inadequate. The delegation of Iraq would support any proposed increase in those funds.

26. Fifthly, the number of refugees and the date for terminating relief should be given a wide degree of flexibility. In fact, the victims might well prove to be greater in number and the time limits might have to be extended. Those eventualities should be provided for.

27. Sixthly, the Economic Survey Mission's report mentioned cases of refugees who had been separated from their lands by the line of demarcation drawn according to the terms of the Armistice Agreement. Pending settlement of the Palestine question, the United Nations should make it possible for the farmers to care for their farms and land.

28. There was no doubt that the problem had a serious human aspect, but it could not be solved by purely humanitarian measures. The problem should be envisaged from the political aspect. The General Assembly would fail in its duty if it did not take a decision which would guarantee full human and political rights to refugees and assure their return to their homes.

29. To continue to keep refugees in their present condition of absolute destitution could only result in the death of hundreds, and those responsible for such a state of affairs could be accused, not only of violating the decisions of the United Nations and of the Universal Declaration of Human Rights, but also of genocide.

30. The political aspect of the problem of refugees placed the United Nations before grave consequences:

31. In the first place, the condition of the refugees stirred feelings of deep hatred and indignation among the peoples of the Near East for the rest of humanity. In fact, the Arab world rightly believed that the United Nations was directly responsible for the present tragedy.

32. In the second place, the condition of the refugees gave rise to serious internal political problems in the Arab world. The consequences of those problems would have international repercussions.

33. In the third place, those refugees wished, and rightly, to return to their homes sooner or later. The speaker recalled that the Arabs would never consent to abandon their homes in Palestine. It was preferable that they should return to their homes peacefully under the auspices of the United Nations, as a situation could arise which might have very grave effects in the Near East. Such difficulties should be avoided at all cost.

34. In the fourth place, the question of the refugees had already begun to play a part in international political affairs. In that connexion, the speaker quoted an extract of an article which had appeared on 26 November 1949 in *The New York Times,* which stated that the Soviet Union was openly encouraging the slogan used by the Arab refugee spokesman to the effect that if the United Nations did not repatriate the Palestinian Arab refugees, the latter would become communists; the often-used theme inferred that the fate of the refugees was directly due to British and United States imperialism.

35. The speaker emphasized that the United Nations would fail in its duty if it merely took humanitarian measures, however important those measures might be. A fundamental political

settlement had to be achieved which would recognize the Arab rights. So far the United Nations, which was solely responsible for the existence of Israel, had achieved no positive results by soft methods. It would succeed better in the solution of the Palestine problem if it made use of moral and material sanctions. Unless the United Nations adopted that attitude, the problem of the refugees would remain a threat to world peace and a constant source of anxiety for all those who valued human dignity and human worth.

36. Mr. EBAN (Israel) said that the tragic fate of the Arab refugees of the Near East was one of the most serious consequences of the war declared in 1948 by Egypt, Jordan, Lebanon, Saudi Arabia, Syria and Yemen for the purpose of crushing the State of Israel out of existence, in defiance of an international recommendation. Those who had initiated that war were, consequently, responsible for its tragic consequences.

37. In modern times, the sufferings of war had increasingly affected the populations, caught between the rival armies. The speaker recalled that in Europe, during the Second World War, and in the countries of Asia, during the recent upheavals caused by independence movements, the victims of those mass wanderings, left to themselves without international aid, had been numbered in the thousands. Those catastrophes could not, however, minimize the proportions of the problem before the General Assembly. Beyond the important humanitarian issues involved, there was the greater problem of peace in a whole region.

38. The refugee problem in the Near East was prejudicial to political harmony and economic development. The countries of the Near East, as well as the United Nations, must find a solution to that problem by co-operative measures, with a view to the stabilization of political relationships and economic conditions throughout the area.

39. The Economic Survey Mission had proposed modest but significant measures to that end (A/1106).

40. The speaker stressed the fact that it was the cold and calculated decision of the Arab States to invade the State of Israel which had caused the death of thousands who had died on the field of battle and the flight and exile of thousands of thousands of others. It was not the General Assembly resolution, but the military attack in violation of that resolution, which had created that misery. The Arabs of Palestine had been urged by neighbouring States to establish no administration of their own, to envisage no peaceful relationship with Israel, to refuse to live within a Jewish State, to regard themselves as the enemies of their Jewish neighbours and to await their rescue by invading Arab armies coming to their aid with the intention of destroying Israel. Soon the Palestine Arabs found themselves caught between their so-called liberators and their Jewish neighbours.

41. They had fled to seek refuge in the neighbouring States to which they were bound by links of natural solidarity. Those States, which had caused their exile, were now showing them the door. They protested their innocence; they claimed that they were not responsible for that burden. Having fought a destructive war to liberate the Arabs from Jewish domination, they were now conducting a political campaign to force those very Arabs to return to Jewish domination.

42. Thus Syria, from whose territory the first attacks were launched, had absolved itself from any collaboration for the resettlement of the refugees.

43. Israel's reply to those unilateral protestations of innocence must be frank and clear. There was a refugee problem only because there had been a war. Therefore those who had launched that war were responsible for the existence of the problem. One could not organize vast military operations resulting in the dispersion and exile of thousands of persons and then refuse to accept any responsibility for assisting to dispel the misery caused by that action.

44. Israel knew by experience to what lengths of sacrifice and effort a Government and people could go in order to share their resources and facilities with their brothers in need. For that reason the delegation of Israel did not hesitate to examine the problem in the light of initial responsibility. It reminded every Arab State which had participated in the attack upon Israel that they bore the whole responsibility for all the victims of that war and for all the subsequent misery which had resulted for both parties concerned. The Arab States could only expiate their heavy guilt by seeking a speedy and effective solution of the problem, in co-operation with the United Nations and with the State of Israel. That did not mean that no other State should participate in that effort, in view of the fact that the peace and prosperity of the whole region were at stake. That was why Israel wanted all the States of the Near East to unite their efforts with a view to finding a solution to the problem, each to the extent of its resources, its economic capacity and its security requirements.

45. During the general discussion, the representative of Poland had rightly pointed out during the 51st meeting that the problem had a dual aspect: the aspirations of the refugees constituted one aspect, and the vital interests of States constituted the other. In the case of Israel, economic restrictions, severe as they were, were nevertheless of secondary importance in comparison with the primary requirements of security. Surrounded by hostile States which, for the most part, as the Committee had been able to see for itself, showed no evidence of any peaceful intentions, assailed by reports of Arab rearmament, threatened by propaganda advocating revenge, Israel knew, like everyone, that a mass return of refugees from hostile States would be tantamount at that time to the destruction of the State of Israel.

46. It was true that the Arab States sincerely wished to send the refugees back to Israel; however, they also wished quite as sincerely that Israel did not exist. Those two wishes were entirely consistent and complementary. The fulfilment of the first would bring about the fulfilment of the second. That was why Israel was forced to affirm that the right of a State to defend its own existence must take precedence, as provided in the Charter, over all other considerations. The threatening and hostile statements which had been made before the Committee only confirmed the conviction of the Government of Israel in that respect.

47. Apart from considerations of security, Israel could not ignore a situation in which the existence of a large minority within a State, surrounded by hostile States which refused to recognize Israel or to maintain peaceful relations with it, would make the peaceful co-existence of Jews and Arabs in Israel impossible and would raise insurmountable practical difficulties in the economic field. A permanent plan for the resettlement of the refugees could only be envisaged when peaceful relations had been re-established.

48. Throughout the discussions of the Conciliation Committee at Lausanne, the Government of Israel had tried to break the deadlock. Consideration of security militating against any repatriation before the establishment of peace had been set aside in order to permit the reunion of Arab families separated by the war. The Arab population of Israel had risen to 170,000, chiefly because of the return of refugees. Work projects had been initiated on behalf of refugees who had returned to their homes. The report of the Economic Survey Mission spoke of the financial assistance afforded by the Arabs, but failed to mention that the State of Israel had incurred expenses amounting to 3,500,000 pounds sterling in connexion with the rehabilitation of the Palestine war refugees.

49. Later on, the States concerned had been informed that the only way of breaking the deadlock would be for each State in the Near East to indicate the number of refugees whose proper resettlement it could guarantee. Israel had been the first, and was so far the only, State to indicate the contribution it was ready to make in that connexion. If the other States of the Near East had done likewise, commitments would probably have been enough to cover the total number of refugees. However, Israel's offer had been completely ignored.

50. The representative of Egypt had referred during the 52nd meeting to the situation of the refugees in the region of Gaza; nevertheless, the Egyptian Government had refused to enter into direct negotiations with Israel regarding those territories. The proposal that a strip of land five miles long, currently occupied by Egypt, and containing the largest concentration of refugees numbering about 270,000, should be incorporated in Israel territory had been recommended to Israel by members of the Conciliation Commission and the heads of relief agencies. That recommendation had been based on the fact that the removal of the strategic danger that territory represented for the State of Israel would largely offset the risk to Israel security which would result from the entry into Israel of a greater number of refugees. However, since the Egyptian Government had retained that territory, it must bear the responsibility for the fate of the refugees living there.

51. In view of the political deadlock reached, it was impossible to do other than share the opinion of the Economic Survey Mission that a final solution was unattainable in the absence of any political agreement between the States concerned. The Government of Israel was convinced that only direct negotiations between Israel and each Arab State could achieve such an agreement.

52. In the meantime, in view of the existing situation, the Economic Survey Mission proposed (A/1106) that a preliminary transition should be made from relief to work programmes; later on, it would be possible to progress from work projects to permanent resettlement and repatriation.

53. The Government of Israel was in favour of that approach and would afford it every assistance. Nevertheless, it should be borne in mind that repatriation was in no sense an easier and less costly process than resettlement, and that the employment of refugees in Israel could not be organized without taking into account the high cost of labour and the high standard of living in Israel, in comparison with neighbouring States.

54. The delegation of Israel would support the joint draft resolution (A/AC.31/L.46/Rev.1) embodying the recommendations of the Economic Survey Mission.

55. The delegation of Israel associated itself with the tributes that had been paid to the work of the international agencies and relief organizations which had operated in that field. The activities of the United Nations International Children's Emergency Fund (UNICEF) had been particularly valuable. It was for that reason that the delegation of Israel had warmly supported[1] the draft resolution put forward in the Third Committee for the continuance of that Fund.

56. Nevertheless, the delegation of Israel could not refrain from emphasizing the need to set up an organization for regional co-operation. It had been deeply disappointed by the statements of the Arab delegations in that respect; they were apparently unwilling to make any contribution to a solution of that problem; they would not reply to the offers made by the Government of Israel, and they would not join with the United Nations and with Israel in investigating the capacity of each State in the Near East to contribute to resettlement and repatriation. Their deep feelings on behalf of the Arab refugees had nevertheless not moved them to assist in their resettlement in spite of the considerable facilities which they had in that field.

57. He recalled that on 10 October 1949, the Chairman of the Economic Survey Mission had told the representative of Israel that the success of the Mission depended much more on the ability of the parties in the Near East to look to the future, than on attempts to establish responsibility for the past. Israel could not underestimate the question of responsibility any more than its neighbours; Israel's losses through the Arab invasion were equivalent to the slaughter, within a few weeks, of one million inhabitants of the United States. Those who had escaped such dangers were not ready to forget the past so soon. Nevertheless, goodwill must be shown on both sides.

58. The delegation of Israel hoped that once the period of military precautions and multiple danger had given place to normal relations, the States of the Near East would be able to regard themselves as partners in the economic development of an area where the civilizations of Israel and of the Arab world had flourished so brilliantly in the past.

59. Mr. AZKOUL (Lebanon) would have liked to reply in detail to the remarks just made by the

[1] See *Official Records of the fourth session of the General Assembly, Third Committee*, 267th meeting.

Israel representative; however, in order not to prolong the discussion unduly, he would merely stress certain specific points.

60. The Israel representative had tried to shift all responsibility for the existing situation on to Arab States, accusing them of having declared war on Israel and thus having caused the flight of Arab populations, and had asked them to accept all the consequences of those acts. Only persons who were ill-informed on the events in Palestine would allow themselves to be misled by such arguments. Indeed, could persons be called aggressors, who had received guests in their home and, seeing those guests suddenly claim the ownership of their house, had tried to defend themselves? That was exactly what had occurred in Palestine. Furthermore, it would be false to state, as the Israel representative had done, that it was the war that had caused the Arabs of Palestine to flee from their country and to become refugees; the representatives of Arab countries, in particular of Syria, had clearly shown that the exodus had started long before outbreak of hostilities.

61. Yet even assuming that Israel considered the Arab States to be responsible for the exodus of refugees, had it the right to prevent those refugees from returning to their homes—thus avenging itself on innocent populations for action taken by Arab States?

62. Israel's refusal to receive those refugees could not be justified on the basis of security reasons either. It was quite obvious that if the Arab States intended to launch an attack against Israel they would much prefer to keep those refugees and to make soldiers of them, rather than send them back unarmed to Israel territory.

63. Indeed, all the arguments invoked by the Israel representative could not disguise the true nature of that country's attitude in the matter. Israel should recognize better than any other country the right of refugees to return to their homes, since that was the concept on which the Zionist movement was based. But it had arbitrarily decided that Arab refugees did not have the right to return to Palestine; that was one of the conclusions to be drawn from the Israel proposal that all the neighbouring States of Palestine should indicate the number of refugees which they might receive and settle on their territories.

64. Having replied briefly to the main arguments put forward by the Israel representative, Mr. Azkoul now wished to revert to the question of Palestine refugees.

65. He had closely followed the discussion of the question in the *Ad Hoc* Political Committee, and had been deeply impressed by the spirit of international solidarity which had led a large number of States, many of them far removed geographically from Palestine, to consult with one another on the best ways of helping the Arab refugees and of relieving their plight as speedily as possible. It was beyond any doubt the duty of the United Nations to assist those refugees whose sad fate was largely the result of a decision taken by it, a decision in virtue of which the homeland of the refugees had been divided between them and strangers who had forced them out of their homes. The fact, however, that the United Nations assistance to Palestine refugees had been, and was still being, subsidized by voluntary contributions of various States, seemed a true manifestation of international solidarity deserving the gratitude of Arab countries.

66. Nevertheless, the Lebanese representative had been surprised to note that those same States, while stressing the necessity of helping refugees, had not stated their intention to provide a final solution to the problem, and had made no suggestion in that regard. They seemed to consider that the United Nations was powerless to settle the problem, although, being responsible for it, it had an obligation to help those refugees.

67. That attitude would only be justified in one of the three following cases: if the country of origin of those refugees, owing to some catastrophe, were no longer inhabitable, if the refugees had serious reasons for not returning to their homes, or if their homeland were occupied by some inhuman tyrant who violated all human rights and principles of justice and whose own iniquity had isolated him from the community of States, and whom the United Nations consequently could not compel to repatriate the refugees.

68. Did any one of those descriptions fit the case before the *Ad Hoc* Political Committee? As was well known, the refugee's country of origin had not been destroyed; upon their return the refugees would find their own homes, gardens and shops. Furthermore, the Arab refugees longed to return to Palestine, even at the risk of being subjected to discriminatory measures.

69. The question, therefore, was whether the authority in Palestine was currently exercised by a merciless tyrant who had no relation with the international community. At first sight, that would seem hardly possible, since Israel was a Member of the United Nations, and as such had to conform with the principles of the Charter and to carry out the recommendations of the General Assembly. In those circumstances it seemed that the United Nations was fully able to exercise its authority over the Israel Government as, moreover, it had already done when it had decided, in its resolution 194 (III) of 11 December 1948, "that refugees wishing to return to their homes and to live at peace with their neighbours should be permitted to do so . . ."

70. Such being the case, it was a matter of surprise that although its resolution 194 (III) had not even begun to be implemented, the United Nations should now seem to turn from that basic question to deal exclusively with assistance to refugees. Had that attitude on the part of the United Nations been the result of Israel's refusal to carry out its resolution? If that were so, it would be tantamount to the United Nations sanctioning the insubordination of one of its Members, as well as a serious violation of the rights of the refugees, and it would mean that the Organization were powerless to enforce its will. It might also be wondered whether the existing authority in Palestine was not, after all, the tyrant mentioned above.

71. Before accepting that hypothesis, however, the situation should be examined closely to determine whether or not Israel had adequate reason for opposing repatriation of refugees. It would be sufficient to consider the negotiations carried on among the Conciliation Commission, Israel

and the Arab States, and which had been described in various reports submitted by the Conciliation Commission.

72. Those reports showed that the Conciliation Commission had endeavoured above all to isolate the refugee problem from other questions pending between the parties. The Arab States, although they had at first held that the refugee problem, in view of its urgency and importance, should be settled before any other question, had agreed, in a spirit of compromise, to reverse their position. "While maintaining their view that the refugee problem must be considered as the most pressing, and as an imperative task for the Commission, the Arab States except Iraq do not insist upon its settlement before conversations on other outstanding questions can take place . . ." (A/838, Part I C.).

73. On the other hand, the same report showed that when the Commission had asked if the Government of Israel accepted the principle established by General Assembly resolution 194 (III), permitting the return to their homes of those refugees who expressed the desire to do so, Mr. Ben-Gurion, the Prime Minister of that country, without replying directly to the question, had called the Commission's attention in particular to the first paragraph of the General Assembly resolution which stated that the refugees who wished to go to their homes should "live in peace with their neighbours"; that passage, according to Mr. Ben-Gurion, made the possibility of a return of the refugees to their homes contingent on the establishment of peace, because, so long as the Arab States refused to make peace with the State of Israel, that country could not fully rely upon the declarations that Arab refugees might make concerning their intention to live in peace with their neighbours. Moreover, Mr. Ben-Gurion had not excluded the possibility of acceptance for repatriation of a limited number of refugees, but had made it clear to the Commission that his Government considered that a real solution of the refugee question lay in the resettlement of the refugees in Arab States, and that the problem of repatriation of a certain number of refugees in Israel was one of those which should be examined and solved during the general negotiations for the establishment of peace in Palestine.

74. During the negotiations which had later taken place at Lausanne and which were set out in the Conciliation Commission's Third Progress Report (A/927), Israel had made its position clear when it had refused the nevertheless moderate proposal of the Arab States for the repatriation, not of all the refugees, but only of those among them coming from the area assigned to the Arabs under the partition plan adopted by the General Assembly in its resolution 181 (II) and still occupied by the Jews. On the other hand, Israel had made it known that it was ready to accept the population of Gaza as well as the refugees in that area if that region became part of its territory, thus showing not only that it did not recognize the absolute right of Arab refugees to be repatriated but also that it intended to exploit the situation in its own interests in order to acquire new territory. Moreover, Israel had given proof of no less intransigence when the Conciliation Commission had recommended that it should take certain preliminary measures designed to facilitate the return of farmers and farm labourers and to permit the reunion of families separated by the war, etc., measures which should all bring about a lessening of tension in the relations between Israel and its neighbours.

75. Negotiations had then taken a new turn as was indicated in the Fourth Progress Report of the Conciliation Commission (A/992) when Israel had appeared to agree to make a positive contribution to the settlement of the problem and to receive a certain number of refugees. But in so doing Israel had taken care to make its promise subject to unacceptable conditions; in the first place, Israel had made it clear that the repatriation of those refugees should be carried on only as an integral part of the final general peace settlement in Palestine; then, when the Arab States had agreed to negotiate on that basis, Israel had made it known that it could receive 100,000 refugees but that the latter must settle in areas where they could not enter into contact with eventual enemies of Israel and must be installed in specific places so that they might be integrated in the general plan for the rehabilitation of the country. Moreover, Israel had laid down another condition for the repatriation of refugees, namely, that its possession of all the territories occupied by its troops should be recognized, even those among them which should fall to the Arabs under the partition plan provided for in resolution 181 (II).

76. The Conciliation Commission, recognizing that that proposal of Israel was unsatisfactory and seeking some other basis for the settlement of the problem, had handed to the representatives of Israel and the Arab States at Lausanne a memorandum in which it was asked, among other things, whether the delegations were prepared to sign a declaration according to which the solution of the refugees' problem should be found in the repatriation of refugees to the territory subject to Israel's authority and in the settlement of those who were not repatriated, in the Arab countries, or in the zone of Palestine outside Israel's authority. Although the Arab delegations had given a favourable reply to that memorandum, the delegation of Israel had maintained its intransigent attitude according to which the solution of the refugees' problem should be sought mainly in resettlement on Arab territory; the repatriation of refugees in Israel could only be accepted as part of the general settlement of the Palestine problem.

77. From that analysis of the facts it was clear that Israel had no valid reason for opposing the return of refugees to their homes and that in consequence the *Ad Hoc* Political Committee had no right to divert its attention from the final settlement of the problem, namely the repatriation of refugees, in order to concentrate merely on assistance to refugees.

78. The attitude of Israel was clear; it denied the right of refugees to be repatriated; it would perhaps accept the return of a certain number of refugees, making its offer conditional on the obtaining of political advantages and territorial gains, such as recognition by the Arab States, and possession of territories which under the partition plan of 1947 should go to the Arabs. The necessities of national security invoked by Israel were only a pretext. If it were otherwise, could Israel consider receiving 280,000 Arabs who were collected in the Gaza area? Would the

presence of that considerable Arab population in Israel constitute a lesser danger because it was accompanied by a territorial gain? As to the argument invoked by Mr. Ben-Gurion, Israel Prime Minister, according to which the repatriation of refugees to Israel would, by the very terms of the General Assembly resolution 194 (III), be subject to the general settlement of the Palestine problem, it was sufficient in order to show its fallacious character, to point out that the resolution in question spoke of the desire for peace of the refugees themselves and not of that of the Arab States. The only guarantee which the Government of Israel could require was that the refugees should return to their homes unarmed and should conform to all the obligations of citizenship.

79. Thus, it was permissible to assert that Israel, by acting as it did, with respect to the Arab refugees, had given proof of a total disregard for the rights solemnly proclaimed in the Universal Declaration of Human Rights, in particular of the right of every person to return to their country, to have a nationality, and not be arbitrarily deprived of it, as well as of the principles stated in the resolution 62 (I) adopted on 15 December 1946 by the General Assembly concerning the question of European refugees, which emphasized the necessity of encouraging refugees to return to their country of origin; Israel also disregarded the provisions of the resolution 194 (III) of 11 December 1948.

80. In those circumstances it was difficult not to return to the original hypothesis according to which Israel, although a Member of the United Nations, was the inhuman tyrant of which he had spoken at the beginning of his statement. But if it was indeed so, the question arose of whether it was the tyrant who should submit to the common will of the United Nations, or, on the contrary, the Organization which should yield to the tyrant's arrogance. For the Lebanese delegation there could be no doubt that the Organization should condemn the attitude adopted by Israel, should ask it to isolate the question of the refugees from all the other problems, and implement the clause of the General Assembly's resolution 194 (III) concerning the return of refugees to their homes. That decision on the part of the United Nations was all the more necessary since the attitude of Israel towards the problem of refugees came under the general framework of a policy of territorial expansion, of which Israel's refusal to accept the nationalization of Jerusalem was but another example, and which ran a serious risk of disturbing the peace in the Middle East.

81. Even if it were thought that for the time being it would be better to temporize and to await with patience the result of the negotiations of the Conciliation Commission, the States which had some influence over Israel should at least be asked to use that influence to induce that country to alter its present attitude, if they did not wish history to consider them partly responsible for the very serious events which such an attitude could cause, in that part of the world.

82. Mr. SHAHI (Pakistan) recalled the great hopes aroused by the General Assembly's resolution 181 (II) of 29 November 1947; some had seemed to think at that time that the plan for partition with economic union would ensure peace in Palestine and would put an end to the antagonism between Arabs and Jews. On the contrary, as it had transpired, that resolution had only opened a new era of discord and suffering for the inhabitants of the region. Palestine had been ravaged by war; the people of Israel, it was true, had found a new home in that area, but four-fifths of the Arab population had been hunted from the territory where they had lived for centuries. Thus the problem of Arab refugees in Palestine had been created.

83. That problem, as several representatives had already had occasion to emphasize, was in the first place an international responsibility, being the normal and unavoidable consequence of the decision taken by the General Assembly in its resolution of 181 (II). It was indeed obvious that the General Assembly, when it had adopted that resolution, had not intended to condemn four-fifths of the Arab population of Palestine to the miserable fate of refugees, deprived, as individuals, of their human rights and, as a people, of the right of self-determination. It was none the less true that the problem arose as a result of the General Assembly's decision and that the latter could not shirk the responsibility it had incurred in the matter.

84. Moreover, the General Assembly had received serious warnings at the time it had adopted that resolution so fraught of grave consequences. Sir Mohammed Zafrullah Khan, leader of the Pakistan delegation, had emphasized at length the danger of such a decision before the *Ad Hoc* Committee on the Palestinian question on 7 October 1947.[1] Describing the position in which 500,000 Arabs of the proposed Jewish State would find themselves, Sir Mohammed Zafrullah Khan had pointed out that nothing would then prevent the Jewish Agency of Palestine, whose policy it had always been, the Jewish National Fund or individual Jews, from buying land belonging to Arabs, with the almost unlimited funds they would receive from Zionist sympathizers abroad; thus all their lands would gradually be taken away from the Arabs and they would be reduced to the condition of the most wretched proletariat; moreover, in view of the fact that the use of Arab labour was reduced to a minimum in Jewish enterprises and even prohibited in agricultural work, the whole Arab population of the Jewish State, deprived of land, condemned to unemployment and poverty would, in a few short years, find itself obliged to emigrate to neighbouring Arab States, especially if Jewish immigration were permitted a free course.

85. In spite of that warning, the General Assembly had adopted the plan for partition with economic union, and there were no grounds for astonishment that that plan had produced the deplorable results which might be expected of it. The expulsion of Arabs from Palestine had merely assumed a swifter and more brutal form: instead of being carried out slowly as a result of discriminatory laws and of the mass arrival of Jewish immigrants, it had been obtained immediately by terroristic measures used by Israel as an instrument of national policy.

86. In those circumstances it was absolutely impossible to deny the Organization's responsi-

[1] See document A/AC.14/SR.7.

bility in the affair. Contrary to what the Polish representative had said during the 51st meeting, that responsibility was shared by all the Member States which had pronounced themselves in favour of the partition plan in 1947. By voting contributions for the assistance of the Palestine refugees now, those States only partly made reparation for the tragic consequences of their decision. The Palestine refugees had a right to that aid which would alleviate their sufferings to some extent.

87. If, on the contrary, Member States had striven to bring to the Palestine question a solution in accordance with the principles of justice and international law, as well as with the right of peoples to self-determination, and which took account of the solemn promises made to the Arab people, Palestine would not have known the trials it had just undergone and the General Assembly would not now be constrained to consider the problem of Arab refugees. It was unfortunately true that the majority had preferred to adopt the solution of partition, which was in contradiction to the very principles of the Charter, and that political opportunism and selfish interests had triumphed over justice and respect for international obligations.

88. The Arab claims on Palestine were based on the fact that the Arabs had occupied that country for thirteen centuries. Moreover, those claims were further strengthened by the solemn promises made to King Hussein and consequently to the peoples of the Arab countries during the First World War. King Hussein had been promised that all the territory within the frontiers he had indicated, of which Palestine formed part, should, after the war, become free and independent, and that the Government and administration of that territory would be established in accordance with the freely expressed wishes of the indigenous population. Those promises had been made in writing and could be found in the Hussein-McMahon correspondence as well as in the letter of Commander Hogarth and the "Declaration of the Seven" which contained the reply of the United Kingdom Government to the memorandum sent to it by seven eminent Arab personalities, and in the proclamation published by the allied commanders during the First World War.

89. In those circumstances it might be wondered what was the value of the promise made by the United Kingdom Government to the Jews in the Balfour Declaration. The Balfour Declaration was later than the promises to King Hussein and contradicted those promises. But it was a well-known principle of international law that agreements in which provisions were contradictory to those of previous treaties were without force. By virtue of that principle, the Balfour Declaration was null and void, all the more so since it had been proclaimed without the consent of the Arab people which no one had thought of consulting.

90. The problem of the Palestinian refugees naturally arose from the violation both of the solemn promises made to the Arab people and of the principle of the right of peoples to self-determination, a principle which had been proclaimed for the first time in 1917 by President Wilson and which many statesmen had since regarded as an imperious necessity; Mr. Churchill and President Roosevelt had taken that principle as a basis for the Atlantic Charter on 14 August 1941 and it was also found in the declaration on the foreign policy of the United States made by President Truman on 27 October 1945. The Atlantic Charter as well as the declaration of President Truman specified that there could not be territorial changes in any part of the world if the population concerned had not previously so decided with complete freedom.

91. The Pakistan delegation deeply regretted to note that neither those high principles nor the objectives defined in Article 1 of the Charter had been adopted as the basis for a peaceful settlement of the Palestine question. On the contrary, the will of the minority, which comprised only one-third of the population of Palestine, had been allowed to prevail over the freely expressed desires of the two-thirds majority.

92. The problem currently before the Committee, which involved the fate of more than one million refugees whose very life depended on the help which the United Nations might bring them, arose directly from the fact that part of the Arab population had been placed under the jurisdiction and sovereignty of the Jews. Was it possible that the Arab refugees, who had been deprived of their right to self-determination and chased from the land which they had occupied for more than thirteen centuries, should also be denied their fundamental human rights?

93. Mr. Shahi recalled that, at its third session, the General Assembly had adopted the Universal Declaration of Human Rights by its resolution 217 (III), and had proclaimed that all peoples and all nations should attempt to carry out the standards it had laid down. Article 3 of the Declaration stated that "everyone has the right to life, liberty and the security of person". Article 13 stated that "everyone has the right to return to his country", and article 17 guaranteed that "no one shall be arbitrarily deprived of his property". It was obvious that none of the 940,000 refugees coming from the part of Palestine which had been assigned to the Jews, had received any protection for his life, his liberty, his personal security or his property. Otherwise, why would he have left his country and abandoned his property to become a stateless refugee?

94. The Government of Pakistan had very wide experience in the question of refugees. Scarcely had that Government been established when 7 million refugees had entered the country; it had been the greatest migration of population in the whole history of the world. Those refugees had poured into Pakistan in all stages of destitution and misery. The Pakistan Government had been able to study the problem of refugees from direct experience, and its delegation was in a position to emphasize that only the very serious danger of mass annihilation and genocide could constrain men, women and children to tear themselves away from the country in which they had always lived, in order to seek refuge in a foreign, though friendly land.

95. Moreover, it should be noted that none of the 940,000 refugees had been granted permission to return to his home. The State of Israel

had indeed proposed to absorb 100,000 Arabs who would be installed in areas different from those from which they came, but that proposal had only been formulated on the express condition that the Arab States should accept a settlement for the Palestine problem based on the political situation. Thus human rights and fundamental freedoms would be used for bargaining purposes and to obtain political concessions.

96. Those examples sufficed to show that the fundamental rights and freedoms of the Arab refugees had been an object of complete scorn to the State of Israel. The Charter of the Organization contained a certain number of Articles relating to those rights and freedoms. Those Articles enjoined, not only the respect and observation of those rights, but also the duty of encouraging that respect. Moreover, the peace treaties between the Allies and enemy Powers, such as, for example, Bulgaria, Hungary and Romania, contained provisions relating to human rights. In addition, the charter of the Nürnberg tribunal formed a new chapter in the history of international criminal law, by virtue of which certain violations of human rights and fundamental freedoms became crimes against humanity and were punished as such. It clearly appeared that human rights and fundamental freedoms not only constituted a moral obligation but that in certain cases they had for States the obligatory character of positive international law. It was, moreover, for those reasons that the International Law Commission stated in article 6 of the draft declaration on the rights and duties of States which it had drawn up and was shortly to submit for the approval of the Assembly, that "Every State has the duty to treat all persons under its jurisdiction with respect for human rights and fundamental freedoms, without distinction as to race, sex, language, or religion."

97. Thus, whether in terms of international law or by virtue of the moral code of civilized humanity, the Palestine refugees had the right to return to their homes, to have their property restored to them and to receive real and effective protection for the security of their persons and their property from the State. Human justice and world conscience required that the Palestine refugees should have the possibility of returning to their homes. No economic or security consideration could justify the expropriation of a million men, women and inoffensive children who had not been guilty of any crime and who had none the less been the object of inhuman treatment.

98. The Pakistan delegation would support the amendment presented by Egypt (A/AC.31/L.48/Rev.1) to the first paragraph of the preamble of the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States (A/AC.31/L.46/Rev.1), for that amendment solemnly re-affirmed human rights and fundamental freedoms and recalled, moreover, the General Assembly's intentions with respect to the rights and freedoms of the Palestine refugees which had been stated in resolution 194 (III), paragraph 11. The Pakistan delegation would similarly support the amendment presented by Egypt (A/AC.31/L.48/Rev.1) to the other parts of the joint draft resolution, and the amendment of Australia (A/AC.31/L.49), for the reasons stated by the Australian representative during the preceding meeting. Finally, the Pakistan delegation would vote in favour of the joint draft resolution thus amended.

99. General McNAUGHTON (Canada) said that, in view of the urgency of the problem and the pressing necessity of closing the debate and reaching a solution, the Canadian delegation would merely state briefly that it would vote for the joint draft resolution. On the one hand, that draft was based on the conclusions of the Economic Survey Mission for the Middle East (A/1106), with which the Canadian delegation was in full agreement and, on the other hand, it stated realistic proposals, capable of effective implementation. Its adoption would undoubtedly result in a considerable improvement in the lot of the refugees.

100. The Canadian delegation would also vote for the amendment submitted by Egypt to that draft resolution. Further, with regard to voluntary contributions by Governments, General McNaughton thought that the Governments themselves should decide on that question and, for the time being, the Canadian delegation would make no commitments in that respect.

101. The CHAIRMAN remarked that the Committee had before it the joint draft resolutions submitted by France, Turkey, the United Kingdom and the United States (A/AC.31/L.46/Rev.1); the amendment (A/AC.31/L.48/Rev.1) submitted by the Egyptian delegation to that draft resolution; a Chilean amendment (A/AC.31/L.47) and an Australian amendment (A/AC.31/L.49).

102. RAHIM Bey (Egypt) explained that the changes he had made in the original text of his amendment (A/AC.31/L.48) were very slight: first in paragraph 5 of his amendment, he had reversed the order of the words "the Advisory Commission and the Director", placing "the Director" first. Secondly, in paragraph 6, he had added the words: "in consultation with the Advisory Commission".

103. The CHAIRMAN recalled that at the 54th meeting, the authors of the joint draft resolution had stated that they would accept the Egyptian amendment, with the exception, however, of paragraph 4 of that amendment. The Chairman asked the representative of Egypt if he was willing to withdraw the paragraph.

104. RAHIM Bey (Egypt) said that the joint draft resolution, which was based on humanitarian principles, would doubtless be unanimously adopted. That unanimity was highly desirable and that was why, in a spirit of compromise, he agreed to withdraw paragraph 4 of his amendment. He wished, however, to point out that the relief programme was destined for the Palestine refugees alone. Moreover, the fact remained that assistance to the refugees could not be considered as a substitute in any way for repatriation, which remained a fundamental right for the refugees.

105. The CHAIRMAN said that, as the paragraphs of the Egyptian amendment which had not been withdrawn were accepted by the authors of the joint draft resolution, they were incorporated in the draft.

106. He also asked the authors of the draft resolution if they accepted the amendments submitted by Australia and Chile.

107. Mr. Ross (United States of America) thought that the amendment proposed by the Chilean delegation to paragraph 19 of the joint draft resolution gave that text greater precision and was therefore an improvement on the original text. The United States delegation therefore accepted that amendment.

108. On the other hand, the amendment to paragraph 22 seemed to him inopportune. It would, in fact, be premature to decide at present, and especially in view of the fact that the report of the Economic Survey Mission had been neither published nor distributed, to enter that report on the agenda of the Economic and Social Council or the General Assembly. It would be preferable to wait until the Members of the Organization had had the opportunity to study the report. Mr. Ross asked whether the Chilean representative would consider withdrawing his amendment to paragraph 22.

109. Finally, with regard to the Australian amendment, the United States delegation felt that the Australian representative had presented very persuasive arguments at the 54th meeting in its favour, and it therefore accepted the amendment.

110. Mr. Kural (Turkey), Mr. de la Tournelle (France) and Sir Alexander Cadogan (United Kingdom) shared the views of the United States representative and accepted his conclusions.

111. Mr. González Allendes (Chile) agreed to withdraw his amendment to article 22. He wished, however, to make it clear that when the Economic Mission's final report was published, the member States of the Economic and Social Council would be able to submit their observations to the Council.

112. Mr. Luns (Netherlands), in explanation of his delegation's vote, stated that it would support the joint draft resolution in its amended form. He would, however, point out that it had been disappointed to note that, since 11 December 1948, no steps had been taken to ensure, in an effective manner, the repatriation of the refugees.

113. The State of Israel had, to a great extent, owed its creation and its membership of the United Nations to the indignation which had been aroused throughout the world by the nazi persecution of the Jews. However, if the State of Israel evaded its moral duty with respect to the problem of Arab refugees, world opinion would turn against it and it would be the first to suffer the consequences. The Netherlands delegation, which had always felt the keenest and deepest sympathy for the sufferings of the Jews, recognized the fact that the complex problem of repatriation represented very serious difficulties. It nevertheless insisted that the resolution 194 (III) should be applied. In that spirit and with those reservations, the Netherlands delegation would vote for the joint draft resolution.

114. Mr. Eustace (Union of South Africa) said that as soon as the joint draft resolution had been circulated, he had cabled its contents to his Government. He was certain that the Government of the Union of South Africa could not do otherwise than support the principles on which the draft resolution was based. But until he had received precise instructions, he would have to abstain from voting. He hoped, however, that when the draft resolution was examined by the General Assembly, the delegation of the Union of South Africa would be able to vote on it.

115. Mr. Amby (Denmark) stated that the fact that his delegation had taken no part in the discussion did not mean that it was not interested in the problem; on the contrary, it was keenly alive to its human aspect. In particular, the delegation of Denmark felt that the right of the refugees to return to their homes was a sacred right. Abandonment of that right would be tantamount to acknowledging the opposite principle, a barbarous principle which had been applied by the nazis. In order to ensure the effective application of the right of the refugees to return to their homes, the delegation of Denmark asked those Members of the United Nations which were in a position to do so, to exert pressure on Israel and induce it to submit to the will of the international community and apply its decisions.

116. In conclusion, he stated that his delegation would vote for the draft resolution in its amended form. He thanked the representative of Egypt for having formulated a very judicious amendment, and the authors of the resolution for having accepted them.

117. Mr. al-Jamali (Iraq) asked that a separate vote should be taken on paragraph 7 of the draft resolution. In fact, the delegation of Iraq could not accept that paragraph in its present form, since the title of the relief agency did not expressly mention the Palestine refugees.

118. After a discussion in which Mr. de la Tournelle (France), Mr. Azkoul (Lebanon) and Mr. al-Jamali (Iraq) took part, the Committee decided to call the agency "The United Nations Relief and Works Agency for Palestine Refugees in the Near East" (in French: *"Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche-Orient"*), the title to be used in all the paragraphs of the draft resolution in which the agency in question was mentioned.

119. The Chairman stated that there was no need for a vote in parts.

120. He read the text of the amended draft resolution and asked the Committee to express its opinion on it.

At the request of Mr. Azkoul *(Lebanon), a vote was taken by roll-call.*

The Byelorussian Soviet Socialist Republic, having been drawn by lot by the Chairman, voted first.

In favour: Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela,

Yemen, Yugoslavia, Afghanistan, Argentina, Australia, Belgium, Brazil, Burma.

Abstaining: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

The joint draft resolution was adopted by 48 votes to none, with 6 abstentions.

121. Mr. EBAN (Israel) said he had voted for the draft resolution because his delegation sympathized fully with its principal aims. However, he wished to make the following reservations:

122. In the first place, the Egyptian amendment, which referred to the resolution 194 (III), did not adequately emphasize, which was also true of the resolution in question, that the problem of refugees remained the joint responsibility for all the States of the Middle East.

123. In the second place, the delegation of Israel was aware of the concern of world opinion; it hoped, however, that world opinion would understand that its insistence on making the general settlement of the Palestinian problem a preliminary condition to the solution of the problem of refugees, was solely determined by the fact that the State of Israel had recently emerged from an assault on its very existence and survival. For that reason, the signing of peace remained for the State of Israel a question of vital importance which overshadowed all other problems.

The meeting rose at 5.45 p.m.

FIFTY-SIXTH MEETING

Held at Lake Success, New York, on Saturday, 3 December 1949, at 11 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Question of Indonesia (A/868).

1. Sir Benegal RAU (India) recalled that on 11 May 1949 the General Assembly had adopted resolution 274 (III), sponsored by the Australian and Indian delegations, expressing the hope that the agreement resulting from the preliminary negotiations between the Netherlands and the Republic of Indonesia "will assist the attainment of a lasting settlement in accordance with the intentions of the Security Council resolution of 28 January 1949",[1] and deferring further consideration of the question of Indonesia to the fourth regular session of the General Assembly.

2. It had been announced that an agreement had been reached at the Round Table Conference held at The Hague between 23 August and 2 November 1949, and that it had since been accepted by the Republican Cabinet. The news was a source of particular gratification to India. Sir Benegal recalled that the conference on the subject of Indonesia, convoked by his Government in New Delhi in January 1949, had materially influenced subsequent developments in the matter.

3. The Hague agreement did not represent the final solution of the problem; much work still remained to be done, particularly as regards the constitution of the United States of Indonesia. Nevertheless, the parties to the agreement should be commended for what they had so far achieved, and a warm welcome should be extended to the Republic of the United States of Indonesia, soon to be established. Sir Benegal was accordingly submitting a draft resolution (A/AC.31/L.50) jointly sponsored by the delegations of Afghanistan, Australia, Burma, China, Egypt, India, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen.

4. India, which had long enjoyed a close association with Indonesia, would itself be established as a Republic on 26 January 1950. It looked forward with feelings of special cordiality to the early emergence of the United States of Indonesia as a sister Republic.

[1] See document S/1234.

5. In conclusion, Sir Benegal expressed the hope that the United States of Indonesia would soon become a member of the United Nations.

6. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) stated that his delegation was unable to support the joint draft resolution just introduced by the representative of India, and was submitting another draft resolution (A/AC.31/L.51) on its own behalf.

7. The Committee was in no position to approve the agreement reached at The Hague because neither the sponsors of the joint draft nor the other members of the Committee had had adequate opportunity to study the documents of the Round Table Conference. The Netherlands delegation had not made those documents available to the *Ad Hoc* Political Committee; it had merely announced at a plenary meeting[2] that, as a result of the Conference, peace would prevail in Indonesia. Mr. Manuilsky challenged the truth of that assertion.

8. Netherlands aggression in Indonesia, supported by the United Kingdom and the United States, was continuing with undiminished violence, particularly in the area of the town of Surakarta, more than half of the population of which had been ejected by the Netherlands occupation forces. The local population was being exterminated in the areas of Jogjakarta, Madiun, Blitar Kediri and other parts of Java and Sumatra; more than 30,000 Indonesians had been wiped out in the southern part of Celebes. The Islamic State of Darul Islam, proclaimed on 7 August 1949 in the western part of Java, was under attack by Netherlands troops. Yet the sponsors of the joint draft, including the seven Arab delegations, expected the Committee to condone the actions of the Netherlands Government by endorsing the so-called Hague agreement.

9. The Netherlands Government's claim that the Hatta Government represented the Republic of Indonesia was unfounded. Some sections of the Republican Army[2], the Tentara National Indo-

[2] See *Official Records of the fourth session of the General Assembly*, 238th Plenary Meeting.

nesia, known as TNI, did not recognize the authority of that Government, and large contingents were joining the popular resistance movement. Democratic circles in Indonesia repudiated the Hatta Government and the decisions adopted at The Hague. A manifesto signed by the leaders of the patriotic movement in central and eastern Java, and by Mr. Harjono in particular, announced that the Indonesian people would not accept those decisions and demanded the release of political prisoners numbering some 70,000 persons. In that connexion, Mr. Manuilsky asked the Netherlands delegation to give an explanation concerning the death of the former Republican Prime Minister Sjarifuddin. It was obvious that neither the Hatta Government nor the Netherlands authorities were masters of the situation in Indonesia. In such circumstances, the proposals contained in the joint draft resolution were shameful and utterly unacceptable.

10. The agreement concluded at The Hague between the Dutch aggressors and the Hatta clique deprived the Indonesian people of its sovereign right to independence; it did not allow them to enter into diplomatic relations with other states and imposed upon them the heavy burden of financial commitments incurred by the Netherlands Government as a result of its military operations and exploitation in Indonesia. The extent of those commitments could be judged by the fact that the number of Netherlands troops in Indonesia amounted to 150,000 and according to a *New York Times* report of 12 January 1949, cost 500 million dollars, met partially by the United States.

11. By adopting the joint draft resolution, the General Assembly would be giving a free hand to the Dutch occupants and their United States associates. It was doubtful whether the Netherlands Government's promise to withdraw its troops from Indonesia would be kept, according to the admission of Sultan Hamid II, one of the Indonesian signatories of the Hague Agreement. The United Nations was hardly entitled to trust the word of the Netherlands Government after the latter's repeated breaches of faith and violations of Security Council decisions. Mr. Manuilsky drew attention to the Netherlands Government's failure to observe the Linggadjati[1] and Renville Agreements,[2] or to carry out the Security Council's cease-fire order of 1 August 1947.[3] He also recalled that on 18 December 1948, taking advantage of a suspension of the Security Council's work during the Christmas holidays, the Netherlands Government had reopened military operations in Indonesia.

12. As a result of those breaches of faith, the territory of the Indonesian Republic had been reduced to the Sultanate of Jogjakarta, and the Republic had been transformed into one of the sixteen states forming the so-called United States of Indonesia, the other fifteen being artificial creations of the Netherlands Government, headed by puppet governments similar to the Hatta clique. The *Ad Hoc* Political Committee was being asked to confirm a deal concluded between the top layer of the Indonesian feudal lords with the Netherlands occupiers, aided and abetted by the ruling circles of the United States and the United Kingdom.

13. In considering the results of the Round Table Conference, it was impossible to overlook the role of the United Nations Commission for Indonesia, originally known as the Committee of Good Offices. That body had helped the Netherlands authorities to suppress the resistance of the Indonesian people. The ill-famed Renville Agreement had been foisted upon the Republic as a result of pressure exerted by the Committee of Good Offices. During the time of the negotiations aboard the S. S. Renville, the Committee had done nothing to stop the continuing advance of Netherlands troops. Instead, it had protected the expansionist plans of the United States in Indonesia with its rich rubber plantations and oil fields. In that connexion, Mr. Manuilsky quoted from Netherlands newspapers to show that United States vested interests such as Standard Oil and General Motors had a decisive influence on the Netherlands Government's policy in Indonesia and, consequently, also on the outcome of the Round Table Conference.

14. Such was the situation which the Committee was being called upon to welcome and endorse by adopting the joint draft resolution.

15. In introducing the Ukrainian SSR's draft resolution, Mr. Manuilsky stressed that only after the proposed Security Council Commission had studied the question and obtained all the materials relevant to the Round Table Conference would the United Nations be in a position to take a decision on the outcome of that Conference.

16. In conclusion, he reserved the right to make a more detailed statement at a later stage of the discussion.

17. The CHAIRMAN drew the Committee's attention to Article 12 of the Charter, paragraph 1, reading:

"While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests".

18. Replying to a remark by Mr. MANUILSKY (Ukrainian Soviet Socialist Republic), the CHAIRMAN explained that he had not referred to Article 12 specifically in connexion with the Ukrainian SSR draft resolution, but had merely drawn attention to the General Assembly's limitations in the matter under discussion as laid down in that Article.

19. Mr. SHAHI (Pakistan) expressed his delegation's pleasure in being a co-sponsor of the joint draft resolution. The agreement reached between the representatives of the Netherlands and Indonesia at The Hague had given deep satisfaction to the Government of Pakistan, which regarded it as another milestone on the road towards freedom and self-government of peoples under foreign domination. The people of Pakistan were bound to the Indonesians by intimate ties of religion and culture; their gratification would, however, have been equally great if any other nation still awaiting national freedom, such as Viet Nam, had been involved. The Government of Pakistan

[1] See *The Political Events in the Republic of Indonesia* published by the Netherlands Information Bureau, New York, page 34.

[2] See document S/649, annexes XIII and VIII.

[3] See *Official Records of the Security Council, Second Year*, No. 68, 173rd meeting.

looked forward with the keenest anticipation to a series of similar achievements in the near future, and had no doubt that the settlement reached between the Netherlands and Indonesia would greatly accelerate the historic process illustrated by the emergence of Burma, Ceylon, India, Libya and Pakistan as sovereign independent States.

20. The delegation of Pakistan offered sincere congratulations to the representatives of Indonesia and of the Netherlands, who had given proof of wise and practical statesmanship in concluding the agreement. It hoped that the decision reached at The Hague would be speedily and successfully implemented, and that the United States of Indonesia would soon occupy its rightful place among the Member States of the United Nations.

21. Mr. HOOD (Australia), as representative of one of the States composing the former Committee of Good Offices, felt obliged to reply to the Ukrainian SSR representative's criticisms of the work of that body.

22. The Committee should bear in mind that the prospective settlement of the Indonesian question was primarily the result of the work of the United Nations in the field of conciliation. From the moment the problem had been placed before the Security Council more than two years previously, United Nations organs of conciliation had, with brief intervals, laboured patiently and courageously towards an agreement based on the principles formally laid down by the Security Council itself on 28 January 1949.[1] It was both unfair and incorrect to represent the Committee of Good Offices as having sided with one or the other of the parties to the dispute, or of having pressed for a one-sided settlement in Indonesia. The Committee had at all times acted as a committee of good offices, and had been primarily instrumental in bringing about the Batavia agreement which, in its turn, had led to the successful Round Table Conference at The Hague.

23. Mr. Hood therefore wished to defend in the most categorical terms the work of the Committee of Good Offices, which represented one of the outstanding achievements of the United Nations. The prospective settlement of the Indonesian question should go down in history as an accomplishment of the United Nations.

24. He was sure that it was within the competence of the Committee and of the Assembly to adopt the joint draft resolution; he doubted, however, whether the Committee was entitled even to consider the Ukrainian SSR draft resolution, which constituted a serious encroachment upon the functions of the Security Council in the question of Indonesia.

25. The joint draft resolution, of which Australia was co-sponsor, was sufficiently explicit; Mr. Hood thought it expressed the real feelings of the General Assembly in the matter. According to information which had reached the Committee, the Round Table Conference had been successful. Except for the question of eventual ratification, and with one or two other reservations, it had resulted in complete agreement on the basis laid down by the Security Council earlier in 1949. As a result, the world might look forward to the early, legal and formal establishment of the United States of Indonesia as a sovereign independent State within the Netherlands Union. The Committee need have no hesitation in adopting the joint draft resolution and thereby expressing its gratification at the outcome of the Hague conference, in which both the parties concerned and the United Nations Commission for Indonesia had played highly responsible and commendable parts.

26. Mr. VAN HEUVEN GOEDHART (Netherlands) remarked that the Round Table Conference at The Hague, linked as it was to the United Nations by the participation of the United Nations Commission for Indonesia, had evoked the lively interest of all Members of the General Assembly. He regretted having been unable to provide all the information requested of him on that subject; the Round Table Conference had involved extremely delicate and complex negotiations in a variety of fields, and it would have been inadvisable to report on the proceedings until they had been concluded. The Netherlands delegation had been all the more gratified to be able to report the complete success of the Conference. Mr. van Heuven Goedhart thanked all those who had expressed their satisfaction at his announcement.

27. The success of the Conference was due largely to the spirit of mutual co-operation manifested by all participants. The Netherlands delegation wished to pay tribute to the members and officers of the United Nations Commission for Indonesia, and associated itself with the congratulations to the parties to the conference expressed by its Chairman at the conclusion of its work. Nothing was more promising for the future co-operation between the Netherlands and the United States of Indonesia than the good-will shown by both sides during the negotiations.

28. Referring to the remarks made by the representative of the Ukrainian SSR, Mr. van Heuven Goedhart pointed out that the representatives of the United States of Indonesia, whom Mr. Manuilsky had described as the "Hatta clique", were not yet in a position to defend themselves on an equal footing in the General Assembly. He therefore felt it his duty and privilege to protest against the description used by the Ukrainian SSR representative. There was no reason to doubt that the Indonesian leaders were the true representatives of the overwhelming majority of their people; there was also full proof of their deep love for the millions on whose behalf they had conducted the negotiations.

29. Happily, the negative approach of the Ukrainian SSR delegation was outweighed by the constructive attitude of the co-sponsors of the joint draft resolution. Mr. van Heuven Goedhart welcomed that draft resolution and expressed the hope that it would be supported by a large majority of members. All nations of good-will had every reason to welcome the settlement of the dispute and to hope that the ratification of that settlement would bring about a lasting, friendly and voluntary co-operation between the two sovereign States of the Netherlands and the United States of Indonesia. There was also every reason to commend the delegations to the Round Table Conference as well as the United Nations Commission for Indonesia for their respective contributions to the final agreement.

[1] See document S/1234.

30. The United Nations should look to the future rather than dwell upon the past. The acceptance of the joint draft resolution would give expression to the satisfaction of world opinion at the successful outcome of the Round Table Conference; at the same time, it would provide a stimulus for the parties to the agreement to continue on the road of enduring co-operation.

31. The Netherlands delegation would therefore give its wholehearted support to the joint draft resolution.

32. EL-KHOURI Bey (Syria) said that his delegation supported the joint draft resolution, of which it was co-sponsor, and extended sincere congratulations to both parties to the agreement which, it hoped, would mark the beginning of a prosperous era of friendly relations between them. The Syrian delegation did not doubt that the agreement would be implemented in the same spirit of genuine co-operation in which it had been concluded.

33. U SO NYUN (Burma) remarked that the matter under discussion should be considered in a spirit of calm and good-will rather than of hostility or emotionalism.

34. The Burmese delegation had supported resolution 274 (III) of 11 May 1949 with some hesitation, because the situation at that time had not appeared to offer good grounds for optimism. It was happy to note that, although no final settlement had yet been reached, the two parties had come to an agreement which augured well for such a settlement.

35. The Ukrainian SSR representative had observed that the Committee was not competent to pass judgment on an agreement in the absence of full relevant documentation. The joint draft resolution, of which Burma was a co-sponsor, did not call upon the Committee to pass judgment on the actual terms of the agreement, but only to express gratification at its conclusion and to felicitate the parties and the United Nations Commission for Indonesia on their respective contributions towards it.

36. While bearing in mind that the Indonesian problem as a whole had not yet been completely solved, the Assembly should recognize that the establishment of the Republic of the United States of Indonesia as an independent sovereign State had been solemnly accepted in principle under the auspices of the United Nations, acting through a Commission appointed by it. The Burmese delegation looked forward to the day when the Republic would be firmly established and when everything necessary for its maintenance would have been done to the satisfaction of all parties. It was therefore unable to understand the position adopted by the Ukrainian SSR representative. It was not within the interests of the parties concerned to indulge in recriminations or to delve into the mistakes of the past at a time when a new and happier era was at hand.

37. The Burmese delegation therefore considered the Ukrainian SSR proposal to be premature to say the least. It would, on the other hand, warmly support the joint draft resolution which, unlike the Ukrainian SSR draft, recommended no action but merely expressed a feeling of satisfaction shared by the overwhelming majority of members.

38. Mr. AUSTIN (United States of America) observed that the Round Table Conference at The Hague had been marked by high statesmanship on the part of all representatives. Within the past year, the parties had agreed on the cessation of hostilities and, later, on the transfer of sovereignty to the new and sovereign Republic of the United States of Indonesia. Voluntary and constructive action on the part of the Netherlands Government on the one hand and the Republican Government on the other had led both to the Batavia agreement and to the broader agreement resulting from the Round Table Conference.

39. The United States welcomed those agreements, which it regarded as a successful application of the principles of the United Nations. Genuine accord between the parties themselves was the soundest basis for a just and lasting settlement.

40. During the years that the case of Indonesia had been before the United Nations, various organs of the Organization had consistently tried to help the two parties to reach a political settlement. The Security Council had made its facilities available through the Committee of Good Offices, and later through the United Nations Commission for Indonesia. The General Assembly had briefly considered the matter during the second part of its third session and had adopted resolution 274 (III).

41. What the parties had accomplished had been no easy task. The Indonesian Republic and the Federal Consultative Assembly had found common ground in an all-Indonesian national position. The Netherlands Government had offered to hold the Conference under its auspices, and had, moreover, shown its fidelity to the Renville Agreement and its faith in the new State by assenting to, and signing, the agreements. The Commission had assisted the parties at the Hague Conference by offering constructive and objective suggestions. The terms of paragraph 3 of the joint draft resolution were therefore entirely appropriate.

42. The question was, of course, not yet finally resolved. It remained on the Security Council's agenda; it was to be assumed that, in accordance with the parties' request, the United Nations Commission for Indonesia or another United Nations body would give further assistance by observing the implementation of the agreements. The ratification of the agreements and the actual transfer of sovereignty were to take place in December 1949.

43. The United States delegation welcomed the joint draft resolution submitted by a wide group of States which had previously shown their interest and concern in the matter. The United Nations Commission for Indonesia had rightly characterized the results of the Hague Conference as a beginning of a new era for the peoples of Indonesia and the Netherlands. The United States looked forward to a renewed growth of friendship and co-operation between Indonesia and the Netherlands as a result of the settlement achieved.

44. The United States shared in the hope that the United States of Indonesia would soon become a Member of the United Nations.

45. Mr. MÉNDEZ (Philippines) commended the parties which had reached agreement in a conflict which had earlier seemed beyond solution.

Goodwill had provided a complete basis for peace, which marked a notable contribution in the international sphere.

46. The delegation of the Philippines was satisfied that a genuine settlement of the Indonesian question had been reached, and that past quarrels must be forgotten and sincere efforts made to assist in the implementation of that settlement. Notwithstanding the views of certain delegations to the contrary, the Hague Agreement constituted a signal advance on the road to international understanding and co-operation.

47. The Philippine delegation had given unqualified support to the joint draft resolution and would vote in its favour in the sincere hope that it would set an example to all, particularly to those who still had grievances.

48. Mr. Aziz (Afghanistan) stated that, as one of the participants in the New Delhi Conference, Afghanistan had considered it desirable to be a co-sponsor of the joint draft resolution on the question of Indonesia. The draft resolution was simple. It made no recommendations: it merely noted the fact that an agreement had been reached at The Hague and expressed gratification at that event. Since agreement between two parties in conflict was always welcome, the delegation of Afghanistan would vote in favour of the joint draft resolution.

49. Mr. Tsarapkin (Union of Soviet Socialist Republics) recalled that the extremely important question of Indonesia, involving the fate of millions of people, had been on the agenda of the United Nations for a period of four years during which time the issue could have been settled in the interests of the Indonesian people and in accordance with the principles of the Charter, if there had been goodwill and honesty in its consideration. Instead, the Anglo-American majority had systematically prevented the adoption of an effective decision to end Netherlands aggression and had relegated the question to subsidiary organs such as the Consular Commission and the Committee of Good Offices, later called the United Nations Commission for Indonesia, composed of representatives of Australia, Belgium and the United States.

50. That Commission had thoroughly discredited itself by serving as an accomplice to the aggressive measures of the Netherlands Government and by participating in a plot to stifle the Indonesian Republic and deprive the Indonesian people of their freedom and independence. That body had abetted the terroristic régime of the Netherlands against Indonesian patriots and had forced the Indonesian Government to accept the Renville Agreement in spite of which the Netherlands had established a series of puppet governments throughout Indonesia. In addition, the United Nations Commission had remained silent in the face of Netherlands violation of decisions of the Security Council for the freeing of imprisoned Indonesian political leaders. Moreover the representative of the United States on that Commission had secretly negotiated with Hatta and Sukarno and had promised active United States assistance in quelling the movement for national liberation in Indonesia. Thus that Commission was actually a branch of the Department of State of the United States rather than an organ truly representing the United Nations and serving in the interests of peace and the Indonesian people.

51. It was therefore obvious that that United Nations Commission which had made deals with the Dutch aggressors must be abolished as soon as possible.

52. Characteristically, the members of the Anglo-American bloc had consistently sought to postpone consideration of the Indonesian question by the General Assembly. At the second part of the third session, the item had been postponed by the adoption of resolution 274 (III) on the grounds that negotiations were to take place between the Netherlands Government and the Republic of Indonesia. Now at the fourth session an attempt was being made to shelve the question under the pretense that the problem had been solved by the agreement reached at the Hague Round Table Conference.

53. It was alleged that Indonesia would become a sovereign and independent State in the near future and that the activities of the United Nations Commission for Indonesia were a great credit to the United Nations. In that connexion Mr. Tsarapkin referred to the statement of the representative of the Ukrainian SSR analysing the achievements of the Commission and the results of the Hague Conference and said he wished to complete the picture which had been presented.

54. The Hague Round Table Conference, attended by representatives of the Government of the Netherlands on the one hand and representatives of Hatta and Hamid II, self-styled representatives of the Indonesian Republic, on the other hand, had been the consummation of the conspiracy to stifle the national liberation movement, in which the United States representative on the United Nations Commission for Indonesia had taken part. Following that conspiracy, the Government of Hatta and Sukarno had executed members of the Government and leaders of the popular front and negotiated a shameless deal with the Netherlands for arms to put down Indonesian patriots in their liberation movement. Significantly, in May 1949, the Government of Hatta and Sukarno had ordered the cessation of military operations against the Dutch invaders and the use of Indonesian military forces against Indonesian patriots fighting for the independence of their country. Thus the complete surrender of the Indonesian Republic to the Netherlands invaders had been prepared.

55. The Hague Conference had merely been an attempt to legitimize and formalize the final liquidation of the Indonesian Republic, and the agreements reached at that Conference consummated the deal between the betrayers of the Indonesian people and the Netherlands colonizers.

56. Under the guise of establishing the United States of Indonesia, the agreement sought to confirm the division of the territory of the Republic into a series of puppet States and to restore Netherlands colonial control over Indonesia. The Constitution of the United States of Indonesia provided that the Republic would be subject to the Netherlands Crown and that no important decisions or laws involving domestic or foreign policy could be taken by the Government of the Republic without prior consultation with the Government of the Netherlands. International agreements and important steps in the field of foreign trade were included.

57. The decisions of the Round Table Conference also shouldered the Indonesian people with the tremendous burden of expenditures incurred by the Netherlands in the course of its struggle against the Indonesian people as well as the foreign debt of the Netherlands in that area. Indonesia would also have to restore or provide compensation for property nationalized by the Republic. The Agreement also provided for the unlimited control by the Netherlands of the economic life of Indonesia, including control of foreign capital. Modification of the terms of commercial agreements of the Republic could not be made without consultation with the Netherlands Government. Moreover, the Government of the United States of Indonesia recognized the right of concession and privileges to foreigners and undertook to grant monopoly rights to foreign countries and to guarantee their profitable activities. In addition, the special interests of the Netherlands were to be protected.

58. The Agreement also imposed a régime of military occupation by the Netherlands and provided for permanent naval bases on Indonesian territory. Provisions for re-organization of the Army would allow the Netherlands to maintain its colonial armies in Indonesia and to retain military and political control of the entire territory at the expense of the Indonesian Government. A military mission of the Netherlands Government would operate in Indonesia and its cost would be covered by taxes levied on the Indonesian people.

59. Thus the betrayal by the Hatta and Sukarno clique and the unstinting support of the Netherlands aggressors by the Anglo-American bloc had frustrated the aspirations of the Indonesian people for the establishment of an independent and sovereign State. The staunch fighters against Japanese invasion and Netherlands colonial rule were threatened with slavery. The situation in Indonesia which contained the seeds of future conflict must not be ignored by the General Assembly. 150,000 Netherlands troops in Indonesia, assisted directly or indirectly by the United States and the United Kingdom, were still waging war in Indonesia.

60. In the opinion of the representative of the USSR, the General Assembly must carefully study the question and take measures to end Netherlands colonial rule in Indonesia. Instead of sanctioning understandings between the Netherlands invaders and their United States supporters, the Assembly should defend the rights of the Indonesian people and allow them complete freedom to determine their own fate and set up their own republic. The proposals contained in the draft resolution submitted by the delegation of the Ukrainian SSR were the only proposals which would save the Indonesian Republic from liquidation and ensure it independence and sovereignty. Any other solution was fraught with serious military and political consequences which might lead to future conflict and endanger peace and security.

61. According to reports received from Batavia and Jogjakarta, the masses of the Indonesian people, headed by the National Democratic Front, were unwilling to accept the compromise agreement entered into at The Hague under the dictation of the United States. Progressive Netherlands newspapers were writing that a new colonial status was being imposed on Indonesia. Punitive expeditions were being carried out by Netherlands forces to stifle the ever-growing national liberation movement.

62. In the light of those facts, it was clear that the joint resolution failed to correspond to the true state of affairs, ran counter to the interest of the Indonesian people and called for approval of the establishment of colonial rule over Indonesia by the Netherlands.

63. In the conviction that the measures proposed in the draft resolution of the Ukrainian SSR constituted the proper approach toward an equitable and effective solution of the question based on the interests of the Indonesian people, rather than the interests of Netherlands imperialism and United States monopoly, the delegation of the Soviet Union would support the draft resolution of the Ukrainian SSR.

64. Mr. KATZ-SUCHY (Poland) stated with regret that the history of the United Nations discussion of the question of Indonesia constituted one of the most shameful blots on the record of the Organization. Since 1946, the majority in the United Nations had followed a policy of helping a nation of colonial aggressors to oppress a people of 70 million and to stifle the independent Government which it had set up at such great sacrifice.

65. It was surprising to note that the sponsors of the joint draft resolution, so willingly supported by the representatives of the Netherlands, included many representatives of Governments which had until recently been subject to colonial rule and therefore knew from their own experience the evils of colonial occupation. By proposing a draft resolution for blanket approval of any Netherlands action in Indonesia, those Governments were prepared to support further oppression by a strong country of an economically under-developed country which had suffered long oppression.

66. The sponsors of that draft resolution invited the United Nations to give blanket approval to an agreement the terms and implications of which were not yet known. Parties were to be commended for their contribution although no information was available regarding the nature of those contributions. The forthcoming establishment of a Republic was to be welcomed without any knowledge as to whether that event would ever take place.

67. The only information which was known was that a war had been fought in Indonesia by Netherlands troops, armed with United States weapons, supplied mostly through the Marshall Plan and other military plans. In the course of United Nations consideration of the question, several agreements had been violated by the Netherlands. There was therefore no guarantee that even if genuine agreement had been reached at The Hague, that agreement would not be violated once the General Assembly turned its attention from the problem.

68. Mr. Katz-Suchy recalled that in January 1946,[1] the majority of the Security Council had refused even to discuss the question of Indonesia, when the Ukrainian SSR had drawn attention to

[1] See *Official Records of the Security Council*, First Year, First Series, No. 1, 18th meeting, page 256.

the Dutch war against the Republic and had requested action which would have avoided great suffering. In 1947, although a cease fire recommendation of the Security Council had been brazenly violated, the majority had rejected a Polish proposal condemning such action.[1] The majority under the leadership of the United Kingdom and the United States, supported by other colonial Powers, had consistently sought to prevent action by any organ of the United Nations to restore peace, preserve the Republic and end Netherlands colonial rule in Indonesia.

69. The Hague Conference could by no means be regarded as a conference between two equal partners. The very fact that the conference had taken place was explained by Netherlands victories due to political and military blunders of the Indonesians. In spite of the acceptance by Hatta and Sukarno of many conditions imposed by the Dutch and their betrayal of the movement for national liberation, the leaders of the Indonesian Government had come to The Hague as virtual prisoners. It was apparent that almost all the demands of the Netherlands Government had been accepted and that Indonesia would suffer a new form of colonial rule under a different name.

70. If a genuine agreement had really been reached, and if the establishment of a Republic of Indonesia had really been possible on the basis of the Hague Round Table Conference, the fundamental requirement for any peaceful settlement, the withdrawal of all Netherlands troops, would have been accepted. The provision for the maintenance of Netherlands troops for six to eighteen months after January 1950 was a violation of fundamental international principles for peaceful settlement, as recognized in such agreements as the Treaty of Rio de Janeiro.[2] If the negotiations at The Hague had been successful, it could be asked why the Netherlands retained the naval base of Surabaya and why New Guinea was to remain under Netherlands domination.

71. The agreement reached at The Hague also imposed burdensome economic conditions on Indonesia through its debt provisions and the authorized retention of all concessions and economic rights acquired previously by the Netherlands. Thus economic exploitation was continued and the Indonesians were further required to pay the costs of the war which had been waged against their Republic.

72. The representative of Poland stated that the Hague Agreement should not be regarded as a milestone of freedom but rather as a new attempt to continue foreign rule in Indonesia.

73. Recalling the proclamation of the Republic of Indonesia on 17 August 1945, the tremendous sacrifices of the Indonesians in resisting Japanese occupation and achieving independence, the entry of the British troops and their subsequent reluctance to allow the Netherlands troops to take over, Mr. Katz-Suchy stated that the Hague Conference must be judged by a comparison between the régime which it proposed and the Republic of 1945. The terms of the agreement he had already cited indicated whether the Hague Agreement provided for greater independence or greater oppression.

74. Furthermore, the history of Netherlands violation of previous agreements such as the Linggadjati Agreement and the Renville Agreement, proved that the Netherlands Government considered agreements as stepping stones to further aggression, and used agreements as a means of consolidating its military forces. It was therefore appropriate to ask whether the Hague Agreement, which constituted an even greater limitation of Indonesian sovereignty than any of the previous agreements, was not a further attempt to achieve collaboration with certain elements of the Indonesian Government or even to impose virtually a new form of colonial rule.

75. Mr. Katz-Suchy considered that tributes to the Committee of Good Offices of the Security Council were unjustified because that body bore supreme responsibility for undermining the authority of the United Nations in the eyes of colonial peoples.

76. It was significant that an attempt in the Security Council to establish a genuine commission to solve the Indonesian problem had been blocked by the negative vote of France, another colonial Power.[3] The existing Commission and its followers had helped to provoke many incidents in Indonesia; representative of the Federal Bureau of Investigation in that country had had a hand in many of them.

77. Under the terms of the Charter Article 73 b the United Nations was called upon to aid colonial peoples to establish real independence. In spite of the acceptance of the Hague Agreement by Hatta and Sukarno and the willingness of Hatta to accept the role of Bao Dai, the Indonesian people were increasingly conscious that they had been betrayed and would therefore continue their struggle for liberation and independence. The reason for the maintenance of Netherlands troops and naval units in Indonesia thus emerged in its true light: to oppose the movement for national liberation with which Hatta and Sukarno would be unable to cope alone in spite of the thousands of political prisoners they had taken. Yet, history taught that arms and betrayal had never succeeded in suppressing a people's struggle for independence.

78. Referring to the question, which had been raised in connexion with Article 12 of the Charter, the representative of Poland noted that, as was usual, the draft resolution favoured by the majority was being interpreted as being in accord with that Article, while the draft resolution of the Ukrainian SSR was quite naturally being regarded as violating that Article. Yet objective consideration revealed that the Ukrainian SSR draft resolution made no recommendations but merely expressed the opinion of the General Assembly that a series of five measures were deemed necessary and left action to the Security Council. There was not one direct recommendation to Member States. If the General Assembly could not thus express its opinion, it was pointless to have the item on the agenda.

79. Accordingly the representative of Poland felt that the draft resolution of the Ukrainian SSR

[1] See *Official Records of the Security Council*, Second Year, No. 68, 173rd meeting.

[2] See *Inter-American Treaty of Reciprocal Assistance*, article 8, signed at Rio de Janeiro, 2 September 1947.

[3] See *Official Records of the Security Council, Second Year*, No. 83, 194th meeting.

presented a solid basis for solution and was fully in accord with the requirements of Article 12 of the Charter.

80. On the other hand, the joint draft resolution was a resolution of action although it never used the word "recommends". It ended consideration of the Indonesian problem in the General Assembly and accepted the unknown terms of the Hague Agreement. It commended parties for their contribution and welcomed the forthcoming establishment of a Republic. In substance that constituted an action prejudging future action by the Security Council. The joint draft resolution was therefore contrary to the provisions of Article 12.

81. Mr. Katz-Suchy stated that any doubts about whom the present Indonesian Government served were dispelled by the enthusiastic defence of the Hatta-Sukarno Government by the representative of the Netherlands. That sudden friendship and praise was in strange contrast with attacks made by the representative of the Netherlands Government against those same Indonesian leaders as bandits, criminals and collaborators during earlier Security Council consideration of the question of Indonesia.

82. FAWZI Bey (Egypt) held the view that the draft resolution introduced by the Ukrainian SSR was clearly contrary to the second part of paragraph 1 of Article 12 of the Charter. On the other hand, the joint draft resolution of which Egypt was a co-sponsor did not in any way infringe upon the terms of Article 12 and deserved the unreserved support of the Committee. Three delegations had voiced objections to the joint draft resolution for reasons which, while not commendable, were certainly understandable. It was regrettable that they had indulged in recriminations and polemics instead of confining themselves to a discussion of the substance of the proposal.

83. The objective of the Egyptian delegation was to help the people of Indonesia. It had pursued that objective in the past by recognizing the Republic of Indonesia almost immediately after its inception. While it conceded that the whole question of Indonesia had not been solved, it felt justified in welcoming the achievement of an important first step toward a final settlement. Its position was guided by the responsibility of all Member States under the Charter to assist the Indonesian people to attain full freedom and build an independent State. The Indonesian people could not be helped by destructive speeches; the joint draft resolution constituted a constructive measure in their favour. It was not a recommendation, and, indeed, the General Assembly was not competent to make recommendations on the question. The Indonesian case would soon be discussed in the proper body, the Security Council, so that recommendations might be made regarding the measures to be taken. Accordingly, the Egyptian delegation urged full support for the joint draft resolution (A/AC.31/L.50) before the Committee.

84. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) said he was concerned by the unprecedented procedure whereby the Committee was considering a proposal which would have the effect of giving General Assembly approval to the agreement reached at the Hague Conference before delegations had had the opportunity of studying the actual terms of that agreement. As a member of the Security Council, the Ukrainian SSR delegation had been fortunate enough to receive the Netherlands Government publication on the results of the Round Table Conference.[1] Most other delegations apparently had not received the booklet. In the circumstances, it was inadmissible to ask them to pass judgment on a matter with which they were not fully acquainted.

85. The General Assembly was being asked to place full confidence in the Netherlands despite the record of violations by that Government of Security Council decisions, and the Linggadjati and Renville Agreements. It was called upon to welcome the forthcoming establishment of the United States of Indonesia as an independent, sovereign State. Yet a study of the Netherlands publication on the Round Table Conference revealed that there was very good reason to doubt that the newly created Republic was either sovereign or independent.

86. The Netherlands Indonesian Union, for example, was to be headed by Queen Juliana of the Netherlands, all important decisions on internal and foreign policy were to be agreed upon unanimously by a Conference of Ministers of the Union. It was ludicrous to assume that Indonesia, deprived of an army and divested of its rich natural resources, would have equal bargaining power with the Netherlands, a well-armed Power backed by the United Kingdom and the United States.

87. Furthermore, any dispute between the two States was to be settled by a special tribunal and referred, failing such settlement, to the International Court of Justice. There was legitimate cause for doubt that the Netherlands would consider the Court's decision binding in the light of its past violations of Security Council decisions.

88. The publication on the Round Table Conference further disclosed that Indonesia would in fact have no representation in the foreign diplomatic relations of the Union. How then could it be described as an independent State?

89. The agreement which the General Assembly was asked to sanction also provided for the withdrawal of Netherlands forces from Indonesia. However, fresh troops were to arrive in Indonesia in October and Sultan Hamid II himself had expressed grave concern regarding the fulfilment of the provision relating to withdrawal of Netherlands armed forces. In view of its past record, it would be unwise to trust the Netherlands Government to respect such a provision. The Netherlands had retained important military and naval bases in the Archipelago.

90. The Assembly was being asked to endorse an agreement which also stipulated that the United States of Indonesia could not conclude trade agreements with other States without the consent of the Netherlands, that Indonesia would take over some of the Netherlands Government's financial obligations and refrain from amending its currency and banking laws without prior consultation with the Netherlands.

91. In view of the severe limitations which had thus been placed upon the newly created United States of Indonesia in the execution of its diplo-

[1] See *The Round Table Conference: results as accepted in the second plenary meeting held on 2 November 1949 in the Riddersaal at The Hague*. Published by the Secretariat General of the Round Table Conference.

matic, military, commercial and financial powers, it could hardly be described as a sovereign independent State. The total effect of the agreement reached at The Hague was to impose upon Indonesia another colonial régime. For that reason, the Ukrainian SSR delegation could not support the joint draft resolution approving the agreement in substance.

92. Moreover, on strictly procedural grounds, neither the Committee nor the General Assembly was competent to pass judgment on the outcome of the Round Table Conference. Mr. Manuilsky reminded the members that a special meeting of the Security Council on the Indonesian question[1] had been convened some two weeks previously. At that time, he had requested the opportunity to receive and study the relevant documents before entering upon a discussion of substance. The representative of Canada had supported that proposal and it had been unanimously agreed that the discussion should be postponed in the absence of the necessary documents concerning the agreement reached at The Hague and until they had been carefully studied by all the members of the Council. That precedent should serve as a valuable example to the Committee in the present discussion.

93. Instead, the Committee was being asked to vote on a draft resolution on the pretext that it would not bind the Member States. In fact, by affirming the existence of the United States of Indonesia as a sovereign, independent State, the proposal committed the Assembly to a definite position on the Indonesian question. Yet the nature of the newly created State was open to great doubt, which could only be resolved by careful scrutiny of the actual terms of the Hague Agreement. For that reason, the delegation of the Ukrainian SSR had proposed that a commission composed of representatives of the States members of the Security Council should go to Indonesia and study the problem and the agreement before any decision was taken. A vote on the joint draft resolution at the present stage, without knowledge of the contents of the agreement as a basis for its evaluation, would imperil the prestige of the General Assembly.

94. Finally, under Article 12 of the Charter, the Committee was not in a position to vote on the joint draft resolution. The Security Council was still seized of the Indonesian question; it had not yet considered it; it had formulated no recommendations regarding it; it had not requested the Assembly, through its *Ad Hoc* Political Committee, to deal with it.

95. The Ukrainian SSR proposal, on the other hand, did not appraise the outcome of The Hague Conference; it confined itself to a statement of views regarding the situation which had developed in Indonesia since the Netherlands offensive launched after 18 December 1948. It did not prejudge the issue; it had been conceived entirely on the basis of the Security Council's decisions and was intended to uphold them.

96. The delegation of the Ukrainian SSR demanded a restoration of the situation which had prevailed in Indonesia before the Netherlands offensive of December 1948 and before the conclusion of The Hague Agreement. In that connexion, the Netherlands representative had never satisfactorily explained the fate of the popular Indonesian leader Sjarifuddin.

97. In view of all those considerations, Mr. Manuilsky asked the Chairman to rule that the joint draft resolution should be withdrawn. Although his own proposal was in complete harmony with the Security Council decisions and should be put to the vote, he was prepared to consent to its withdrawal as well.

98. Prince WAN WAITHAYAKON (Thailand) expressed his gratification at the successful outcome of The Hague Conference. Thailand believed firmly in the liberation of colonial peoples and had close bonds of friendship, culture and trade with the people of Indonesia. It welcomed the agreement and would vote in favour of the joint draft resolution.

99. Mr. JAMALI (Iraq) associated his delegation with the remarks of the representative of Egypt, as a co-sponsor of the joint draft.

100. The CHAIRMAN considered that in view of the importance of the subject, it would be wiser to vote first on the preliminary question whether each of the proposals before the Committee constituted a recommendation within the meaning of Article 12 of the Charter.

101. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) pointed out that his draft resolution should be voted upon first because by its adoption the joint draft automatically be set aside. He suggested however that no vote should be taken on either proposal since there had been no opportunity to obtain and study the relevant documents.

102. The CHAIRMAN put the suggestion of the Ukrainian SSR to a vote.

The Ukrainian SSR suggestion was rejected by 39 votes to 5, with 5 abstentions.

103. Mr. ASTAPENKO (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that his delegation wished to participate in the discussion on the Indonesian question but was not in a position to do so at the present meeting. Accordingly, he wished to be included in the list of speakers and to take the floor at the following meeting after study of the necessary documents.

104. The CHAIRMAN observed that the voting had begun and that it could not be interrupted except on a point of order in connexion with the actual conduct of the voting. The intervention of the Byelorussian representative could not be so described.

105. Mr. GRAFSTRÖM (Sweden) invoked rule 117 of the rules of procedure in support of the Chairman's observation.

106. Mr. KATZ-SUCHY (Poland) did not agree that the voting on the draft resolutions had begun. A decision had merely been taken on the procedural motion introduced by the Ukrainian SSR to refrain from any action. The request of the Byelorussian SSR representative could not therefore be denied on those grounds. Moreover, in view of the late hour and the fact that the draft resolution had been distributed that very day, it would be wise not to take a hasty decision and to continue the discussion at the following meeting. Accordingly, under rule 107, Mr. Katz-Suchy moved the adjournment of the meeting.

[1] See *Official Records of the Security Council*, Fourth Year, No. 50.

107. The CHAIRMAN put the motion for adjournment to the vote.

The motion for adjournment was rejected by 45 votes to 5.

108. Mr. MANUILSKY (Ukrainian Soviet Socialist Republic) recalled that it was the usual practice, when two or three members had asked for more time to study documents, for the Chairman to grant that request.

109. Mr. TSARAPKIN (Union of Soviet Socialist Republics) pointed out that he, like the majority of the members, had not had the opportunity to examine the Netherlands publication on the Hague Agreement to which the representative of the Ukrainian SSR had referred and was unable to pass judgment upon it. The agreement might be sound or it might be a *diktat;* that point could only be determined after careful study.

110. The Ukrainian SSR suggestion to refrain from voting on either of the draft resolutions before the Committee should not be interpreted to mean that the Assembly should disclaim responsibility for eventual decisions on the Indonesian question. However, in view of the fact that the Security Council had postponed consideration in the absence of the necessary documents, it would be unreasonable for the Committee to adopt a substantive resolution at that stage. The very serious political implications of the Indonesian case required full study as a basis for sound evaluation of the Hague Agreement. The considerable doubts of several delegations might thus ultimately be resolved.

111. Mr. Tsarapkin appealed to the Committee to consider the statements already made as preliminary remarks and to continue the discussion. Many delegations had not yet contributed to it and might have important amendments to the draft resolutions. Any decision of the General Assembly would directly influence the fate of the peoples of Indonesia; it should be taken with circumspection.

112. The CHAIRMAN called for a vote on the proposal of the Byelorussian SSR representative not to close the debate, so that he might be able to speak at the following meeting.

The Byelorussian SSR proposal was rejected by 36 votes to 5, with 8 abstentions.

113. Mr. KATZ-SUCHY (Poland) protested against the unprecedented procedure whereby the request of a member to speak had to be put to a vote.

114. Mr. NISOT (Belgium) moved that the Committee should proceed immediately to vote on the two draft resolutions before it.

115. The CHAIRMAN put the Belgian proposal to the vote.

The Belgian proposal was adopted by 39 votes to 5, with 6 abstentions.

116. The CHAIRMAN put the preliminary question whether the joint draft resolution (A/AC.31/L.50) constituted a recommendation within the meaning of Article 12 of the Charter, to the vote.

The Committee decided by 42 votes to one, with 6 abstentions, that the joint draft resolution dia not constitute a recommendation.

117. The CHAIRMAN put to the vote the joint draft resolution submitted by Afghanistan, Australia, Burma, China, Egypt, India, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen (A/AC.31/L.50).

The joint draft resolution was adopted by 43 votes to 5, with 4 abstentions.

118. The CHAIRMAN next called for a vote on the preliminary question whether the Ukrainian SSR draft resolution (A/AC.31/L.51) constituted a recommendation within the meaning of Article 12.

The Committee decided by 42 votes to 5, with 4 abstentions, that it did constitute a recommendation. The Ukrainian SSR draft resolution was accordingly not put to a vote.

The meeting rose at 2.25 p.m.

FIFTY-SEVENTH MEETING

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

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine *(continued)*

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR JERUSALEM AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF SUB-COMMITTEE 1 (A/AC.31/11)

1. The CHAIRMAN called on the representative of Sweden. Rapporteur of Sub-Committee 1 of the *Ad Hoc* Political Committee, to present the report of the Sub-Committee (A/AC.31/11).

2. Mr. BOHEMAN (Sweden), Rapporteur of Sub-Committee 1, said that two conflicting trends had appeared in the deliberations of the Sub-Committee. Some delegations had proposed that the various proposals submitted to the Sub-Committee should be examined and then voted on, while other delegations proposed that the main points of the problem should be discussed in succession with a view to defining a certain number of principles. The latter point of view had been embodied in a proposal submitted by the Netherlands which had been rejected in the Sub-Committee by 7 votes to 7, with 2 abstentions.

3. The Sub-Committee had then taken up consideration of the draft resolution submitted by Australia (A/AC.31/SC.1/L.4) incorporating the USSR (A/AC.31/L.41), Colombian and Lebanese (A/AC.31/L.44, A/AC.31/SC.1/L.3), and Salvadorean (A/AC.31/L.40) amendments. That draft resolution, as amended, had been adopted by 9 votes to 6, with 2 abstentions, and therefore represented the recommendation of the Sub-Committee to the Committee.

4. According to that proposal, the General Assembly reaffirmed its intention to see a permanent international régime set up in Jerusalem.

The city was to become a *corpus separatum* under a special international régime, to be administered by the United Nations. The resolution further instructed the Trusteeship Council, at its following regular or special session, to draw up the Jerusalem statute, with the exception of the currently inapplicable provisions as, for instance, articles 32 and 39. and without prejudice to the fundamental principles of the international régime of the City of Jerusalem enunciated in resolution 181 (II) of 29 November 1947. The resolution would also ask the Trusteeship Council to modify the statute in order to make it more democratic, to approve it and to take immediately the necessary steps to implement it.

5. Furthermore, the Sub-Committtee had decided to append, as an annex to the report, the proposals submitted by the representatives of the Netherlands (A/AC.31/SC.1/L.2), Uruguay (A/AC.31/SC.1/L.5) and Sweden (A/AC.31/SC.1/L.6).

6. Mr. VAN HEUVEN GOEDHART (Netherlands) wished, before presenting the joint draft resolution of the Netherlands and Sweden (A/AC.31/L.53), to emphasize a general principle, of some importance in the matter, namely that it was better to adopt even an imperfect solution which was workable than to abide by an ideal solution which could not be carried out in practice.

7. During discussion on the question of Jerusalem, two tendencies had appeared in the Committee and Sub-Committee: some delegations supported the Australian proposal, seeing in the complete internationalization of the City of Jerusalem an ideal solution, which took into account, as it should, the essentially spiritual nature of the problem; the other delegations, on the contrary, thought the ideal solution proposed by Australia would lead to nothing on a practical level and therefore preferred a more modest but workable solution, the result of a compromise between the ideal and the real.

8. The former solution had been defended in the Sub-Committee by the Lebanese representative, Mr. Malik. Inspired by the noblest motives and by his conviction that the problem of Jerusalem was, by its very nature, exclusively spiritual, the Lebanese representative had wished to approach the problem from a purely spiritual and idealistic angle. While paying tribute to the idealism of the Lebanese representative, the Netherlands representative thought it was impossible to neglect the economic and political aspect of a problem in which, as in that of Jerusalem, the interests of various peoples, nationalities, religions and political conceptions were at stake. At the same time, he noted with satisfaction that the Lebanese representative had never questioned the good faith and sincerity of his delegation; in such an atmosphere, exchanges of views among the delegations, even if they held opposing points of view, could not be other than fruitful.

9. On the other hand, he noted with regret that the representatives of the USSR and the Ukrainian SSR on the Sub-Committee had thought fit, after his delegation had presented a compromise draft, to accuse it of indulging in a political manoevre inspired by the United States State Department, and of being indifferent to the fate of the Holy Places. He would refrain from replying to such accusations, which could only make the discussion and settlement of the problem still more difficult.

10. Indeed, if delegations sincerely wished to solve the problem of Jerusalem, they must continue their efforts in an atmosphere of mutual confidence and without ever forgetting that millions of men throughout the world attached the greatest importance to the fate of the Holy Places in Palestine.

11. Those Holy Places were situated in territory at present controlled by two Governments between which relations were extremely strained, and on disputed ground, since one of the parties claimed that Jerusalem was an Arab city, whereas the other asserted that that city was in the very heart of the Jewish Promised Land.

12. In view of that situation, the representative of Lebanon and others considered that the best solution would be to withdraw the City of Jerusalem from the jurisdiction of both parties and to establish it as a small separate State under the authority of the United Nations and, more specifically, under the international Trusteeship System. The question then arose, however, whether such a State could survive: politically, it would be surrounded by hostile Governments opposed to its creation and would be inhabited by people also opposed to such a system; economically, it would be cut off from its hinterland. It seemed apparent that in those circumstances the international régime, in order to maintain itself in Jerusalem, would need troops and supplies as well as financial aid. Would the supporters of complete internationalization be prepared to supply that aid to Jerusalem?

13. Naturally, if the internationalization of Jerusalem was to make of that area a State capable of living and prospering economically and politically, with an army able to deal with any contingency—in other words, if internationalization was to establish conditions which would guarantee the security of the Holy Places—the Australian proposal deserved prior consideration. Everyone was well aware, however, that the internationalization of Jerusalem would by no means produce such results. In those circumstances, it would be better to discard a solution which could not be carried out, and to consider the practical means whereby the problem could be solved.

14. In the first place, the solution chosen should not arouse radical opposition on the part of the Governments directly concerned; that did not mean that the Netherlands delegation intended to minimize the very special responsibility devolving upon those Governments, or to subordinate everything to their consent. The Netherlands delegation was the first to recognize that, since those territories contained various holy relics dear to the hearts of millions of men, those States should accept certain sacrifices in order to guarantee the complete security of the Holy Places.

15. In that connexion, the representative of Lebanon had reproached the Netherlands delegation with throwing, under the terms of its proposal (A/AC.31/SC.1/L.2), the greater part of the responsibility on Jordan and for thus giving an advantage to the State of Israel. The Netherlands delegation had no interest in favouring either of those States. Having no other purpose than to satisfy the just demands of world public opinion, that is to say, to insure the protection of

the Holy Places, that delegation was prepared to support any realistic solution which could be carried out in practice.

16. It was in that spirit that the delegations of the Netherlands and Sweden had decided to present a joint draft resolution (A/AC.31/L.53) which retained the main provisions of the two closely related proposals (A/AC.31/SC.1/L.2, A/AC.31/SC.1/L.6) submitted by those delegations to the Sub-Committee, and which also took into account the various suggestions made within the Sub-Committee and outside of that body.

17. The Netherlands and the Swedish delegations believed that Israel and Jordan should and could agree to undertake, before the United Nations, solemn commitments concerning their policy with regard to the Holy Places within their territories. In the opinion of those two delegations, such commitments would have considerably more force than obligations unilaterally imposed on those States by a decision of the United Nations, which was not in a position to compel those States to fulfil their obligations.

18. Under the provisions of the joint draft resolution, Israel and Jordan should undertake, before the Organization, the solemn commitment to respect human rights and fundamental freedoms and, particularly, freedom of religion and education; to refrain from any action which might endanger the security of the Holy Places situated in their territory; to guarantee to all, whether nationals or not, free access to the Holy Places; to preserve the rights and privileges at present accorded to churches and religious communities; not to levy taxes on the Holy Places which on 14 May 1948 had been exempt therefrom, and to take no discriminatory measure concerning the Holy Places; to carry out the progressive demilitarization of Jerusalem no later than three months after the implementation of the final peace treaty, and lastly to co-operate unreservedly with the United Nations Commissioner in carrying out those commitments.

19. As those provisions of the joint draft resolution were very moderate, and as Jordan, for its part, had already shown a real spirit of co-operation in the matter, the Netherlands delegation was persuaded that that fundamental element in its proposal would not give rise to any difficulty.

20. Moreover, the joint draft resolution conferred considerable powers upon the United Nations Commissioner, who would be responsible for the supervision of the fulfilment of the obligations undertaken by Israel and Jordan. The United Nations Commissioner would decide which buildings were to be regarded as Holy Places and would settle any questions that might arise between religious communities in connexion with any Holy Places; should a visitor or a pilgrim be denied access, visit or transit to Holy Places, that fact would be brought to the knowledge of the Commissioner. The United Nations Commissioner would have special powers in Jerusalem: he would ensure the protection of, and free access to, the Holy Places and, for that purpose, would have the right to defer or suspend the application of laws or decrees which in his opinion impaired the rights and privileges to be protected or prejudiced the interests of the international community and also to issue his own orders or regulations for the protection of the Holy Places; he would have his own guard to assist him in the performance of his duties and could also call upon the police forces of the local authorities. Finally, in the event of any dispute arising between the Commissioner, on the one hand, and either or both of the Governments concerned, on the other, a special court, consisting of the Consuls General or Consuls of the nine countries accredited to the Jerusalem area, would be seized of the dispute by the Commissioner, and its decision would be binding upon both parties.

21. Those were the broad outlines of the solution proposed by the delegations of Sweden and the Netherlands. The draft resolution did not provide for the establishment of a new State, since it laid down that the Jerusalem area would be placed under the jurisdiction of the Governments that were now exercising such jurisdiction over the City, subject to the special powers conferred upon the United Nations Commissioner. Thus, the terms of the draft resolution provided for the functional internationalization of Jerusalem; that solution was practicable because it was modest, and would effectively guarantee the protection of the Holy Places.

22. The Netherlands delegation had submitted for the Committee's consideration the draft resolution, which had been drafted jointly with the Swedish delegation in a spirit of absolute impartiality and with due regard for the numerous difficulties likely to arise out of the complete internationalization of Jerusalem, which would impose upon the Organization a duty which the latter could not carry out in practice.

23. Mr. BOHEMAN (Sweden) wished to make only a few remarks to supplement the statement of the Netherlands representative.

24. In submitting the joint draft resolution together with the Netherlands delegation, the Swedish delegation had been influenced by its wish to provide a solution for the problem of Jerusalem which would be in conformity with common sense and would take into account the following fundamental considerations: first, the Organization should take care not to do anything that would be liable to provoke the resumption of hostilities in Palestine; second, it should not adopt any decisions that could not be implemented in practice, if only to maintain its prestige and authority; third, it should ensure the protection of the Holy Places and free access to those Places.

25. The joint draft resolution was based on those principles. It offered a reasonable and practical solution, subject to any amendments that might be suggested. The Swedish delegation was sure that the two Governments directly concerned in the question should be able to accept such a compromise, the more so as Jordan had already made certain encouraging statements and was pursuing the traditionally tolerant policy of Islam towards other beliefs in connexion with the many Holy Places in its territory.

26. Moreover, the Swedish delegation did not consider that the complete internationalization of Jerusalem provided for in the draft resolution submitted by the Sub-Committee could give good practical results, although that delegation understood why the resolution had been supported.

27. In discussing the interests of the international community and of the Christian religion in

Jerusalem, it had to be admitted, in all humility, that the history of the religious rivalry that had given rise to disputes among various Christian sects with regard to the Holy Places was not especially encouraging. Nevertheless, it seemed that a solution such as that proposed by the delegations of Sweden and the Netherlands would contribute to the settlement of all the problems connected with the Holy Places and would considerably strengthen the prestige of the Organization, because that solution could be given practical application.

28. Mr. CHAUVEL (France) recalled that, when he had stated, at the 47th meeting, that the French delegation would vote in favour of the plan for the internationalization of the Jerusalem area submitted by the Conciliation Commission (A/973), he had added that his delegation would have preferred a simpler solution of the essential matter of internationalization even if that solution were more radical. That remark was rendered even more pertinent by the draft resolution now submitted by the Sub-Committee.

29. The French delegation had always acted in conformity with the position taken by the French Government when the problem first arose. That position, which was derived from a tradition that dated back to the Crusades, consisted in doing everything possible to ensure the protection of the Holy Places. Many of those Holy Places were situated in Jerusalem. They were of interest to the three great monotheistic religions. Jerusalem had recently been the object and the scene of battles, and two nations had disputed its possession. In view of those considerations, the French Government thought that the protection of the Holy Places situated in the Jerusalem area could only be ensured effectively by the political and military neutralization of the area. The best method of rendering such neutralization effective and the most effective procedure for protecting the Jerusalem area from the opposing political and military claims of neighbouring countries would consist in setting up that area as a *corpus separatum* and of placing it under the direct authority of the United Nations.

30. In that spirit and with those intentions, the French delegation had voted for the resolution of 29 November 1947 and had proposed on 22 April 1948 to give a general mandate to the Trusteeship Council regarding the maintenance of order in Jerusalem[1] in conformity with that resolution. The French representative on the Trusteeship Council had collaborated actively in that task; furthermore, the French delegation on Sub-Committee 10 of the First Committee, wishing to ensure the autonomy of Jerusalem in the immediate future, had submitted a plan jointly with the United States delegation for the establishment of a temporary administration for the City of Jerusalem.[2] Thus, it was clear that the French delegation had tried constantly and in all circumstances to achieve the establishment of a final statute that would offer real guarantees, and to ensure the adoption of temporary measures to avoid *de facto* situations on the spot, of which the parties concerned might be tempted to take advantage, while the consultations on that statute were taking place. He regretted that the efforts of the French delegation had not met with the necessary support and recalled, in particular, that all the Arab States without exception had voted against the joint draft resolution of France and the United States[3] on 14 May 1948.

31. Made wiser by those setbacks, the French delegation had voted for the resolution of 11 December 1948, although its terms were less specific than those of the resolution of 29 November 1947. When, in view of the hesitation in the Assembly and various factors in the local situation, the Conciliation Commission had proposed to substitute a system of supervision for the principle of direct administration, the French delegation had supported that proposal because the French Government had felt that, failing the genuine safeguards which would have been furnished by the establishment of a *corpus separatum*, a statute based on the necessity to neutralize Jerusalem and defining in that spirit the rights and duties of each party offered legal safeguards which, provided they carried the authority of the United Nations and were subject to its supervision, possessed definite advantages.

32. He was surprised that a tendency to return to the provisions of the 1947 resolution had appeared during the Committee's recent discussions. He had felt bound to recall the political, administrative and financial responsibilities which the establishment of a *corpus separatum* would involve. That reminder had been criticized with a sharpness that astonished him. The question of Jerusalem was a serious and complex matter, and the problems which it raised were not theoretical and did not affect only the sentiments of religious believers and the peoples throughout the world, but also the daily physical life of a large number of human beings. The solution of those problems made quite definite demands not only on a single State or two States, but on the United Nations, which dealt with them. It was in that spirit that the French delegation had asked certain questions, and he maintained that it was preferable to ask those questions before any decision was taken because, in the absence of positive answers, any decision that was made would remain a dead letter.

33. The text of the draft resolution submitted by the Sub-Committee showed that in the case of the majority of the members of that Sub-Committee, the answers to those questions were positive. He was glad of that, and only regretted that the clarity and firmness of the proposals had not been displayed eighteen months earlier, at a time when the establishment of the *corpus separatum* would have been easier. The French Government, for its part, was ready to face the difficulties which that undertaking involved; as early as 1947, it had been firmly resolved to shoulder its share of the collective responsibility of the United Nations in that respect, as well as its individual responsibility. That resolve had not changed. It was for those reasons that the French delegation would vote for the Sub-Committee's draft resolution.

34. Mr. ANZE MATIENZO (Bolivia) recalled that the attitude of his delegation had remained unchanged throughout the discussion of the question of the internationalization of Jerusalem: the Bol-

[1] See *Official Records of the second special session of the General Assembly*, First Committee, annex to volumes I and II, document A/C.1/280.

[2] See document A/C.1/SC.10/1/Rev.2.

[3] See *Official Records of the second special session of the General Assembly*, volume I, 135th plenary meeting.

ivian delegation had always wished to see the application of the provisions of the resolution of November 1947, whereby the City of Jerusalem, established as a *corpus separatum,* was to be placed under the special international régime. It was on those grounds that the Bolivian delegation had voted for both the resolution of November 1947 and that of 11 November 1948; it was on the same grounds that it did not regard the draft statute drawn up by the Conciliation Commission as satisfactory.

35. The Bolivian delegation, anxious primarily to satisfy the aspirations of the Catholic population of its country, also thought it essential that the authority of the United Nations should be strengthened; that was why it was convinced that the decisions which it took should be effectively applied. However, the discussion had shown clearly that in the case of Jerusalem any radical decision could not be effectively implemented.

36. For the purpose of solving the delicate problem of internationalization three basic points of views should be borne in mind; these were represented by the proposals of the Australian delegation, the delegation of Israel and the Conciliation Commission. The Bolivian delegation had therefore been in favour of appointing the Sub-Committee, which had been instructed to prepare a compromise solution on the basis of those three fundamental decisions. Although it had not taken a direct part in the Sub-Committee's work, it had nevertheless followed its proceedings closely and had studied the results with great attention. It was forced to note that, although the Sub-Committee had done work which was being generally commended, no effective account could be given of the draft resolution which it submitted.

37. That was why the Bolivian delegation was submitting a draft resolution (A/AC.31/L.52) which, although it was based on the same principles as the joint resolution of Sweden and the Netherlands, was nevertheless set forth more succinctly, since it was felt that at that late stage in the discussion the Committee would not have time for the detailed examination of long proposals.

38. In essence, the Bolivian draft resolution proposed the establishment of a commission which, upon the conclusion of the General Assembly's current session, would formulate a juridical statute covering the functional internationalization of the Holy Places in Jerusalem. That commission would have five or six weeks in which to complete its work—in that way, if the General Assembly did not find itself in a position to bring about a final solution to the problem of Jerusalem during the current session, it would still retain its proper authority over that problem—and on 31 January 1950 at the latest, a special conference would be convened to examine the draft statute thus prepared.

39. The draft statute might well follow the lines of the Headquarters Agreement concluded between the United Nations and the Government of the United States of America. That agreement conferred a juridical status and provided just those safeguards which all Members of the Organization wished to see in Jerusalem; it provided safeguards for the immunity of the Organization and its staff; it also contained administrative provisions and defined the relationship between the signatories.

40. In so delicate a problem, the main thing was to find a solution acceptable to the majority of Member States. That was why the Bolivian delegation was ready to sacrifice an ideal but in fact unacceptable solution for a compromise solution capable of effective application. Still, he felt bound to emphasize that the Bolivian delegation would never give up the fundamental principles which it had adopted in that matter. While it was ready to subordinate them to a certain extent to a practical and applicable solution, it would not give them up for any other reason. The Government and people of Bolivia desired above all to see the establishment of the longed-for peace in Palestine. Moreover, he felt that the world ought to be given evidence to show that the Organization was capable of making the principles of the Charter a living reality.

41. In conclusion, he stressed that the Bolivian delegation, anxious above all to arrive at a practical and realistic solution capable of application was ready to co-operate with the delegations of the Netherlands and Sweden in working out a joint compromise text. He further hoped that in considering a problem which raised such violent political and religious feelings, Members would retain a fitting composure.

42. Mr. Ross (United States of America) recalled that his delegation, convinced that the adoption of the Conciliation Commission's proposals would safeguard the interests, especially the religious interests, of the international community in Jerusalem, while taking into account the aspirations and needs of the local population, as well as those of the States of Israel and Jordan, had expressed itself in favour of those proposals. The delegation of the United States, a member of the Conciliation Commission, had participated in the preparation of those proposals; in the course of that work all aspects of the problem had been considered and all the arguments advanced by the various delegations, both in the Commission and in the Sub-Committee, had been studied. The United States delegation was still convinced that the Conciliation Commission's proposals, which were fully in keeping with the purposes mentioned in General Assembly resolution 194 (III), were the best basis for the solution of the problem of Jerusalem.

43. Mr. Ross also recalled his earlier statement that his delegation would welcome any constructive suggestion or any amendment likely to improve the Conciliation Commission's proposals. He regretted that the recommendations drawn up by the Sub-Committee did not constitute such an improvement. The Sub-Committee had not taken the Conciliation Commission's proposals sufficiently into consideration. In fact, the draft resolution which it proposed was designed not only to establish in Jerusalem an international régime ensuring the protection of the Holy Places—that was an objective which was generally regarded as desirable—but also requested reconsideration of the proposals for Jerusalem as set forth in resolution 181 (II), under which Jerusalem was to become a *corpus separatum* placed under a special régime and administered by the United Nations. The Trusteeship Council would then be expected to act as an administering authority; that Council would be expected to revise the statute which it had drawn up for Jerusalem in strict conformity with the terms of the resolution of November

1947, and was also to apply that statute immediately.

44. Under those arrangements, the Trusteeship Council would be given the virtually impossible task of establishing and putting into operation an entirely new political system which did not take into consideration the realities of the situation which the Commission was trying to solve. The Trusteeship Council did not, any more than any other organ of the United Nations, have at its disposal the force which might, in the last resort, prove to be necessary in order to impose such a solution upon the parties concerned. The Trusteeship Council, the organ chiefly responsible for protecting the interests of the populations of the Trust Territories, would therefore have to establish a system of government which not only did not fulfil the aspirations of the population of the region, but, on the contrary, was obviously incompatible with those aspirations.

45. The Sub-Committee's proposals would, in fact, impose upon the United Nations very serious responsibilities, including financial responsibilities. The various Governments would thus have to cope with a situation, the consequences of which were entirely unpredictable. Moreover, the discussions had shown that the members are not convinced that the legitimate interests of the international community would be served by an international régime exercising complete control over the daily secular life and activities of the inhabitants of the Jerusalem area.

46. Hence it was obvious that the Sub-Committee's proposals, while establishing an appearance of internationalization, nevertheless offered no guarantee that the internationalization of Jerusalem would actually be effected. The delegation of the United States, for its part, felt the United Nations should take no decision if it knew in advance that its decision was incapable of being applied. World opinion expected, from the Organization, not irresponsible and futile decisions, but rather the working out of reasonable solutions for the problems referred to it. The issue was not whether or not an international régime for Jerusalem ought to be set up; all the delegations had been in agreement in saying that such a régime should be established during the current session of the General Assembly. The real issue was to ascertain whether the General Assembly would, establish for Jerusalem, an international régime which would ensure effective protection of the interests of the world community, and especially of religious interests.

47. The delegation of the United States thought that the delegations which had given their support to the draft resolution of the Sub-Committee had not given sufficient weight to all the considerations to which Mr. Ross had just called attention. His delegation was unable to accept the Sub-Committee's draft resolution and would therefore vote against the draft.

48. Moreover, the delegation of the United States was studying with great interest the joint proposal of the Netherlands and Sweden (A/AC. 31/L.53), which was, it thought, a valuable contribution to the Committee's work and a possible compromise between the conflicting points of view. Being above all anxious to give Jerusalem an international régime which was likely to be effectively applied, and being anxious to do so at the current session, the delegation of the United States thanked the delegations of the Netherlands and Sweden for their initiative in proposing a practical and effective approach to the Jerusalem question, and thanked the delegation of Bolivia for its contribution to the solution of the problem.

49. Mr. Hood (Australia) wished to reply to the comments made by various speakers concerning the execution of the General Assembly's decisions. That question should be studied in a clear and realistic light, as the United States representative had said.

50. Any decision, whatever it might be, would have to be carried out; that could be done only through the acceptance of the General Assembly's decisions by the parties concerned. Obviously the General Assembly could choose between the adoption of half-measures, representing a compromise, and the adoption of effective measures; but in either case, the General Assembly expressed its wish and took a decision which must finally be carried out. The parties concerned could either respect the General Assembly's decision, whatever it might be, or refuse to carry it out, which they probably did not contemplate doing.

51. As the General Assembly must therefore take a decision, it would be preferable if it acted in conformity with its previous decisions; in that connexion, he recalled that the previous decisions of the General Assembly on the subject had received the support of the United States of America.

52. The objection had been raised that one or both of the parties directly concerned had stated that they could not accept a measure said to be prejudicial to the legitimate national aspirations of the local populations. The speaker did not believe that that was a sufficient reason for the United Nations to consent to reverse its own earlier decisions.

53. It was true that the existing situation in Jerusalem might make the implementation of previous decisions of the General Assembly difficult. Yet several centuries, nay, fifty years, hence, history would find no justification for the fact that the United Nations, by yielding to the objections of certain interested parties, had failed to take any appropriate action.

54. Whenever it had taken action dictated by circumstance the General Assembly had not been successful; on the other hand, when it had acted fully in accordance with the purposes and principles of the Charter and when it had not hesitated to take the necessary steps, the General Assembly had successfully fulfilled its task.

55. During the consideration of the plan of partition of Palestine in 1947 it had been claimed that the plan should not be adopted for practical reasons; yet the General Assembly had decided that the arguments did not hold in view of the historical importance of the decision to be taken. Mr. Hood did not believe therefore that the General Assembly could yield to such arguments.

56. In spite of the various compromise proposals before it, he hoped that the Committee would have the courage to face its responsibilities and would not relinquish the opportunity to adopt effective measures merely because of the opposition of certain interested parties. Some of those parties

might wish, in fact, that no measure should be taken.

57. The Australian delegation for its part considered that the Committee should take, without further delay, the measures which in all honesty it believed to be necessary in conformity with the previous decisions of the General Assembly.

58. In conclusion Mr. Hood expressed his delegation's gratification at the statement just made by the French representative.

59. The CHAIRMAN recalled that the Committee had the following proposals before it:

(1) The draft resolution recommended for adoption by the Sub-Committee (A/AC.31/11); the Cuban delegation had presented amendments to it, the text of which would be circulated shortly;

(2) The Bolivian proposal (A/AC.31/L.52);

(3) The joint proposal presented by the Netherlands and Sweden (A/AC.31/L.53).

60. The CHAIRMAN invited the representatives of Bolivia, the Netherlands and Sweden to consider whether they might not agree on a joint text so as to facilitate the Committee's work. The Committee might interrupt its work and resume it at 4 p.m.

61. Finally, the Chairman said that, in accordance with the rules of procedure, he would put to the vote first the draft amendments to the Sub-Committee's proposals, then the proposal itself, after that the Bolivian proposal, and finally the joint Netherlands and Swedish proposal. The Committee could decide, however, to change the order in which the various proposals should be put to the vote if it wished to vote first on a compromise proposal.

62. Mr. URRUTIA (Colombia) felt that all the proposals before the Committee should be studied carefully. Furthermore, some delegations might find themselves obliged to ask their Governments for new instructions.

63. For those reasons he felt that it would be preferable to suspend the consideration of the question until the following day.

64. Mr. HOOD (Australia) felt that the Committee should follow accepted practice. It should first examine the report and the recommendation of the Sub-Committee and take a decision on that recommendation. He failed to see the necessity for having established a Sub-Committee if the consideration of the question were once more to be adjourned. If the Sub-Committe's recommendation was not adopted, the Committee could examine the other proposals.

65. Mr. VAN HEUVEN GOEDHART (Netherlands) recalled that from the very beginning of its work the Sub-Committee had refused to take the Netherlands proposal into consideration, and had decided to use the Australian proposal as a working basis. It would hardly be appropriate once more to reject the consideration of the joint Netherlands and Swedish proposal.

66. The Netherlands delegation therefore supported the Chairman's suggestion to postpone the matter so as to permit the various proposals to be examined.

67. Mr. TSARAPKIN (Union of Soviet Socialist Republics) felt that the Australian representative was perfectly right in saying that the Committee should follow accepted practice and examine a Sub-Committee's proposal first. Such a procedure was the more called for as in the case in question the Committee had set up a widely representative Sub-Committee of seventeen members with instructions to formulate a single proposal. The Sub-Committee had carried out those instructions, and consequently there could be no objection to following the accepted practice.

68. He did not believe that it was correct to say, as the Netherlands representative had done, that the Sub-Committee had annexed other proposals to its report. It had, in fact, adopted a proposal by a majority vote and that the was the proposal before the Committee. The Committee could not examine other proposals unless they were directly submitted to it. In any case, however, the Committee should first decide on the conclusions of its Sub-Committee. Any other course would be contrary to accepted practice.

69. For those reasons, the USSR delegation shared the Australian delegation's view as to the procedure to be followed.

70. Mr. BOHEMAN (Sweden) was in favour of the motion to adjourn the meeting in order to permit a more thorough study of the various proposals, and especially the joint Swedish-Netherlands proposal. On the other hand, it was for the Chairman and the Committee themselves to determine the order in which the various proposals should be put to the vote.

71. Mr. Ross (United States of America) supported the Chairman's proposal that the delegations of Bolivia, Netherlands and Sweden should examine the possibility of presenting a joint text. It would also be well to give delegations time to study the proposals submitted.

72. Furthermore, the United States delegation would like to know the present status of the Conciliation Commission's proposal. On that point it would like to consult delegations of France and Turkey, which were also members of the Conciliation Commission.

73. The Colombian proposal seemed to be wise, especially as the General Assembly should avoid taking any hasty decisions on such an important question.

74. Mr. DROHOJOWSKI (Poland) thought the confusion which appeared to reign was only artificial. All delegations which wished to do so would have time to consult each other early in the afternoon, and the Committee could resume its work at 4 p.m.

75. Moreover, he thought there could be no doubt concerning the order of voting on the various proposals. Indeed, if other proposals were to be put to the vote before that of the Sub-Committee, that would mean that the latter's work had been unnecessary.

76. Concerning the proposal to adjourn discussion until the following morning's meeting, he recalled that the complexity of the problem was not a new thing; the United Nations had been facing it for several years. It therefore seemed that to postpone discussion on the question until the following day would be far from simplifying things and on the contrary would still further complicate the situation.

77. Mr. MÉNDEZ (Philippines) thought like the Colombian representative that it would be preferable to adjourn the discussion until the following morning. However, in order to avoid a renewal of the difficulties which the Committee was currently meeting, he suggested that the delegations of Bolivia, the Netherlands and Sweden should attempt to present any text resulting from their deliberations in time to enable the Committee to consider it before its following meeting.

78. Mr. C. MALIK (Lebanon) attached no importance to the question of whether the Committee should resume its work that day or the following day. However, it appeared from the remarks of the representatives of the Philippines and the United States that an attempt was being made to set aside the Sub-Committee's report. He did not see why the Committee should attach so much importance to the suggestions of Bolivia, the Netherlands and Sweden. It appeared that a solution to the problem different from that advocated by the Sub-Committee was being sought.

79. Delegations were always free to consult with a view to elaborating a joint text; he did not think it necessary for the Committee to take account of such intentions on the part of certain delegations. The Committee's intervention in that field would be equivalent to the establishment of a new Sub-Committee. In any case, the possibility of certain delegations presenting new suggestions at any time should not be excluded but that should not mean that the Sub-Committee's work might be neglected.

80. The CHAIRMAN explained that it was not his intention to exclude any suggestion or proposal, or to minimize the work of the Sub-Committee. He recalled that he had suggested consultation by the delegations of Bolivia, the Netherlands and Sweden in order to facilitate the Committee's work.

81. Mr. ICHASO (Cuba) recalled that his delegation had submitted amendments to the Sub-Committee's resolution, the text of which had not yet been distributed. He wished the Committee to have the opportunity of studying those amendments, which were aimed at providing that the detail of internationalization should not be left to the Trusteeship Council but should be decided by the General Assembly. He therefore supported the proposal for the adjournment of the meeting, without having any preference for the day and hour of the following meeting.

82. Mr. URRUTIA (Colombia) explained that in requesting adjournment of discussion until the following morning his delegation did not wish to make the adoption of the Sub-Committee's proposal more difficult. On the contrary, his delegation favoured that proposal. It thought, however, that if it had enough time it might attempt to convince other delegations of the necessity of adopting the Sub-Committee's draft.

83. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) also had the impression that the confusion which appeared to reign was only artificial; he himself thought that the situation was perfectly clear. A Sub-Committee had been established to reach concrete conclusions on the basis of the various drafts before the Committee. Established procedure was to put the report of the Sub-Committee to a vote first; there was no reason for altering that practice.

84. During examination of the Sub-Committee's report and its proposal, the Committee might examine any amendments presented to it; moreover, after taking a decision on the Sub-Committee's proposal the Committee might, if necessary, examine other proposals.

85. For those reasons, his delegation shared the opinion expressed by the representatives of Australia, USSR, Poland and Lebanon.

86. Mr. MÉNDEZ (Philippines) explained that his delegation had not yet taken any decision concerning its attitude towards the Sub-Committee's report; it had consequently no intention of setting it aside. He stated that his suggestion was motivated only by the desire to facilitate the Committee's work.

87. Moreover, he entirely shared the opinion of the Australian delegation and of the other delegations which considered that the Sub-Committee's report should have priority of examination.

88. The CHAIRMAN stated that the decision on the order of voting would be taken later; the Committee for the time being had only to decide on the date of the following meeting.

89. He put to the vote the Colombian proposal for adjournment of discussion until the following morning.

That proposal was adopted by 33 votes to 1.

The meeting rose at 1 p.m.

FIFTY-EIGHTH MEETING

Held at Lake Success, New York, on Tuesday, 6 December 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR JERUSALEM AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF SUB-COMMITTEE 1 (A/AC.31/11) (*continued*)

1. The CHAIRMAN reminded the Committee that it should decide in the following order on the proposals before it:

(1) Cuban amendment to the draft resolution proposed by Sub-Committee 1 (A/AC.31/L.54),

(2) Draft resolution proposed by Sub-Committee 1 (A/AC.31/L.11),

(3) Draft resolution proposed by the delegation of Bolivia (A/AC.31/L.52),

(4) Draft resolution proposed jointly by the Netherlands and Sweden (A/AC.31/L.53).

2. He asked members of the Committee to restrict their statements to 15 minutes for first intervention and 10 minutes for the second or for explanation of votes.

3. Mr. HOOD (Australia) thought that the Cuban delegation's amendment differed from the original proposal of Sub-Committee 1 to such an extent that it could hardly be considered an amendment, but was rather a new proposal.

4. Mr. C. MALIK (Lebanon) shared the Australian representative's opinion. The real problem was to decide whether a really international régime should be set up for Jerusalem or not. A Sub-Committee had been set up to decide the matter. It was only right to decide first of all on the solution it had proposed. From the purely formal point of view, the Cuban text might be an amendment under rule 82 of the rules of procedure; but as regards the substance, it could not be denied that the Cuban amendment was opposed to the basic principle underlying the Sub-Committee's draft resolution, the internationalization of Jerusalem, and was really a new proposal. The Cuban delegation's amendment should be voted on after the Sub-Committee's text. Otherwise, the Lebanese delegation would propose an amendment to the Cuban amendment, thus putting the Committee in a position to decide on the original problem, the internationalization of Jerusalem.

5. Mr. DROHOJOWSKI (Poland) agreed with the Australian representative and, to a great extent, shared the Lebanese representative's opinion. The text which the Cuban delegation described as an "amendment to the draft resolution proposed by Sub-Committee 1" was in reality a new proposal and would be more in place as an amendment to the joint resolution of Sweden and the Netherlands. Mr. Drohojowski hoped that the Cuban representative might perhaps be able to come to some agreement with the representatives of the Netherlands and Sweden on that point; such an agreement would facilitate the work of the Committee and save valuable time.

6. Mr. ANZE MATIENZO (Bolivia) stated that his delegation had consulted with those of the Netherlands and of Sweden, as suggested by the Chairman. The Bolivian delegation had framed its proposal because it was anxious to leave the door open for an agreement, which was always possible, and not to relinquish the study of the problem, even if the General Assembly had been unable to find a solution to it at the current session. As the discussion seemed to show that considerable agreement existed, however, the Bolivian delegation, feeling that a solution might be reached, would withdraw the proposal it had previously made.

7. Mr. ICHASO (Cuba) was surprised to see that his delegation's amendment, which strengthened the text submitted by Sub-Committee 1, had been so severely criticized. From the outset the General Assembly had consistently shown regrettable lack of logic and coherency in its consideration of the problem.

8. In 1947, the General Assembly had decided on the partition of Jerusalem and had instructed the Trusteeship Council to establish an international statute for the city (resolution 181 (II)). The statute drawn up by the Trusteeship Council[1] had never been put into effect due to the military events in Jerusalem. The statute was now out of date.

9. In 1948, the General Assembly, by its resolution 194 (III), had instructed the Conciliation Commission to consider a draft statute for Jerusalem on the spot. The Conciliation Commission had worked for a whole year to draw up that document and after many exchanges of views with the parties concerned, it had submitted a new draft statute (A/973) to the General Assembly. It was paradoxical to note that that document was the only one to be completely overlooked by the Committee, which had spent no time studying it or considering it, and that, moreover, efforts were being made to resuscitate the statute drawn up by the Trusteeship Council, which the turn of events had made impracticable and out of date.

10. The Cuban delegation was convinced that the United Nations had the necessary legal and political competence to draw up an international statute for Jerusalem, and it therefore wished Jerusalem to be placed under an effective international régime. In order to ensure true internationalization of the city, the Cuban delegation considered it desirable that in addition to a declaration of internationalization, the requisite legal instruments for the implementation of that declaration should be promulgated. The Cuban delegation agreed in principle with the Australian draft resolution, which had been taken up again by Sub-Committee 1, and especially with the preamble, the beginning of the first part, and the second part. The Cuban amendment was intended to strengthen the proposal by proclaiming a statute more simple in form, which could be implemented in a more effective way, under the authority of the sovereign General Assembly and not of the Trusteeship Council. The Cuban delegation had no political interests in Jerusalem, only interests of a spiritual and religious nature. In that connexion, Mr. Ichaso was amazed to see countries like Australia and Lebanon, which had legitimate religious interests in Jerusalem, making common cause with the countries of Eastern Europe, which professed a materialistic and atheistic philosophy and whose interests in Jerusalem were therefore purely political. For instance, it was quite clear that in supporting the Sub-Committee's draft the USSR intended to retain a supervisory right over Jerusalem through the intermediary of the Trusteeship Council, of which it was a permanent member. The Cuban delegation's motives were entirely different, and if the amendment it proposed did not obtain enough votes, it would support the draft resolution of Sub-Committee 1, which it considered preferable to no solution at all or to a proposal opposed to internationalization. Mr. Ichaso maintained that the proposal he submitted was an amendment under rule 82 of the rules of procedure, and he hoped the Chairman would recognize it as such.

11. Mr. CASTRO (El Salvador), speaking as Chairman of Sub-Committee 1, wished to point out that Sub-Committee 1, which had been called upon to study all proposals before the *Ad Hoc* Political Committee and any new proposals which might be submitted, had by no means overlooked the draft statute drawn up by the Conciliation Commission, whatever the representative of Cuba might have said on the matter. As Chairman of the Sub-Committee, Mr. Castro had proposed to it that it should vote on all proposals in the chronological order in which they had been submitted. But the Sub-Committee had decided to vote first of all on the Australian proposal which,

[1] See *Official Records of the Trusteeship Council*, second session, third part, annex, document T/118/Rev.2.

as amended by the delegations of the USSR and El Salvador, had been adopted by 9 votes to 6, with 2 abstentions, or practically a two-thirds majority. Immediately after the adoption of that text, Mr. Castro had proposed that the Sub-Committee should vote upon the draft statute drawn up by the Conciliation Commission (A/973). However, the Sub-Committee, on a proposal made by the Swedish delegation and supported by the Netherlands, had deemed it unnecessary to vote upon any other proposal because the Australian text which had been adopted was diametrically opposed to all remaining proposals, and its adoption thereby naturally excluded the others.

12. It was therefore clear that the Sub-Committee had not at any time overlooked the Conciliation Commission's report.

13. Mr. DROHOJOWSKI (Poland) wished to point out to the Cuban representative that 90 per cent of the population of Poland were Roman Catholic and that Poland, like all other countries, could have religious interests in Jerusalem.

14. Mr. MAYRAND (Canada) observed that the Canadian delegation had limited itself in the Sub-Committee to expressing its apprehensions concerning the possibility of implementing the Australian proposal, and had abstained in the final vote, reserving its right to support a more realistic draft.

15. The Sub-Committee's proposal was a return to the plan of November 1947. At that time the implementation of the plan had been favoured by circumstances which had since changed. The proposed economic union between the Jewish and Arab States would have ensured Jerusalem a part of its revenues; furthermore, the Jewish part of Jerusalem at that time was separated from the territory of the future State of Israel and the Jewish agency had been more easily able to accept a territorial internationalization of the city.

16. At the 48th meeting, the representative of Lebanon had reproached the French representative for not having replied to his questions concerning the implementation of the General Assembly's decisions. But the Lebanese representative himself had not replied in a convincing manner to those elementary questions.

17. At the previous meeting, the Australian representative had admitted that the implementation of the General Assembly resolution would depend upon its acceptance by the interested parties. What would be the situation if the interested parties did not accept the General Assembly's recommendation, and, above all, if they opposed it by force?

18. The Canadian representative wondered whether the majority of the members of the Committee would not prefer first to consider the joint draft resolution of the Netherlands and Sweden, which constituted a kind of compromise, as had been the case with the Conciliation Commission's proposal, which had unfortunately been overlooked, despite its merits.

19. Mr. LONDOÑO Y LONDOÑO (Colombia) recalled that his delegation and that of Lebanon had jointly proposed a series of amendments (A/AC.31/L.44) to the draft statute submitted by the Conciliation Commission. In view of the adoption of the amended Australian proposal (A/AC.31/SC.1/L.4) by the Sub-Committee, the Colombian and Lebanese delegations obviously had not urged their solution. However, if the Committee rejected the Sub-Committee's proposal, the Colombian delegation would urge that the amendments in question should be considered and voted upon.

20. With regard to the Cuban delegation's proposal, the representative of Colombia considered that it was not an amendment but a separate proposal. The Cuban proposal suggested functional internationalization, whereas the Sub-Committee's proposal had been inspired by the General Assembly decisions of 29 November 1947 and 11 December 1948 and provided for territorial internationalization.

21. If the Committee did not draw that fundamental distinction, it would commit a dangerous legal error.

22. There was in fact a General Assembly decision of 29 November 1947, establishing a particular legal status; that decision had been only slightly modified on 11 December 1948. The principal purpose of the decision had been to bring Jerusalem under a system of territorial internationalization, primarily with the aim of preventing the region from falling under the jurisdiction of any particular State.

23. The joint proposal of the Netherlands and Sweden on the one hand, and the Cuban proposal on the other, were therefore tantamount to a fundamental modification of the General Assembly's view in 1947 and in 1948. Consequently, the latter proposal should be considered and put to the vote as a separate proposal.

24. The Colombian representative considered that, bearing in mind the changes which had taken place in Jerusalem, the representative of Canada appeared to be willing to accept a *fait accompli*. Such an attitude, however, was legally inacceptable, because force could not take the place of law.

25. In particular, he drew the Committee's attention to the fact that the United Nations would be embarking on a dangerous course if, by recognizing a *fait accompli*, it permitted the substitution of pure and simple force for principles and international law. If such methods were encouraged, then the United Nations should not be surprised if later on subversive elements, fortified by that precedent, should assassinate the representative of the United Nations in Somaliland and establish an autonomous Government in that country in violation of resolution 289 (IV) of the General Assembly regarding the establishment of a trusteeship régime for a period of ten years. The United Nations could not in such circumstances accept such a *fait accompli*.

26. The Sub-Committee's proposal included all the factors necessary to the implementation of the objectives set forth in General Assembly resolutions 181 (II) and 194 (III) on the Jerusalem area.

27. The Colombian delegation therefore favoured consideration of the Cuban proposal as a separate proposal, and thought that the Sub-Committee's proposal should be voted on first. After a decision had been taken on the Sub-Committee's proposal, the other proposals could be considered if necessary.

28. The CHAIRMAN stated that under rule 82 of the rules of procedure of the General Assem-

bly, "a motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal".

29. He ruled that the Cuban delegation's proposal was not merely an addition, deletion or revision of the Sub-Committee's proposal, but should be considered as a separate proposal.

30. Mr. ICHASO (Cuba) accepted the Chairman's decision.

31. Mr. SHUKAIRY (Syria) said that the internationalization of Jerusalem could be achieved only as suggested in the Sub-Committee's proposal. The proposal moreover only corresponded to a paragraph of resolution 181 (II) adopted by the General Assembly on 29 November 1947. The Syrian delegation had hoped that it would be possible to adopt such a proposal without difficulty, and that the States which had voted for the 1947 resolution, and particularly those which had campaigned for it, would take up a position consistent with what had been their position then.

32. The Committee was faced with two kinds of proposal. The first were those of the Sub-Committee aiming at the implementation of the resolution of 29 November 1947. Then there was a set of proposals quite contrary to that resolution. He would deal at that stage only with the second set of proposals.

33. He noted that none of them provided for any international régime in Jerusalem. International régime was not a label: it was a form of authority and administration. The proposals provided that Jerusalem should be submitted to the authority of Israel in respect of legislation, judiciary, finance, citizenship and political status. The representative of Israel advocated the integration of Jerusalem in the area now under Israel's control. With that in mind, the Conciliation Commission's proposal and others like it could be denounced as contrary to any idea of internationalization. All they did was to recognize the present situation. It must not be forgotten, however, that the present situation was only provisional and the result of an armistice agreement.

34. The principle of complete internationalization had given rise to numerous objections, and some States were now attacking resolution 181 (II) just as energetically as they had worked for its adoption. It was contended in particular that the Sub-Committee's proposal ran counter to the wishes of the people concerned. Mr. Shukairy was happy to note that, by contrast with the line taken by the United Nations in 1947, some Members were now displaying a desire to take the wishes of the people concerned into account. Such arguments in the mouths of the very people who had totally ignored such wishes in 1947 were singularly inappropriate.

35. It was also claimed that the Sub-Committee's proposal was unworkable and that under its terms Jerusalem would not have a viable statute. Such concern was certainly praiseworthy, but in 1947 the Arab States had put the United Nations on guard, warning it that the partition plan was itself unworkable, that a separate Arab State could not survive on the territory assigned to it and that the application of the plan must inevitably lead to a catastrophe.

36. Referring in greater detail to the argument that the Sub-Committee's proposal was unworkable because the United Nations had no power to impose respect for its decisions, Mr. Shukairy said that, if the Organization really had no means of ensuring the implementation of its resolutions, it should be considered as a study circle. In that case its very existence would be useless. It was clear, however, that the Charter provided means for ensuring implementation of the General Assembly's decisions, and he did not see why those provisions could not be applied.

37. In that connexion it had been said that the United Nations should not deceive the world by taking decisions of which it could not ensure the execution. He considered, however, that the world would be deceived only if the United Nations stated that it was powerless, whereas in fact it did have adequate means of execution at its disposal. The world would be all the more deceived if the United Nations were to consider that it had discharged its obligation to establish an international régime in Jerusalem by adopting vague proposals that were intended for the sole purpose of meeting certain exigencies.

38. Two other points required more detailed explanation: the neutralization and demilitarization of Jerusalem. Those two principles were all that remained of resolution 181 (II) of 29 November 1947. The neutralization of the city, however, would be only an empty word if the city were subjected to Israel authority and control. He therefore hoped that the sponsors of the draft plan for camouflage internationalization would further explain to the Committee their conception of neutralization.

39. With regard to demilitarization, the situation was still more serious. The representative of Israel had frankly stated that he was opposed to any demilitarization. The question therefore arose whether the United Nations could impose demilitarization. In that connexion, he quoted from an article that had appeared that very day in *The New York Times* referring to a statement by Mr. Ben-Gurion, the Prime Minister of Israel, according to which Israel considered the resolution of 29 November 1947 to be null and void, and which further stated that the Jews would sacrifice themselves for Jerusalem just as Americans would fight for Washington or Russians for Moscow.

40. In face of such a statement, he would ask the representative of the Netherlands whether anything could be done with regard to the establishment of any international régime in Jerusalem. The Netherlands representative had asked the Committee to accept what could be done without being ambitious to achieve what should be done. In that case, there was nothing that could be done, since the procedure suggested by the Netherlands representative was simple: as a decision could not be imposed, they must adopt a decision that was workable. To be workable, however, it must be acceptable to the parties concerned. All that would be required therefore would be to ask the advice of Mr. Ben-Gurion and Mr. Sharett and act accordingly. That result demonstrated the absurdity of such a theory.

41. A resolution of the General Assembly must be taken as a whole: once adopted, it must be either accepted or rejected in its entirety. It was impossible to apply part of the resolution and fail to apply another part. The provisions relating to

the statute of Jerusalem, however, were only part of resolution 181 (II) of 29 November 1947. If it was the desire of some delegations that the General Assembly should rescind part of its previous decisions, the proposal should be made frankly.

42. In the present situation, the United Nations should declare itself either for or against internationalization, for or against the partition or the unity of Jerusalem, for or against respect for the resolution of 29 November 1947. By adopting that resolution, the United Nations had assumed heavy responsibilities, despite the warnings it had received. It could not, now that one part of the resolution had been applied, withdraw from its obligations to execute the remainder of that decision.

43. In conclusion he would like to make it clear that the internationalization of Jerusalem was not at all the aspiration of the Arab world. Jerusalem, an Arab town, situated in Arab territory, should, by every principle of democracy, be placed under Arab control. The Arab world, however, had agreed to accede to the desire of the international community and had chivalrously agreed to abandon its rights in favour of a genuine internationalization of the city. Thus the Moslem world, extending its hand to Jews and Christians, had renounced its right to Jerusalem in favour of the international community. There its obligations ended. If the principle of the internationalization of Jerusalem was rejected by Christians and Jews, the fault would not lie with the Arabs. Let those who, at that decisive moment, opposed the internationalization of the city, realize the responsibility that would be theirs in the record of history.

44. Mr. MOSTAFA Bey (Egypt), referring to the United States representative's observation that the complete internationalization of Jerusalem would be opposed by its population, pointed out that the majority of the Arab population of Jerusalem had left the city and had consequently not been able to make its wishes in the matter known; he was nevertheless happy to note that such considerations were completely in keeping with the Charter and contrasted with the attitude adopted in 1947 in the General Assembly; in fact at that time the Arab States had asked in vain that the desires of the inhabitants of Palestine should be taken into account, but despite these warnings, a policy of force, which was to have tragic consequences, had carried the day.

45. Mostafa Bey noted that there was unanimous agreement in the *Ad Hoc* Political Committee on a certain number of points. It was generally recognized that the situation existing in Jerusalem, the direct result of a policy of the *fait accompli,* was in direct contradiction with the provisions of the resolutions adopted by the General Assembly in November 1947 and December 1948 and, moreover, that it was absolutely necessary to ensure protection of the Holy Places and free access to them.

46. The Egyptian delegation was in no doubt as to the fact that the United Nations could not accept the *fait accompli* without appearing to endorse the principle of a policy of force, without detracting from its prestige and running counter to the interests of peace and security. Yet that was precisely the purport of the Conciliation Commission's draft instrument as well as of the various proposals submitted to the *Ad Hoc* Political Committee, with the exception of the Australian proposal, which had been taken up by Sub-Committee 1. In fact, all those proposals provided for the partition of the city, which was to remain under the control of the authorities occupying it at the moment, international control being restricted to the Holy Places, which were mostly in the Old City. Some suggestions had even gone further, proposing the creation of a neutral international zone in the Old City.

47. Such solutions, apart from the fact that they were not in conformity with the provisions of the relevant resolutions by the General Assembly, could not satisfy the just requirements of the international community. It was untrue to say, as had been alleged by some, that the three monotheistic religions were interested only in the Holy Places; in actual fact, for those religions the whole of Jerusalem was a Holy City, for it held more relics and associations with the past than any other town or village in Palestine.

48. Nor would such solutions in any way guarantee the security of the Holy Places, for partition of the town between two more or less rival authorities would sow the seeds of conflict. which might be provoked by the slightest incident and bring about the ruin of the city. It was essential to the security of the Holy Places that Jerusalem be placed under the direct control of the United Nations. Any other solution would be extremely uncertain and could not allay the international community's anxiety in regard to the future of its religious capital.

49. There seemed to be some apprehension that real, complete internationalization of the city would raise considerable difficulties, so that in practice it would be impossible to carry it out. But it should be noted that, as the United Nations developed, so it naturally enlarged the sphere of its responsibilities; it could not, without danger, shirk those responsibilities. In that connexion, Mostafa Bey would recall a significant precedent: at the second special session of the General Assembly, which opened on 16 April 1948, the United States delegation had circulated a working paper[1] to the effect that the whole of Palestine, and not only the City of Jerusalem, should be placed under the international Trusteeship System, and that the statute of the area should be based on the provisions of the Statute drawn up for the City of Jerusalem by the Trusteeship Council; the United States delegation had then stated that its Government was willing to provide, in collaboration with other Governments, the forces necessary for the implementation of the plan. Admittedly, the project had subsequently been abandoned, but it was nevertheless clear that the United Nations was not short of effective means when it was resolved to enforce respect of its wishes with a view to the maintenance of international peace and security.

50. As to the financial implications of the internationalization of Jerusalem, the Egyptian delegation would merely refer the Committee to the remarkable speech by the representative of Saudi Arabia, which clearly showed that the Jerusalem area could be quite self-sufficient.

51. In conclusion, Mostafa Bey wished to emphasize the historic importance of the gesture

[1] See document A/C.1/277.

made by the Arabs, who, for the first time, had offered to relinquish in favour of the international community a territory which had been committed to them as a sacred trust. The Egyptian delegation was convinced that their gesture would not be in vain. In that spirit, it would vote in favour of the draft resolution recommended by Sub-Committee 1.

52. Mr. MULKI (Hashemite Kingdom of the Jordan) recalled that, before the closure of the debate in Sub-Committee 1, the representative of Jordan had requested that his Government's views on the internationalization of Jerusalem be incorporated in the Sub-Committee's report. Mr. Mulki thought that the re-statement of these views was necessary, for it was of paramount importance that there should be no doubt as to his Government's attitude on the question.

53. It was Jordan's keen desire and hope that no scheme of internationalization would be adopted that would be detrimental to the safety and interests of that country. To spare the Holy Places, which at the moment enjoyed complete safety and protection, from being involved in fresh complications, was Jordan's main objective.

54. The Government of Jordan believed that no form of internationalization of Jerusalem, whether in the form proposed by the Conciliation Commission, Australia, the Netherlands or Sweden, would serve any purpose, as the Holy Places under Jordan's protection and control were safe and secure, without any necessity for a special régime.

55. The Government of Jordan would naturally continue to stand by its declaration to respect and guarantee the freedom of worship and access to the Holy Places, and would willingly recognize any undertakings to that effect.

56. Sir Alexander CADOGAN (United Kingdom) wished to state his delegation's position in regard to the draft resolution recommended by Sub-Committee 1.

57. The United Kingdom delegation had approved in principle the draft instrument drawn up by the Conciliation Commission, which was fully acquainted with the facts of the case. The draft might not be ambitious, but it had the great advantage of being practicable and was, moreover, effective in that it ensured the protection of and free access to the Holy Places, safeguarded all the rights of the religious communities and churches, and provided that there should be a representative of the United Nations in Jerusalem, which should prevent any insuperable difficulties from arising. He saw no objection to dealing with the problem in such an empirical manner, while making provision for the extension and strengthening of the system to be established, when circumstances became more favourable, with the consent and in the interests of all concerned.

58. It was obviously preferable to turn the existing situation to the best possible account and adopt an effective and practicable solution to that end, rather than return to the principles of the resolution of November 1947 and adopt an extreme proposal, which would probably prove impracticable and the failure of which would undermine the prestige of the United Nations. For those reasons, the United Kingdom delegation would vote against the draft resolution recommended by Sub-Committee 1.

59. In so doing, the United Kingdom delegation was not renouncing any of the principles it had endorsed in the matter, and the first of which was the necessity to ensure effective protection of the Holy Places. To that end, Jerusalem should be demilitarized in an orderly and systematic manner. Jerusalem, as the religious capital of the world, belonged to everyone and was no one's property, and it should not become an object of rivalry between the two Governments responsible for it; the powers of those two Governments should be balanced and neither of them should seek to extend its rights at the expense of the other; both should consider Jerusalem as a sacred trust committed to their safe-keeping and impartial control. If those Governments agreed to acquit themselves of their task in such a spirit, as was to be hoped, they would be entitled to the respect and gratitude of the international community and would be contributing to the maintenance of peace and security in that part of the world.

60. In conclusion, Sir Alexander Cadogan said that his delegation reserved the right to speak on the other proposals submitted to the Committee.

61. Mr. C. MALIK (Lebanon), on a question of procedure, asked whether it would not be preferable for representatives not to have to keep too strictly within an allotted time in their speeches, particularly as the Chairman had said he would not impose a time-limit on the representative of Israel.

62. The CHAIRMAN thought that it was better to impose such a time-limit on speakers, it being understood that he would not apply that decision too strictly.

The meeting rose at 1 p.m.

FIFTY-NINTH MEETING

Held at Lake Success, New York, on Tuesday, 6 December 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR JERUSALEM AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF SUB-COMMITTEE 1 (A/AC.31/11) (*continued*)

1. Mr. GONZÁLEZ ALLENDES (Chile) said there were three fundamental proposals before the Committee: the Australian proposal as amended by Sub-Committee 1 (A/AC.31/L.11), the report of the Conciliation Commission (A/973) and the joint proposal of Sweden and the Netherlands (A/AC.31/L.53).

2. The Chilean delegation could not support the Australian proposal as amended by the Sub-Committee because that plan contained serious defects

which made it impractical and retrogressive. Moreover it failed to take realities into consideration. It was important to realize that the position of the United Nations should not be determined by *faits accomplis* but by its power to implement its decision.

3. The only proposal which the Chilean delegation was in a position to support was the joint proposal of the Netherlands and Sweden, which was faithful to the primary objective of the United Nations in Palestine and made practical provisions for a special juridical status for the Holy City, ensuring protection of the Holy Places and free access thereto, without involving expensive operations beyond the means of the Organization. Moreover, while granting a special status to Jerusalem, that proposal would enable the Jewish and Arab communities to live in peace and develop freely.

4. Mr. González Allendes presented a series of amendments (A/AC.31/L.58) to the draft resolution of the Netherlands and Sweden. In the opinion of the Chilean delegation, article III of the joint draft resolution was too far-reaching and therefore paragraphs 2 and 3 might well be deleted. Moreover the provision for a special court, referred to in both articles III and XIII, was unacceptable.

5. The Chilean delegation proposed the addition of a sentence at the end of article IX to recommend that the Commissioner should enter into arrangements with the States of Israel and Jordan enabling him to reduce the United Nations expenditures for staff in the area.

6. Article X as drafted failed to convey the true intentions of the United Nations by implying that the States of Israel and Jordan might enact laws prejudicial to the interests of the international community and by giving the Commissioner broad powers to suspend the operation of such laws. It would be preferable to amend the article and to enjoin the States of Israel and Jordan from enacting legislation capable of affecting the Holy Places or the interests of the international community.

7. The Chilean Government, which respected all religions and was anxious for peace in the Near East and for protection of the Holy Places, would vote for the joint proposal of the Netherlands and Sweden, which was likely to achieve those aims. The United Nations must not be overzealous and run the risk of adopting an extreme and unworkable proposal which would leave the Holy Places without adequate protection.

8. The Chilean delegation requested a separate vote on each of the proposals which had been submitted to the Committee.

9. Mr. Londoño y Londoño (Colombia) said that if the Committee lost sight of the fundamental point involved in a decision on Jerusalem, its work would come to naught. He concurred in the opinion of the representative of the United Kingdom that the real issue was whether the United Nations had legislative power to enact a statute for Jerusalem or whether it merely had contractual capacity. In the latter case, the United Nations must determine with what authority or authorities it should contract and who had sovereignty in the area.

10. Any solution that disregarded the events which had occurred since 1947 would be impracticable because of the resistance of Israel and the Arab world. It must be recognized that the United Nations was not as yet in a position to establish an international régime. It would therefore be unrealistic and retrogressive to place the Holy City outside the scope of the sovereignty being exercised by Israel and Jordan.

11. The sovereignty of Israel and Jordan over Jerusalem was a fact which was a consequence of recent developments. Historically, however, Jerusalem was an international city and on 29 November 1947 the General Assembly had resolved in principle (resolution 181 (II)) that Jerusalem was to be a *corpus separatum* under international control. On 11 December 1948 the General Assembly had confirmed the decision that Jerusalem would have a special international régime under the exclusive jurisdiction of the United Nations (resolution 194 (III)).

12. It had been alleged that Israel's defence of Jerusalem against the Arabs had changed the situation and altered the solemn resolution of the General Assembly for internationalization. In the opinion of the Colombian delegation, however, the decisions of the United Nations could not thus be invalidated or set aside. The United Nations was deeply compromised and could not accept *faits accomplis* without serious injury to its prestige and authority.

13. The practical approach so ardently advocated in some quarters was based on the contention that Israel denied the right of the United Nations to enact a statute for Jerusalem, and would not admit any arrangement except a contract with the United Nations. Even if the United Nations agreed to such a limitation on its authority, it had no guarantee that Israel would respect the terms of even that contract.

14. The Colombian delegation urged discussion of all proposals before the Committee and felt that Israel and Jordan should be asked to state, with respect to each of those proposals, if they accepted or rejected it. No voting should take place until discussion of all the proposals had been completed. The Committee must know whether troops would have to be despatched to enforce its decision.

15. The Colombian delegation would support the Australian proposal as recommended by the Sub-Committee.

16. Mr. Eban (Israel) said that adoption of the draft resolution submitted by Sub-Committee 1 was bound to undermine the influence of the United Nations in Jerusalem and to dispel the prospect of effective international action for the safeguarding of the Holy Places.

17. The Sub-Committee had been set up to "study all draft resolutions and amendments submitted to the *Ad Hoc* Political Committee or which might be proposed to the Sub-Committee". But the only proposal it had discussed and voted on was the Australian draft resolution (A/AC. 31/SC.1/L.4). That proposal had been approved by nine out of the Sub-Committee's seventeen members. No consideration had been given to the problem of implementation, and no attempt had been made to justify the proposed imposition of the 1947 Statute in the light of historical developments. The Sub-Committee's proposal would do away with the entire structure of contemporary

Jerusalem life so as to enable the Trusteeship Council to proceed immediately with the implementation of the 1947 Statute; but it was by no means clear how that was to be done or why it was necessary.

18. The delegation of Israel had asked in the Sub-Committee by what criterion the 1947 Statute was regarded as equitable or practical; how it would be possible to force Jerusalem, without means of enforcement and with utter disregard of national sentiment and political, financial and economic realities, into a régime opposed by its entire population; how it was intended to defend, govern and maintain Jerusalem, if its existing defence, government and economy were to be liquidated; what were the military, administrative and financial resources available to the United Nations; and, lastly, what was to be done about the crucial question of consent. None of those questions had received an answer. The representative of Australia, while admitting that he had no answer himself, had hoped that it would be provided by the Trusteeship Council.

19. The people of Jerusalem had gone through great sufferings only a year before because the United Nations plan for their life and future had proved incapable of fulfilment. They no longer believed that they could have security, order or subsistence except by their own efforts in association with their chosen Government. The Sub-Committee had ignored both the problem of implementation and the views of Jerusalem's population. The effect of the proposal would be to remove the administrative processes upon which the city now depended for the stability and order of its life and to dismiss from the New City a Government to which every single citizen was deeply and permanently attached; a small isolated State would be formed consisting entirely of people unwilling to belong to it. The proposal would convert a fully independent area into a perpetually Non-Self-Governing territory, against the very spirit and nature of the Charter; it would cut Jerusalem off from its economic and financial sources, deprive it of the social services provided by the Government of Israel and release that Government from any obligation or capacity to maintain law and order in the city. Having done that, it would attempt to govern 100,000 Israel citizens without any law-enforcing agencies whatever. Such a plan would replace the order and freedom reigning in Jerusalem by anarchy and discontent, endangering both the secular and the religious peace of the City and bringing the record of the General Assembly of the United Nations in Jerusalem to a fantastic pitch of negation.

20. The General Assembly, having once failed to provide Jerusalem with defence and administration when they were most needed, had no right thus to disregard the interests of the people of Jerusalem. Freely offering to the world all that the universal interest could rightly claim, they asked nothing for themselves except the inalienable right of self-determination.

21. Replying to the representative of Colombia, Mr. Eban said there was nothing unlawful in the so-called *fait accompli* in Jerusalem. The position in Jerusalem was based entirely on popular consent and the self-determination of its own people.

22. Reverence for the Holy City could not be expressed by voting for its total disintegration and suppression. The sanctity of the Holy Places would not be served by surrounding them with a turbulent and resentful disenfranchised population determined to regain the liberty and union they had but recently achieved at the cost of great sacrifice. If Jerusalem was to enjoy religious calm, it had to be politically calm. Full political independence in Jerusalem was, therefore, not an obstacle to the protection of the Holy Places but the indispensable condition of such protection.

23. The delegation of Israel had previously urged the Committee not to abandon its freedom of judgment and its responsibility by adhering blindly to the 1947 Statute. A solution which would bring insecurity and discontent to Jerusalem was a bad solution whether or not it was based on an historic decision taken two years earlier. Conversely, a solution which effectively secured the objectives of the international community without any disturbance of Jerusalem's political and economic life was a good solution however fundamentally it differed from the decision of 1947. Having by its decision of 14 May 1948 deliberately launched Jerusalem on a course of self-dependence, self-defence and self-organization, the General Assembly could not turn it back, least of all at the behest of those Arab States which had actively and forcibly prevented internationalization when it had been feasible. The Arabs, having failed to make Jerusalem an Arab city, were trying to prevent it from being a Jewish one. It was significant that only those Arab States which had no Holy Places in their possession were prepared to accept internationalization, while the Hashemite Kingdom of Jordan, which did control the Holy Places, resolutely refused it.

24. The City of Jerusalem, for which the 1947 Statute had been drafted, bore no political, economic or administrative resemblance to the Jerusalem of 1949. The eighteen months which had elapsed since the expiration of the Mandate had seen a revolutionary upheaval in the life of Israel and Jerusalem and the emergence of the city from chaos to full independence. The immense progress achieved in those eighteen months had left the Statute far behind. The people of the city could not be forced to forego their freedom for the sake of a decision taken in entirely different circumstances. The Committee should judge the proposals before it by their future effects, rather than by their antecedents.

25. Mr. Eban strongly deprecated the claim, advanced by the representative of Lebanon among others, that only those who supported the Sub-Committee's draft showed genuine religious devotion. The opponents of the draft included countries representing important sections of Catholic, Protestant, Jewish and Moslem opinion. It was no accident that a majority of the Christian representatives in the Sub-Committee had voted against the draft resolution. Those who cherished Jerusalem's sanctity, apart from all political considerations, were also concerned for the city's secular peace; that was why they sought solutions which would genuinely harmonize the interests of the international community with the lawful aspirations of Jerusalem's people.

26. While endeavouring to meet the religious objectives of the Churches, the Committee should be mindful of its primary and exclusive duty to

determine the best political circumstances in which those objectives might be effectively realized. The problem did not involve a tragic choice between a religious and a practical objective. Indeed, the two ends could only be reached simultaneously or not at all. International control of Jerusalem's Holy Places could not be achieved if the foundations of peace and order in Jerusalem were to be undermined.

27. Establishment of international control over the Holy Places side by side with political freedom for the City of Jerusalem was not a mere compromise: indeed, it was a more creative solution than territorial internationalization, because it would place the religious shrines in the midst of freedom and independence.

28. The religious objective in Jerusalem was the safeguarding of the Holy Places. Any plan devised in the past or in modern times was merely a means to that end. The means contemplated in 1947 or 1948 might be replaced or superseded without involving the least betrayal of the end. The original proposals put before the United Nations by religious authority had asked nothing but effective measures for the protection of Holy Places and religious rights. In that connexion, Mr. Eban quoted a statement made by the Custos of the Holy Land before the United Nations Special Committee on Palestine on 15 July 1947, and a letter to the Secretary-General from a representative of the Vatican, stating:

"We are completely indifferent to the form of the régime which your esteemed Committee may recommend provided that the interests of Christendom, Catholic, Protestant and Orthodox, will be weighed and safeguarded in your final recommendations".

29. The idea of a separate political existence for Jerusalem had been clearly invalidated by experience and superseded by irrevocable processes of integration with Israel. Honour and reason demanded therefore that the objectives of the United Nations and the Churches should be reaffirmed in their original simplicity.

30. Mr. Eban could not accept the Lebanese representative's view that failure to achieve the territorial internationalization of Jerusalem would detract from its sanctity. Jerusalem had been a Holy City for three thousand years without ever having been internationalized. It had never been nearer to destruction than in 1948, when an international status had been its only defence. The representative of Lebanon himself had voted against internationalization three times, including an occasion when it was proposed to put internationalization into immediate operation; his change of mind had occurred only a few months earlier, at the precise moment when internationalization had become politically inconvenient for Israel. It was therefore impossible to accept his view that unless Jerusalem became a subjugated municipal colony it would never again be truly sacred.

31. Some members had admitted that they felt obliged to vote in favour of the Sub-Committee's draft resolution in deference to abstract principle, although they had no faith in the justice or the applicability of its terms. The United Nations might have much to lose if the Committee were to adopt so extreme and impractical a course. The people of Jerusalem were in no real danger; nothing but overwhelming force would rob them of their national freedom and independence, or destroy their allegiance to Israel as the representative of Syria was hoping. The question was whether the United Nations could afford to proclaim a régime without the elementary administrative, military, financial and above all spiritual conditions necessary for its acceptance. Everyone who voted for the draft resolution should be fully aware that he was voting to deprive Jerusalem of all the essentials of civic and national life without offering anything in exchange. The representative of Australia had called upon Israel to accept the resolution; but the very terms of the proposal implied that Israel could be no party to its execution. The United Nations Commissioner would be unable to invoke Israel's influence over Jerusalem's population, but would have to contrive to impose his will by his own efforts and persuasion. Israel would not be in a position to exercise its physical or moral authority; it would not be entitled, let alone disposed, to remedy the disastrous economic consequences of Jerusalem's separation or to prevail upon the population to accept the Commissioner's presence and decrees. In a sense, Israel's acceptance of the resolution would bring about the latter's utter downfall, for, if Israel accepted the banishment of its authority from Jerusalem by the United Nations, uncontrollable chaos would ensue.

32. It was unfortunate for the United Nations that the draft resolution, far-fetched and ill-conceived as it was, had even come to the stage of a vote. No thought had been given to the manner of its execution; the most ominous repercussions had been ignored. The worst element of the draft was, perhaps, that its adoption would exclude a genuine prospect of an agreed and harmonious solution for the peace of Jerusalem which would add to the prestige of the United Nations. Unless the draft resolution was rejected, such a solution could not even be sought, let alone put into operation.

33. By establishing international machinery for the supervision of the Holy Places during the current session, the Assembly would give the most direct expression to universal religious interest in Jerusalem ever recorded in history. By adopting the Sub-Committee's proposal it would throw away that unique opportunity, which might never again present itself. Replying to the representative of Colombia, Mr. Eban said that Israel would be prepared to accept a United Nations statute for the Holy Places on the basis of a General Assembly resolution, although it considered that a contractual agreement would be more practical and morally compelling

34. In connexion with the remarks made by the representative of Lebanon, he wondered whether future generations would ever understand why the United Nations, granted an opportunity of safeguarding the Holy Places under its own direct responsibility, in association with a free and democratic Government ordering the political life of Jerusalem in dignity and peace, had rejected that opportunity in a hopeless effort to turn back the course of history.

35. For the sake of Jerusalem's peace and for the sake of the Holy Places, the delegation of Israel strongly urged the rejection of the resolution.

36. Most of the other proposals before the Committee showed a far more constructive and responsible approach. Whatever their merits or faults, those draft resolutions testified to a growing scepticism with regard to the principle of internationalization. Mr. Eban reserved his delegation's right to comment on those proposals before they were voted on, and especially to draw detailed attention to certain provisions which it could not accept.

37. The rejection of the Sub-Committee's proposal was an essential prelude to any agreed or constructive solution. The Israel delegation's vote against it should be interpreted as another phase in Israel's unremitting struggle to save the Holy City from disaster, isolation and decline.

38. Mr. DEJANY (Saudi Arabia) said that his delegation would support the draft resolution contained in the report of the Sub-Committee because it was the only proposal which would establish the Jerusalem area as a *corpus separatum* under direct United Nations control. The arguments advanced against such a solution were untenable and had been put forward merely on grounds of political expediency.

39. It had been argued, for example, that it was unrealistic because it would be unacceptable to the population of Jerusalem and to the authorities in *de facto* control of that area. Yet many of those who held that view had voted in favour of the partition plan in November 1947 despite the expressed opposition of two-thirds of the inhabitants of Palestine and the populations of all the Arab and Moslem countries, including Jordan. It was not the opposition of Jordan which had dampened their enthusiasm on the subject of the internationalization of Jerusalem; rather it was their desire to appease the Jewish authorities occupying the Holy City.

40. It had also been contended that the Sub-Committee's plan was unrealistic because it could not be implemented. The truth was that any solution, even so mild a plan as that advocated in the Netherlands-Swedish proposal, necessarily entailed implementation and it remained to be determined to what extent the United Nations could fulfil its responsibility in the matter.

41. In substance, the Committee had to decide whether it should drop a plan approved by the majority of the Sub-Committee it had created because a single State, one of the parties directly concerned, violently opposed it. To do so would be to set a precedent for similar action on future occasions and to undermine confidence in the United Nations.

42. The inconsistency in the positions of the delegations which opposed the Sub-Committee's plan was all the more striking when it was recalled that they had stood by their convictions in other recent decisions of the Assembly despite the concerted opposition of some of the great Powers and despite the expressed intention of those Powers not to regard themselves as bound by those decisions.

43. Moreover, the contention that the Sub-Committee's plan would entail an expenditure exceeding the means of the United Nations should be dismissed. Statistics based on the year 1938-1939 showed that the total annual cost of administering Jerusalem amounted to 1,700,000 dollars and that the excess of receipts over payments for the administration of all of Palestine and of Jerusalem for that year totalled more than 400,000 dollars. Clearly, the cost of an international régime would constitute no problem when once conditions in Jerusalem had returned to normal.

44. On the other hand, careful analysis of the Netherlands-Swedish plan revealed considerable difficulties, particularly in respect of its implementation. Before pointing out those difficulties, however, Mr. Dejany asked its sponsors whether the reference to the observance of human rights in sub-paragraph (*a*) of section 1 should be interpreted to mean that the Arab residents of Jerusalem would be guaranteed the right to return to their homes in conformity with article 13 of the Universal Declaration of Human Rights. Referring to article XI of the plan, Mr. Dejany further inquired whether it was correct to assume that the assistance to be given to the guards of the Commissioner by the police forces of the local authorities would be limited to the territory over which the respective police forces exercised jurisdiction.

45. In connexion with implementation, it should be borne in mind that at least one of the authorities in *de facto* control of Jerusalem was as much opposed to the Netherlands-Swedish plan as it was to the Sub-Committee's proposal and that the other occupying authority might be equally opposed to it. In the circumstances, it struck him as difficult to prove that it constituted a more practicable and realistic solution. For example, it granted the United Nations Commissioner important functions in respect of the demilitarization of the Jerusalem area under article VI and power to suspend objectionable legislation and to issue regulations for the maintenance of order under article X. Yet it failed to provide the means which would enable him to execute those functions if either of the occupying authorities, secure in the knowledge that the United Nations had no coercive power, should oppose him. It was surely not realistic to expect Jordan to demilitarize its zone in the light of past violations of truce and armistice agreements by the Jews and in view of the failure of the United Nations to take action against those violations. Similarly, neither the Commissioner nor the United Nations had power to enforce the provision of article VI prohibiting the establishment of political or administrative organs in Jerusalem.

46. It would be unfair to expect either of the parties to observe the terms of the Netherlands-Swedish plan if the United Nations was not prepared to enforce them. If the United Nations did not intend to take punitive measures against violators, there was no justification for adopting the plan. Moreover, since any plan would require strong action by the United Nations for its implementation and for the punishment of violations, it was more logical to adopt a system of genuine internationalization in preference to the weak proposal submitted jointly by the Netherlands and Sweden.

47. Article XIII of that proposal, establishing a special court of appeals consisting of consuls of several countries, excluding the Moslem countries, raised another problem. The Arabs could hardly be expected to place their confidence in the decisions of representatives of States which had reversed their positions on the Palestine issue

time and again and some of which were supporting the plan under consideration merely for reasons of expediency.

48. The delegation of Saudi Arabia had apparently over-estimated the concern felt by many delegations regarding a just settlement of the Jerusalem issue. It had modified its policy on the assumption that they honestly desired such a settlement. It had become convinced, however, that expediency had dictated the attitudes of many delegations and it would therefore vote against the Netherlands-Swedish proposal and any other proposal except that of the Sub-Committee. The Holy Places would be more adequately safeguarded under the existing administration of Jordan than under a defective and weak arrangement such as that proposed in the Netherlands-Swedish plan.

49. Mr. HOOD (Australia), reviewing the proposals before the Committee, noted that the Assembly could take two possible courses of action: to take the historic opportunity offered it to initiate an international régime in Jerusalem likely to meet the wishes of world public opinion, or to put into effect an expedient compromise arrangement that would prove politically convenient and acceptable to Israel and Jordan. He hoped that the Member States would be led by their sense of responsibility to adopt the only proper and inevitable decision: a genuine plan for the internationalization of Jerusalem and the Holy Places.

50. Mr. KURAL (Turkey) observed that the proposals before the Committee represented the entire range of views, from the most extreme solution to the most moderate one. In many respects they were conflicting, a fact which attested further to the great difficulty of the task to be accomplished. The Turkish delegation continued to support the proposals of the Conciliation Commission because they constituted a practicable compromise and took the fullest account of the principles laid down by the General Assembly. It was prepared to consider amendments likely to improve them. It could not in any circumstances accept the Sub-Committee's proposals. They constituted an extreme form of international régime, did not take into account the will of the population of Jerusalem, could not be applied in practice and would be a source of friction in the area. Mr. Kural reserved his right to comment on the other proposals before the Committee, some of which were in part acceptable to his delegation.

51. Mr. AL-JAMALI (Iraq) was dismayed by the tendencies manifested in the course of the debate on the Jerusalem issue. Many delegations appeared prepared to compromise spiritual values and the fundamental principles of justice and democracy in order to win acceptance for their proposals. The Netherlands-Swedish plan was the product of that dangerous tendency. Its adoption would be tantamount to an open admission that the United Nations had been rendered ineffective and sterile and was prepared to give way to the rule of power politics.

52. The arguments which the United States had advanced against the Sub-Committee's proposals were the very same arguments which it had disregarded when the Assembly had adopted its decision of 29 November 1947. It had been fully aware at that time that a special international régime could not be imposed in Jerusalem against the wishes of the population so long as the United Nations had no power to enforce its decisions. The delegation of Iraq had warned the Assembly that the partition resolution would endanger peace and stability in the Middle East and had urged it to consider what coercive power it could exercise in implementing it. The Assembly should have heeded the warnings of the Arab States and rejected the November 1947 resolution. Instead it had embarked upon a policy of vacillation and inconstancy, which would never lead to peace.

53. The position of Israel was a bold challenge to the United Nations. Mr. Ben-Gurion, its Prime Minister, had frankly stated, according to a report in *The New York Times*, that he considered the November 1947 decision null and void, that Jewish Jerusalem was an integral part of Israel which could not be annexed or neutralized, or separated from Israel except through bloodshed. If the United Nations was prepared to meet the challenge, it must continue to abide by its earlier decision. If not, it must withdraw completely from any interference in questions with which it could not cope.

54. Any proposal which was not acceptable to the parties concerned, including the Netherlands-Swedish plan, would require force for its execution. Before taking any decision, the Assembly should reflect upon its legal, moral and material powers. It should consider the effect of a reversal of its 1947 decision on peace and stability in the Middle East. It should not contemplate deviating from that decision unless it possessed the legal and material means to give effect to the reversal. If not, events must be left to take their course.

55. In the view of the Iraqi delegation, Jerusalem must remain an Arab city in an Arab State. The problem of Jerusalem could not be separated from the whole issue of right and justice in Palestine. Iraq was opposed to internationalization in any form; it would not yield an iota of Arab rights to Jerusalem or to Palestine as a whole.

56. The Iraqi delegation would vote against all the proposals which reflected the shifting policy of the United Nations. It would, however, be prepared to support complete internationalization of Jerusalem only as a lesser evil in the interests of maintaining the prestige of the Organization.

57. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) remarked that the proposals before the Committee fell into two distinct groups: the first, including the draft resolution recommended by Sub-Committee 1 (A/AC.31/11) and the USSR amendment thereto (A/AC.31/L.56), contemplated the creation of an international régime in the City of Jerusalem on the basis of resolution 181 (II) of 29 November 1947; the second, comprising the draft instrument prepared by the Conciliation Commission (A/973), the Netherlands-Swedish draft resolution (A/AC.31/L.53) and the Cuban draft resolution (A/AC.31/L.54), involved the division of the City of Jerusalem into two parts, one to be under the control of the Government of Israel and the other under that of "Transjordan".

58. All the proposals in the latter group were based on those worked out by the United Nations Conciliation Commission for Palestine, a body set up in violation of the resolution of 29 November 1947, and themselves represented a violation of

that resolution, which did not provide for a division of the City of Jerusalem but actually prescribed its establishment as a separate international unit, a *corpus separatum,* under United Nations administration.

59. The Netherlands-Swedish and Cuban draft resolutions respectively referred to "the Governments of the States in Palestine" and to "lawful authorities", thus openly recognizing the existence of more than one State in Palestine. Mr. Galagan pointed out that only one State, the State of Israel, had been created in Palestine; the creation of an Arab State in Palestine in pursuance of the 1947 resolution had been prevented by those very Powers which were pressing for a division of the City of Jerusalem.

60. An attempt was being made to secure the General Assembly's approval and endorsement of the forcible seizure of a part of the territory of Palestine by Arab armed forces. The Assembly, mindful of its authority and prestige, should reject that attempt of the United States and the United Kingdom, and should reaffirm its decision of 29 November 1947.

61. The Netherlands-Swedish and the Cuban draft resolutions disregarded the basic provisions of the 1947 Statute of the City of Jerusalem. Thus, the Statute provided for complete demilitarization of the city; however, despite the fact that many delegations had stressed the importance of demilitarization in the interests of the protection of the Holy Places, the draft resolutions based on the Conciliation Commission's proposal provided only for gradual and partial demilitarization.

62. The authors of those proposals, who tried to represent themselves as fervent champions of the protection of the Holy Places, in reality pursued political aims entirely unconnected with religion. Those proposals, as well as the draft instrument prepared by the Conciliation Commission, should therefore be rejected by the General Assembly. The only acceptable solution was that submitted by Sub-Committee 1, which had been adopted by a majority after thorough discussion. The Ukrainian delegation would support the Sub-Committee's draft because, unlike all the others, it was based strictly on the General Assembly's previous decisions on the future of Jerusalem.

63. The Ukrainian delegation would also support the USSR amendment (A/AC.31/L.56) to the Sub-Committee's draft, proposing that the United Nations Conciliation Commission for Palestine should be dissolved. The Commission had been created in violation of the resolution of 29 November 1947 for the purpose of preventing the implementation of that resolution. The draft instrument prepared by the Commission showed that the latter was not guided by genuine concern for the protection of the Holy Places and the guaranteeing of access thereto, but, rather, pursued a course dictated by certain great Powers whose interest in the question of Palestine was purely selfish. The continuance of the Commission could do no good to the Organization and might indeed obstruct a satisfactory solution of the Jerusalem question.

64. The representative of Cuba had said that the Ukrainian SSR was an atheistic State. Mr. Galagan did not think that States could properly be divided into atheistic and others; such a criterion could, surely, be applied only to individuals. However, even if there were such a thing as an atheistic State, the Ukrainian SSR could not be classified as such, because its constitution provided for freedom of religious worship for all its citizens.

65. The representative of Cuba had also said that the Ukrainian delegation was guided by political motives in the matter under discussion. The delegation of the Ukrainian SSR, which had consistently abided by the General Assembly's first decision in the matter from the moment of its adoption, was guided by considerations of principle and not of politics. Political motives could, on the other hand, be correctly ascribed to those States whose position in the Palestine question had changed from month to month or even from week to week.

66. Mr. Rodríguez Fabregat (Uruguay) said that the Sub-Committee's proposals failed to reconcile the divergent views expressed in the Committee and to satisfy the requirements of the parties directly concerned and the population of Jerusalem or provide adequate safeguards for the Holy Places. They merely bolstered the most extreme solution advanced: total internationalization of the Jerusalem area.

67. In its quest for a workable solution, the Assembly must take into account the basic principles which all States agreed would be most conducive to a final genuine settlement of the problem. The United Nations must establish a statute for the Holy Places in Jerusalem and outside it, which would ensure their inviolability, free access to them, and also the right of individual residence and free movement. A special commission of the United Nations must enforce that statute and work out with the Governments of Israel and Jordan an agreement for a final peace settlement which would lead to the progressive demilitarization of Jerusalem.

68. While the Australian proposal was intended to safeguard the Holy Places, its principal defect was that it overlooked the importance of maintaining peace and stability in the area of Jerusalem. The two opposing groups must be persuaded to lay down their arms voluntarily. Since almost all the Holy Places were concentrated in the Old City and since Israel exercised legal sovereignty in the New City, nothing must be done which might rekindle conflict and disrupt the equilibrium which had been established through the existing armistice agreements.

69. It was still possible, at that advanced stage of the discussion, to agree on a realistic solution. Caution must be exercised, however, to ensure that whatever resolution the Assembly ultimately adopted was capable of being applied. The bloodshed and suffering resulting from the conflict in Palestine must not be forgotten.

70. The delegation of Uruguay rejected a territorial solution to internationalize all of Jerusalem and accordingly could not vote for the Sub-Committee's proposal. No territorial internationilization of Rome had been necessary in order to affirm the Vatican's control of churches outside the immediate area. Internationalization should affect the Holy Places only. That was the only solution which would satisfy the legitimate interests of the followers of the world's great religions.

71. Mr. García Bauer (Guatemala) said his delegation's attitude to the important question of Jerusalem was dictated by its devotion to the cause of peace and its respect for the religious faith of all. He recalled that from the very outset the Guatemalan delegation had consistently favoured effective protection of the Holy Places.

72. He noted with regret that the Sub-Committee had failed to comply with all of its terms of reference and that its report left much to be desired. The Sub-Committee had not even considered a number of proposals which had been submitted and as a result the Committee was now in the difficult position of being faced with an unworkable draft resolution and many other proposals which needed improvement. It was to be noted that the proposal of the Sub-Committee was practically identical in substance with the original Australian proposal except for slight amendments.

73. His delegation, which had supported the resolution of 29 November 1947, took the view that conditions had changed since the adoption of that historic decision. A number of delegations which had originally opposed that decision were favouring internationalization of Jerusalem while others which had then supported the resolution were opposing it. Furthermore, both Israel and Jordan, the two parties directly concerned, opposed internationalization, which also was repugnant to the inhabitants of Jerusalem. Finally the solution proposed by the Sub-Committee was not workable from a practical point of view. The reference to the Trusteeship Council and the preparation of a statute for Jerusalem raised important questions. The Guatemalan delegation was not convinced that the Trusteeship Council was competent to prepare such a statute or able to implement it.

74. The Guatemalan delegation was therefore convinced that the proposal of the Sub-Committee would not further the cause of peace and would not achieve the goal of safeguarding the Holy Places. The problem obviously required further careful study.

75. The representative of Guatemala expressed preference for the joint draft resolution of Sweden and the Netherlands, although he felt that it could be improved and reconciled with the Cuban proposal. The Guatemalan delegation would, however, be unable to support the Australian proposal.

76. Mr. Viteri Lafronte (Ecuador) noted that the Committee had before it a series of widely divergent proposals on Jerusalem, varying from plans for complete internationalization in line with two earlier decisions of the General Assembly to compromise proposals for partial internationalization and even rejection of internationalization except for the Holy Places.

77. The question of the internationalization of Jerusalem had been discussed at length during the debate on the admission of Israel to membership in the United Nations, when Ecuador had been one of the minority which had urged an agreement on internationalization of the Holy City as a prerequisite to the admission of Israel.

78. The starting point for the arguments of many delegations seemed to be that since internationalization was impossible, arrangements should be made to ensure protection of the Holy Places. It was pointed out that a decision to establish an international régime could not be implemented and therefore a realistic approach was needed. In many quarters there was increasing alarm at the marked tendency to disregard United Nations resolutions and to announce candidly in advance that compliance could not be expected. Such a state of affairs constituted a threat to the prestige of the United Nations and, if continued, would eventually make the Organization suffer the disastrous fate of the League of Nations.

79. The Committee should adopt the positive approach of setting internationalization as its goal and the proceeding to consider the various methods of carrying out its decision. There seemed to be a general impression that a very difficult and complex problem was being considered too precipitately and that the time had not yet come for the adoption of a final solution. If the United Nations considered the principle of its resolution of 29 November 1947 as desirable, it should reaffirm that principle at the current stage and persevere in its search for a solution that would finally bring about the desired internationalization.

80. Mr. Henríquez Ureña (Dominican Republic) said territorial and functional internationalization were two different things. Territorial internationalization must not disregard the right of self-determination of the inhabitants of Jerusalem. Moreover, a decision imposed by force would represent a grave menace to peace. Any satisfactory solution must reconcile the aspirations of the inhabitants with the world community's desire for internationalization.

81. The prevailing situation in Jerusalem based on an armistice must not be prolonged. The United Nations should encourage prompt demilitarization of the area.

82. In his view, the Sub-Committee's report did not present an immediate solution of the problem but outlined a possible future solution. Its draft resolution recommended adoption and implementation of a statute for Jerusalem by the Trusteeship Council but did not say how it was to implement the statute. Clearly, moral force alone would not suffice. That draft resolution as presented by the Sub-Committee was therefore defective and would leave the Trusteeship Council no choice but to refer the matter back to the fifth session of the General Assembly. Thus, adoption of the Sub-Committee's draft resolution would be tantamount to postponing a solution.

83. Without discussing the substance any further, he said his delegation would be unable to support the draft resolution of the Sub-Committee.

The meeting rose at 6.5 p.m.

SIXTIETH MEETING

Held at Lake Success, New York, on Wednesday, 7 December 1949, at 10.45 a.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*continued*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR JERUSALEM AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF SUB-COMMITTEE 1 (A/AC.31/11) *(continued)*

1. Mr. C. MALIK (Lebanon) said he would like to reply to the remarks made by the representatives of the United States of America, France, the United Kingdom and Israel.

2. The United States representative had attached tremendous importance to the question of the application of the decisions of the General Assembly. Mr. Malik was of the opinion that the various speakers who had supported complete internationalization had replied adequately to the United States representative's remarks on that point. He would like, however, to point out that the United States representative had not stated the conditions he considered essential for the application of a decision taken by the United Nations. One might be tempted to conclude, as some had concluded, that in the opinion of the delegation of the United States of America that application in the case under discussion was contingent upon the desires of the Government of Israel.

3. If the question of the status of Jerusalem were referred to the Trusteeship Council, it would be for that body, in co-operation with the Security Council, to work out the details of application. Those details, incidentally, had seemed to be of very little concern to the United States in 1947, for at that time the United States had favoured the adoption of resolution 181 (II) of 29 November 1947 despite the warnings addressed to the General Assembly regarding the difficulties of implementing that decision.

4. He thought it was really inconceivable that the parties concerned should ignore a solemn decision of the General Assembly, and that it was just as inconceivable that in the presence of such a decision the United States, the United Kingdom and France should evade their obligations under the Charter.

5. The best way of encouraging those who might be tempted to ignore such decisions was to stress the difficulties of implementation in advance. That was why he regretted the importance that some delegations had attached to those difficulties.

6. On two occasions, the representative of the United States had emphasized that the solution advocated by his delegation was calculated to safeguard the interests of the international community in Jerusalem, and in particular the religious interests. He wondered what had influenced the United States delegation to make that statement. He did not think the United States delegation could mention a single Christian religious authority which had opposed genuine internationalization. Moreover, the draft plan which the United States delegation claimed was the ideal solution was not definite, since that delegation had stated that it would itself have certain amendments to suggest for the Conciliation Commission's proposal.

7. He then quoted from an article in *The New York Times* of 5 December 1949, according to which the congregations attending the services held in New York Cathedral had been urged to pray that the United Nations would implement the internationalization of Jerusalem and its surrounding area under the effective authority of the United Nations as originally voted by the General Assembly in 1947.

8. With regard to the French representative's last speech (57th meeting), he said he had never doubted that, true to its glorious tradition, France would not hesitate, at that historic moment, to assume all its responsibilities toward the Holy City of Jerusalem.

9. When dealing with the partition proposals, the United Kingdom representative had expressed the opinion (58th meeting) that the United Nations should do the best it could, taking into account all the factors involved. Mr. Malik pointed out that Jerusalem was situated at the easternmost point of the territory now occupied by Israel. There was an Israeli enclave into the Eastern part of Palestine, and Jerusalem was on the edge of that enclave. It was proposed that that advanced outpost of the Israeli power should be divided between two nationalisms which were essentially different and which had different cultures and religions. It was claimed that that was a practicable and durable solution. That reasoning, he maintained, was utopian.

10. If the events of the last thirty-two years were considered, it would be noted that the power of the Jews had grown continuously in the Middle East, and that the United Kingdom and the United States had consistently supported the Jews' repeated claims. He therefore wondered what guarantees there could be of a crystallization of the situation in Jerusalem. It was his opinion that no such guarantees existed. In every crisis that had occurred during the last two or three years, all the weight of the influence of the United States of America had been used to support Israel. There was therefore no assurance that in possible future crises the partition of Jerusalem would be respected, and the United States would not once more support Israel. He regretted that the representatives of the United States and the United Kingdom had remained deaf to requests for such guarantees.

11. He recalled in that connexion that on 12 May 1949 Mr. Ethridge, United States representative in the Conciliation Commission, had signed, together with the representatives of the Arab States and Israel, a protocol to the effect that the 1947 decisions should constitute the basis for further discussion (A/927, annexes A and B). Mr. Ethridge had afterwards resigned; in fact three successive representatives of the United States in the Conciliation Commission had resigned in the course of the past year.

12. Lastly, with regard to the Israeli representative's speech (59th meeting), he regretted that the speaker had seen fit to indulge in personalities. He would not follow that example. He would confine himself to refuting certain inaccuracies in the Israeli representative's speech in order to permit the Commission to judge what degree of credibility should be attached to those statements.

13. The representative of Israel had stated that the Holy Places were all concentrated in the Old City. There were numerous Holy Places outside the Old City; and in that connexion he quoted from a Catholic journal which said that no credence should be extended to the propaganda which claimed that there were no Holy Places in the New City of Jerusalem and that the Holy Places were all within the walls of the Old City. The New City contained over fifty religious places, including the Upper Room of the Lord's Supper, Mount Zion, Mount Scopus and the Mount of Olives.

14. The representative of Israel had also stated that all the inhabitants of Jerusalem were opposed to internationalization. Mr. Malik challenged that statement. The fact was that the views of the Arab inhabitants of the city had not been asked, and even among the Jewish inhabitants there were some—like the Orthodox Jews—who favoured internationalization. He had in his possession a document issued by the Orthodox Jews of Jerusalem which proved that statement.

15. The representative of Israel had also stated that Jerusalem had been a holy city for three thousand years without ever having been internationalized. That argument seemed compelling. An historical analysis would show, however, that during the first thousand years it had not been necessary to internationalize the city because no one had been interested in it except the Jews. Then again, from the original figure should be deducted a period of three hundred years representing the beginning of the Christian era, during which the Christians had lived in the Catacombs. There had therefore been no reason to internationalize Jerusalem at that time, since the Christians did not constitute an international factor. Then, as soon as the Church was established in Byzantium, the city of Jerusalem had been absorbed into the Roman Empire and had become as much an international city as any city in the Roman Empire. It had remained so until the advent of Islam. It could be said that Jerusalem had been an integral part of the only international community that had existed up to that date. That covered another period of three hundred years.

16. What happened during the remaining thirteen or fourteen centuries during which Jerusalem had retained its sacred character without being internationalized? It was true that the city had fallen into the hands of Islam; but Islam considered itself to be the heir of the two other Semitic religions, and recognized all the prophets of Judaism and Christianity; and it had therefore viewed Jerusalem as already being an interreligious, if not an international, entity.

17. During the Middle Ages, Europe had for two or three hundred years displayed a powerful and active interest in Jerusalem by means of the Crusades. During the period of Turkish domination, the Turks had never separated Jerusalem from the Christian, Moslem and Jewish worlds. Jerusalem had not been nationalized under the Ottoman Empire. It had remained an international religious city. The Christians had built their schools and churches there, just as had the Moslems and the Jews—those same Orthodox Jews who now said they wanted internationalization.

18. Then came the time of the Mandate. The Mandate was itself a form of internationalization, and the United Kingdom had acted on behalf of the international community in taking care of Jerusalem. During the last thirty years, therefore, Jerusalem had in a sense been internationalized.

19. There was therefore nothing left of the statement that during three thousand years Jerusalem had been holy without being internationalized.

20. Two things were now happening, however, which were new developments. The representative of Israel had not mentioned them. The first was the partition of Jerusalem. Never during the three thousand years of which the Israeli representative had spoken had Jerusalem been partitioned between two civilizations, two religions and two nationalities. Never during the last thousand years had the Moslem Arab world made an offer to the Christian world to share the responsibility for the protection of Jerusalem.

21. Lastly, he recalled that the principle of internationalization had emerged only a very short time before, first in the League of Nations and then in the United Nations. It was therefore not surprising that the nations of the world had begun to take an active interest in the internationalization of Jerusalem only when internationalization had become a political possibility.

22. The representative of Israel had also stated that the Lebanese representative—who, as it happened, had been Mr. Malik himself—had voted against internationalization on three occasions, in November 1947, in May 1948 and in December 1948. That statement was not in accordance with the facts. Mr. Malik said that if it were a matter of his own movements, he had not been present during the vote on the resolutions of 29 November 1947 and 11 December 1948. As for the decision taken in May 1948, he admitted that he had voted against the plan of internationalization which had been proposed then at the last moment. He recalled, however, that on 14 May 1948, only a little before 6 p.m., he had been engaged in discussions with an official representative of the United States on the last touches to be put to a proposal relating to the whole of Palestine. Then, a few minutes later, the official recognition of the State of Israel by the United States of America had been announced. In such circumstances, he could not vote for the proposal submitted by the United States and France relating to internationalization[1].

23. If, however, the representative of Israel had referred to the attitude adopted by Lebanon, and not by the Lebanese representative personally, he considered that it was not a crime for a country to alter its point of view, and the representative of Israel was the last to be entitled to accuse anyone of changing his mind, since his own delegation had first favoured internationalization and was now opposed to it.

24. The representative of Israel had stated that the Lebanese delegation had insistently urged that full internationalization, as envisaged in the 1947 resolution, was an imperative dictate of the Chris-

[1] See document A/C.1/SC.10/1/Rev.2.

tian conscience and of religious conscience in general, and that those who opposed that decision were insufficiently inspired by Jerusalem's universal character. The representative of Israel had declared that such a claim was in doubtful taste and lacked humility.

25. He would like to point out that he had never used the words attributed to him by the representative of Israel. He had in fact said that the Lebanese delegation felt there were certain minimum conditions to be fulfilled: in particular, that Jerusalem should be demilitarized and depoliticized, that the *status quo* which had held for centuries should be maintained, that there should be restitution of property and absolute freedom of thought and conscience within that region; within these limits, the Lebanese delegation was willing to accept any plan. Moreover, the Lebanese delegation had, together with the representative of Colombia, submitted amendments (A/AC.31/L.44) to the Conciliation Commission's text, which proved that it did not cling to the plan of 1947 in the manner suggested by the representative of Israel. As to the lack of humility with which the representative of Israel had reproached the Lebanese delegation. Mr. Malik pointed out that the opinion he had expressed was identical with that expressed by the Pope, as well as by the hierarchy of the Catholic Church of the United States and of all the other Christian Churches he had quoted in previous meetings.

26. The real issue involved was whether Jerusalem was to be fully internationalized or nationalized, that is, handed over to two conflicting nationalisms; whether Jerusalem would remain a unit or be divided; whether it would become an island of calm in an area of strife and discord or become a point at which such discord would grow more and more acute.

27. The General Assembly's decision would show whether the international community subordinated political considerations to religious and spiritual interests or vice versa. Everyone who voted for the nationalization and partition of Jerusalem would be voting, knowingly or unknowingly, for the eventual Israelization of the whole of Jerusalem.

28. The issue was also whether the western world, faced with the offer extended to it by the Moslem and Arab world to share the responsibility for the protection of Jerusalem with it, would allow the opportunity to slip or whether it would seize it. The abiding factor in the Middle East, which could never be too often repeated, consisted of the Moslem and Arab peoples; they would determine the course of events in the long run. If Jerusalem were not internationalized at this stage, it would never be internationalized.

29. Moreover, the General Assembly's decision would directly affect the Christian community in Jerusalem, which had so far led a flourishing existence. It numbered from 40,000 to 50,000 persons living in what was for the moment the Jewish part of Jerusalem. The partition of Jerusalem would mean that all Christian life would be virtually squeezed out of Jerusalem and the attitude of the western Christian world would be to blame.

30. The city of Jerusalem was to Israel a centre of great emotional and political activity. But it meant much more than that to the Christian world. Christ was born in Bethlehem; he died, was buried and rose from the dead in Jerusalem. These were the most important events in Christian history. They transcended by far the immediate political demands and aspirations of any secular State. To Christians, Jerusalem was not merely a concentration of Holy Places; it was the fountainhead of their religious life, and every corner of it was sacred to them.

31. It was inconceivable that, whatever decisions the Assembly took, the Christian world would cease to be interested in the fortunes of Jerusalem or miss the opportunity of sharing the responsibility for its protection with the other two worlds to which it was also a Holy City.

32. Mr. Yu (China) recalled that his delegation had stated its position on the question on many occasions, and had said, as early as the first part of the third session, that the General Assembly should adopt the recommendation placing the City of Jerusalem under United Nations control[1]. That was the only possible means of ensuring the City's safety. In May 1949, the Chinese delegation had stated that it was in favour of the internationalization of Jerusalem[2].

33. That position had been consistent, and the Chinese delegation welcomed the recommendation made by the Sub-Committee. It considered that in principle the resolutions adopted by the General Assembly on 29 November 1947 and 11 December 1948 should form the basis of any reasonable recommendation to solve the problem. Under the resolution of 1947 (181 (II)), the City of Jerusalem should be treated as a *corpus separatum*, and under the resolution of 1948 (194 (III)), it should be accorded a separate treatment from the rest of Palestine and should be placed under effective United Nations control. The Chinese delegation's position was therefore in harmony with the provisions of those two resolutions.

34. Mr. Yu thought that the problem was not purely a political one; it was, as many delegations had emphasized, of a fundamentally religious character. In other words, Jerusalem was not only a geographical name, designating a particular place; it was a symbol belonging to Judaism, Islam and Christianity. All the peoples of the world were concerned with the protection of, and the free access to, the Holy Places and other religious sites both in and outside Jerusalem. The solution of the status of Jerusalem should be sought not only from the political aspect but from the religious and spiritual aspect, which was even more important.

35. The United Nations could survive only as long as it strictly observed the principles of the Charter. It could not go far wrong if it acted according to those principles in the consideration of the numerous problems it had to solve. The Chinese delegation could not subscribe to the idea that expediency should overrule principles. Expediency was not the right way to any solution; long-term principles should always be the guide of the United Nations. Mr. Yu recalled that questions of supreme importance had been discussed

[1] See *Official Records of the third session of the General Assembly, Part I, First Committee*, 205th meeting.

[2] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc* Political Committee, 48th meeting.

by the General Assembly at the current session, questions touching on world peace, the independence of colonies, and the independence and existence of a great nation. When those questions were being discussed, the United Nations should seek equitable solutions to the problems raised, with the sole guidance of the principles of the Charter.

36. Some speakers had stated that in solving the problem of Jerusalem, the General Assembly should restrict its efforts to what could be done instead of striving for an ideal but impossible solution. The Chinese delegation was strongly opposed to such a view because what could be done might not be in harmony with the spirit of the United Nations Charter. If the United Nations was unable to provide a solution in accordance with the Charter, the Chinese delegation would prefer that nothing should be done.

37. Mr. Yu recalled that when the question of the threats to China's independence had been considered, many delegations had felt that little useful could be done; others had thought that it was too late. The Chinese delegation was convinced that it was never too late to consider a question when fundamental principles were involved. Moreover, China had only submitted the case to the United Nations after having exhausted all other efforts to remedy the situation.

38. For these reasons, the Chinese delegation would vote in favour of the draft resolution submitted by the Sub-Committee.

39. Mr. SHAHI (Pakistan) remarked that the discussion on the question of Jerusalem had demonstrated that the United Nations was showing by its decision an increasing tendency merely to ratify a series of *faits accomplis*. That tendency, which in certain quarters was considered to be the logical course of events, seemed to be triumphing over the considerations of justice which were the basic principles of the Charter. Thus in connexion with the future of Jerusalem and the Holy Places it had been said that if one cannot do what is right one should be satisfied with what is possible; in other words, that it would be better to find a limited but feasible solution for the problem of the internationalization of Jerusalem rather than to draw up a bold and ambitious resolution which could never be put into effect.

40. That principle, however, was certainly not in accordance with the provisions of the Charter, which called upon the Members of the Organization to maintain international peace and security and to take effective collective measures to that end, in conformity with the principles of justice and international law.

41. The joint proposal submitted by Sweden and the Netherlands (A/AC.31/L.53) suggested the application of entirely different principles to the solution of the problem of Jerusalem, in conformity not with justice and international law but with the gloomy realities of the existing situation. Thus the members of the Committee were on the horns of a dilemma: either they must submit to the clear and imperious dictates of the Charter, which they had freely undertaken to obey, or they must shape their actions according to existing circumstances.

42. If it were true that a solution of the problem of Jerusalem based on the principles of justice and international law mentioned in the Charter was doomed to failure, then those principles would not be rules for the international conduct of States, but merely the expression of noble sentiments, and the Charter would not be a legal instrument for the preservation of international peace and security.

43. The delegation of Pakistan could not endorse such a despairing and cynical conclusion. It considered, like many other delegations, that the principles of the Charter formed the supreme hope of humanity for achieving a peaceful settlement of international disputes and the establishment of friendly relations between States, large or small.

44. Hence, if the members of the Committee were of the opinion that the principles on which the resolutions of the General Assembly, and especially that of 29 November 1947, were based, would provide a just solution for the problem of Palestine, it was their duty, in view of their obligations under the Charter, to support the proposal establishing Jerusalem as a *corpus separatum* under an international régime and United Nations administration.

45. He recalled that certain objections of another kind had been raised to the Sub-Committee's proposals. It had been said that the Sub-Committee's draft resolution could not be put into effect without the preliminary agreement of the two parties which were in actual control of the Jerusalem area. That, however, was equally true of all the other proposals, which had similarly encountered very strong opposition. Thus the representative of the Hashemite Kingdom of Jordan had stated that his Government would not agree to the internationalization of Jerusalem, whether functional or of any other kind. When reference was made to the agreement of the parties concerned, therefore, what was actually meant was the agreement of Israel. That was why the alternative proposals to those of the Sub-Committee had been designed to give the maximum satisfaction to the demands of Israel that the internationalization of Jerusalem should be purely functional.

46. In this way a Member of the Organization insisted that any plan for the internationalization of Jerusalem should first be approved by the Israeli authorities. Like the Australian representative, Mr. Shahi wondered whether the General Assembly was prepared to go down in history as having endorsed such an attitude.

47. The delegation of Pakistan had no doubts on the subject. As a Member of the Organization it would comply with the obligations which it had freely assumed by signing the Charter, and would not be influenced by considerations of expediency or by external circumstances. It would like to see other delegations take the same attitude, for, as the head of the delegation of Pakistan had observed two years previously, the Palestine problem was the touchstone of the sincerity of the Members of the United Nations[1]. The problem, which contained important implications, brought into conflict various tendencies whose opposition threatened to neutralize the Organization's efforts; its solution required profound faith and great courage. If the United Nations could solve that problem and emerge victorious from the ordeal, it would have proved itself worthy of the

[1] See *Official Records of the second session of the General Assembly*, Plenary meetings, 126th meeting.

confidence placed in it by all the nations of the world. If it failed, it would destroy the faith of humanity in its integrity and justice.

48. Mr. TSARAPKIN (Union of Soviet Socialist Republics) stated that the debates had shown that a certain number of delegations were attempting to create an artificial confusion in the discussion in order to prevent the application of the General Assembly's resolution of 29 November 1947 and to render the question insoluble as a whole. The aim of some delegations was to have the General Assembly ratify the *de facto* situation which had arisen in Jerusalem as a result of the military events which had taken place in the area. Thus some had stated that under existing circumstances the United Nations should take a decision of only limited scope, relating to the Holy Places alone. That attitude could be inspired only by the desire to prevent the finding of an equitable solution to the problem of Jerusalem.

49. As the USSR representative had repeatedly indicated, the United States and the United Kingdom had imperialist designs on Jerusalem and on the whole of Palestine, to which the resolution of November 1947 opposed an insurmountable obstacle, and they were obstinately striving to circumvent or destroy it by substituting for it a new resolution, which would strengthen their position and power in Palestine.

50. Some representatives, giving proof of the same spirit, had indicated that it was not impossible at the present time to apply the provisions of the 1947 resolution. That was an empty and groundless statement. It should be pointed out that all the other proposals before the Committee—whether that of the Netherlands and Sweden (A/AC.31/L.53) or that of Cuba (A/AC.31/L.54)—all of which had quite different objectives from those of the General Assembly's resolution, had just like that resolution or like the draft submitted by the Sub-Committee, provisions relating to the demilitarization of Jerusalem, to its neutral status, to the establishment of a police force, to the powers of the United Nations Commissioner, etc. . . . all provisions which must also be made effective. He did not see how the provisions of the Sub-Committee's resolution could not be applied if the corresponding provisions of other proposals could. That was all the more true since the latter proposals met with the double opposition of the Arab States and of Israel.

51. Moreover, the prolongation of the existing situation in Jerusalem, the fact that two rival forces were continuing to oppose each other, represented a very grave danger which only the adoption of the Sub-Committee's resolution and its immediate application could finally set aside.

52. Also it should be emphasized that the statute drawn up by the Trusteeship Council[1] offered an effective solution to the problem of application, since it provided for methods for the administration of Jerusalem. The draft statute should, it was true, be somewhat amended; thus the articles which the evolution of the situation had made inapplicable and out of date should be eliminated, and they should moreover be made more democratic in order to ensure effective protection for the interests of the local population. The application of the statute thus amended would constitute the justest and wisest solution for the problem of Jerusalem. No other solution could guarantee peace and security in the area and protect the interests of the local population and of the three great religions.

53. Mr. Tsarapkin hoped that the General Assembly would be able to lessen the opposition of those who objected to the application of the resolution of November 1947, as it had been able to lessen the opposition of those who would not agree to the establishment of an independent Jewish State in Palestine.

54. The USSR delegation would therefore give the support of its vote to the Sub-Committee's draft resolution. It would, however, propose one amendment to it. The USSR delegation noted that the Conciliation Commission, through which the United States and the United Kingdom had continually striven to strengthen their power in the Middle East, had not been able to accomplish any of the tasks assigned to it. The work of that Commission had ended in failure, for its attitude had reflected not the aims and principles of the Charter but rather the political and imperialistic aspirations of the United States and the United Kingdom, of which it had become the instrument. The USSR delegation, therefore, considered the dissolution of the Commission necessary. That would result in the suppression of one of the factors in the Palestine problem which contributed most to giving it an artificial complexity. To that end, the USSR delegation presented an amendment (A/AC.31/L.56) to the Sub-Committee's draft resolution.

55. The USSR delegation, which had always supported resolution 181 (II) of 29 November 1947, passed by the General Assembly after long discussion and a detailed study of the problem, would give the support of its vote to the draft resolution of Sub-Committee 1 thus amended, that draft being based on the resolution in question. The USSR delegation was convinced that that draft resolution constituted the justest and wisest solution, and that any other solution which would lead to the continued existence of two hostile forces in Jerusalem would represent a very serious danger for the peace and security of the Middle East. For that reason it would vote against any other proposal before the Committee.

56. He then replied to the comments which the representative of Cuba had seen fit to make at the 58th meeting in an obvious attempt to create confusion and raise doubts as to the sincerity of the position of the USSR. The Cuban representative had made stupid distinctions between deist and atheist Governments. That was a factor which had no bearing on the problem and did not affect the position of the USSR delegation in the slightest. The position of the USSR delegation had always been perfectly clear and had never altered, since the day it had given full support to the resolution of November 1947. It had always been in favour of the implementation of that resolution and had always been guided by the considerations of principle on which the resolution was founded.

57. He refused to enter into a polemical discussion and to reply to insinuations which the Committee could see for itself were entirely out of place. Nevertheless, he wished to point out to the Cuban representative—according to whom the USSR urged that Jerusalem should be placed

[1] See *Official Records of the Trusteeship Council*, second session, third part, annex, document T/118/Rev.2.

under the administration of the Trusteeship Council simply because it was permanently represented on that Council—that the Trusteeship Council had twelve members and took its decisions by majority vote and that the USSR, like all other countries, had only a single vote.

58. Mr. Ross (United States of America) had listened with great attention and interest to the representatives who had spoken after him, particularly the representatives of the Arab States; he paid tribute to their sincerity and the force of their arguments, but found it impossible to share their point of view.

59. The United States delegation, which had taken part in the preparation of the Conciliation Commission's draft instrument, had hoped that the draft would obtain the support of the other members of the Committee. It did not seem that that was likely. Nevertheless, the delegation of the United States of America still considered that the moderate solution proposed by the Conciliation Commission was the most satisfactory, in view of the difficulty of the problem and the complexity of the interests at stake.

60. The United States delegation considered that the draft resolution submitted by Sub-Committee 1 made it more difficult to reach any agreement; it would therefore vote against that draft resolution. It would also vote against the amendment proposed by the USSR representative.

61. Mr. Ichaso (Cuba) wished to make a few observations, following the remarks of the representatives of El Salvador, Poland (58th meeting) and the Ukrainian SSR (59th meeting).

62. In the first place, it had not been his intention to criticize in the slightest degree the way in which the representative of El Salvador, as Chairman of Sub-Committee 1, had conducted the discussions of that body. He had simply noted that, for reasons outside the control of its members, the Sub-Committee had not been able to examine the draft instrument of the Conciliation Commission or the amendments to that draft instrument, since it had had to vote first on the Australian draft resolution (A/AC.31/SC.1/L.4).

63. Secondly, he wished to point out to the representative of Poland that he had not mentioned the Polish delegation in his speech.

64. Lastly, he did not see why the representative of the Ukrainian SSR had considered that he should reply to comments which had been directed solely at the Union of Soviet Socialist Republics. Moreover, the representative of the Ukrainian SSR had made absolutely unjustified accusations against the Cuban delegation in saying that the latter had opposed the internationalization of Jerusalem.

65. The Cuban delegation was in favour of a genuine internationalization of the city of Jerusalem. That was why it supported the basic principles of the draft resolution of Sub-Committee 1. At the same time, it was not satisfied with the method whereby the draft resolution proposed to bring about the internationalization of the city: it considered that it was for the *Ad Hoc* Political Committee and the General Assembly, not the Trusteeship Council, to prepare the statute for Jerusalem, particularly in view of the fact that the statute prepared by the Trusteeship Council had never been put into effect and had become in part inapplicable.

66. The Cuban delegation had therefore decided to submit an amendment (A/AC.31/L.54) to the draft resolution of Sub-Committee 1, which had been regarded subsequently as a separate proposal. It had hoped that that proposal would be favourably received by a large number of members and regretted to note that its hopes had been disappointed.

67. Believing, therefore, that it was preferable that an unsatisfactory solution should be adopted rather than that so serious a question should remain pending, the Cuban delegation would vote for that part of the draft resolution of Sub-Committee 1 which referred to the internationalization of Jerusalem; it would not vote for the part which referred to the Trusteeship Council, but it would vote for the draft resolution as a whole. Naturally, if that draft resolution were adopted, the Cuban delegation would no longer have any reason to press its own proposal. If, however, the draft resolution did not obtain a two-thirds majority in the plenary meeting, the Assembly would have an opportunity of returning to the solution proposed by Cuba.

68. Mr. Eban (Israel) wished to correct certain mistakes in the speech of the representative of Lebanon.

69. Firstly, he, Mr. Eban, had never said that all the Holy Places were in the Old City. He had as a matter of fact pointed out that all the buildings regarded as Holy Places either under the agreement of 1757 or in the text of the Mandate were situated in the zone at present occupied by the forces of the Hashemite Kingdom of Jordan, an Arab State which had no inclination to share the Holy City with the international community. The representative of Lebanon had said that a number of religious buildings were in the New City; that was true, but the same thing was true about the rest of the world and, usually, the political status of a territory was not affected by the fact that such buildings existed within its boundaries. Mount Scopus, to which the Lebanese representative had referred, could not be regarded as a Holy Place. There was no building in the Jewish zone which could be classified as a Holy Place except the Upper Room or Cenaculum situated on Mount Zion.

70. With regard to the position of the orthodox Jews of Jerusalem, it must be noted that it had been defined by the religious leaders of that group and consisted in strong opposition to the internationalization of the city. There could be no doubt about the basic fact of the hostility of the population of Jerusalem towards internationalization of that city.

71. Mr. Galagan (Ukrainian Soviet Socialist Republic) said that the Cuban representative had in fact levelled accusations against the Ukrainian SSR in his speech. He regretted the necessity of pointing out once again that the representative of Cuba had thought fit to advance unjustified criticisms which proved nothing except their author's lack of adequate information.

72. Mr. Alexis (Haiti) said that the report of Sub-Committee 1 on the internationalization of Jerusalem showed that that body had worked in

all good faith in paying particular attention to to the view which had prevailed since the adoption by the General Assembly of resolutions 181 (II) of November 1947 and 194 (III) of December 1948 that Jerusalem was, owing to its special character and its deep religious import, a holy and universal city. The universality of the city of Jerusalem was indeed a basic spiritual factor, the importance of which could not be obscured by any political consideration whatsoever.

73. Nevertheless, whatever the merits of the ideas upon which the Sub-Committee had based its draft resolution, it was to be feared that its authors had not sufficiently kept in view the need to ensure peace in that disturbed area, in which nationalist irritation was always on the point of explosion. It seemed unlikely that the plan for the complete internationalization of Jerusalem would be able to ensure the peace and security of that city, because it failed to pay due regard to such absolute essentials as the actual facts of the situation and the requirements of public order. That plan, moreover, failed to give sufficient attention to economic requirements.

74. Ideally, of course, the most satisfactory solutions would be, in order of merit, firstly that proposed by the Conciliation Commission (A/973) and secondly that proposed by the Sub-Committee. It was impossible, however, to lose sight of the real issues without endangering the very principles upon which the solution was to be based.

75. The Haitian delegation preferred that solution which best reconciled the test of reality with the nobility of striving to attain the ideal. It represented a Roman Catholic country and was most anxious that the city should belong to God rather than to Caesar. It was therefore asking that the Holy Places should be placed under the administration of the United Nations and that those sacred buildings in which the faithful of three great religions met together should thus belong to all rather than that anyone should possess them in their own right. In that respect the draft resolution submitted by the Netherlands and Sweden and that by Cuba would be satisfactory solutions if they were suitably amended.

76. In conclusion, Mr. Alexis said that he had not been unaffected by the high-minded arguments adduced by the Lebanese representative, but candidly he was impelled to recognize that the solutions submitted both by the Conciliation Commission and by Sub-Committee 1 failed to pay due regard to the facts of the matter and could not, therefore, be accepted. In view of the gravity of the problem of Jerusalem, big, as it was, with threats to the peace and security of the Middle East and of the entire world, it seemed that the wiser course would be to adopt a less ambitious but more realistic solution.

The meeting rose at 1.15 p.m.

SIXTY-FIRST MEETING

Held at Lake Success, New York, on Wednesday, 7 December 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (*concluded*)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR JERUSALEM AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF SUB-COMMITTEE 1 (A/AC.31/11) (*concluded*)

1. Mr. BELAÚNDE (Peru), in explaining his vote, emphasized the overriding importance to mankind of a United Nations decision on the protection of the Holy Places. Primarily in the interest of maintaining peace in the area, it was not only the right, but the duty of the United Nations to exercise full legal authority and to establish a special international régime under its effective control. That régime should be administered in accordance with a special statute and not on the basis of a contractual agreement with the parties concerned. Such had been the intention of the General Assembly's resolutions 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948. They had not been modified or revoked and continued to have the full force of law.

2. In the circumstances, the only valid proposal before the Committee was the Australian draft resolution, as modified and subsequently adopted in the Sub-Committee (A/AC.31/11), as compared with the other proposals submitted, it was the only one which affirmed clearly the basic principles which should guide the Assembly in all its actions on the Jerusalem issue. It called not for mere co-operation on the part of the United Nations, but for control and implementation of the special régime. It categorically defined the measures of demilitarization to be undertaken and the unequivocal responsibility of the United Nations for full internationalization of the entire Jerusalem area and adequate safeguards for the Holy Places. The Holy Places both within Jerusalem and outside it would be subject to no other sovereignty than that of the United Nations. As the representative of Lebanon had stated, the international character of Jerusalem had been preserved throughout the centuries; it was the duty of the United Nations to ensure that the city maintained its international status. While it was reasonable for the Organization to take into account the *de facto* situation in the Holy City, it would be inadmissible for it to approve the continuation of that situation.

3. For all those reasons, the delegation of Peru would vote, as it had voted in the Sub-Committee, in favour of the Sub-Committee's proposal for full internationalization.

4. Mr. AMBY (Denmark) would also vote in favour of the Sub-Committee's proposal, not because he considered it the most practicable solution, but because it did ensure full internationalization of the Jerusalem area and was not limited to the functional internationalization of the Holy Places.

5. The Danish delegation deplored the fact that the Sub-Committee had not dealt with the Concili-

ation Commission's proposals (A/973). It would have preferred to vote for them with the amendments suggested by the representatives of Lebanon and Colombia (A/AC.31/L.44). It favoured particularly the amendment to article 2 of the Commission's draft instrument which would have secured Jerusalem as a unit and as a whole. The Holy City should not be divided geographically; it should remain a unit of sacred ground. By providing for United Nations control and supervision of the entire Jerusalem area, the Conciliation Commission had at least recognized that important essential.

6. It was the sincere hope of the Danish delegation that the Conciliation Commission's proposals would be re-submitted at a later stage and amended to constitute a workable basis for a just solution of the Jerusalem problem. It had been an unfortunate blunder for the United Nations to have sent a commission to study the situation on the spot, only to discard its recommendations and conclusions. Although Denmark felt compelled at that stage to vote in favour of the Sub-Committee's proposals, it had not abandoned its hope that those who sought a constructive solution would join forces at the present session in order to achieve it.

7. Mr. MÉNDEZ (Philippines) said he would have to abstain from voting on any of the proposals before the Committee because it had been impossible for him to transmit information and receive instructions from his Government on the Jerusalem issue. The position of the Philippine delegation would be clearly set forth at the plenary meeting of the Assembly on the basis of those instructions.

8. Mr. Anze MATIENZO (Bolivia) said he would vote in favour of the Sub-Committee's proposals because they reaffirmed the basic principles of the earlier resolutions of the General Assembly. He recalled that Bolivia had submitted a draft resolution (A/AC.31/L.52) which it considered a practical compromise, but had subsequently withdrawn it when it became convinced that it was unlikely to gain acceptance in the Committee.

9. The CHAIRMAN stated that before the Committee voted on the draft resolution recommended by the Sub-Committee it would vote on the USSR amendment (60th meeting, paragraph 54) to that document.

The amendment was rejected by 46 votes to 5, with 5 abstentions.

10. Mr. ICHASO (Cuba) asked that the draft resolution of the Sub-Committee should be voted upon in parts.

11. Mr. ALÉMAN (El Salvador) requested a roll-call vote.

12. The CHAIRMAN put to the vote the preamble of the draft resolution, ending with the words "a just and equitable settlement of the question".

A vote was taken by roll-call.

Haiti, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Honduras, Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Pakistan, Paraguay, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, France, Greece.

Against: Haiti, Iceland, Israel, Norway, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Guatemala.

Abstaining: Mexico, Netherlands, New Zealand, Panama, Philippines, Thailand, Venezuela, Canada, Dominican Republic, Ethiopia.

The preamble was adopted by 35 votes to 13, with 10 abstentions.

13. The CHAIRMAN put to the vote the first part of paragraph 1 up to and including the words "United Nations" at the end of point (1).

A vote was taken by roll-call.

Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Pakistan, Paraguay, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, France, Greece, Honduras, Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua.

Against: Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Guatemala, Haiti, Iceland, Israel, Norway.

Abstaining: Panama, Philippines, Thailand, Venezuela, Canada, Dominican Republic, Ethiopia. India, Mexico, Netherlands, New Zealand.

The first part of paragraph 1 was adopted by 35 votes to 13, with 11 abstentions.

14. The CHAIRMAN put to the vote point (2) of paragraph 1.

A vote was taken by roll-call.

Ethiopia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: France, Greece, Honduras, Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Pakistan, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador.

Against: Guatemala, Haiti, Iceland, Israel, Netherlands, Norway, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Cuba, Denmark.

Abstaining: Ethiopia, India, Mexico, New Zealand, Panama, Paraguay, Philippines, Thailand, Venezuela, Canada, Dominican Republic.

Point (2) of paragraph 1 was adopted by 32 votes to 16, with 11 abstentions.

15. The CHAIRMAN put to the vote point (3) of paragraph 1.

A vote was taken by roll call.

Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Pakistan, Paraguay, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, France, Greece, Honduras, Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua.

Against: Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Guatemala, Haiti, Iceland, Israel, Norway.

Abstaining: Panama, Philippines, Thailand, Venezuela, Canada, Dominican Republic, Ethiopia, India, Mexico, Netherlands, New Zealand.

Point (3) was adopted by 35 votes to 13, with 11 abstentions.

16. The CHAIRMAN put to the vote paragraph 2 of the draft resolution.

A vote was taken by roll-call.

Canada, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: China, Colombia, Costa Rica, Czechoslovakia, Egypt, El Salvador, France, Greece, Honduras, Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Pakistan, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic.

Against: Chile, Denmark, Guatemala, Haiti, Iceland, Israel, Netherlands, Norway, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Abstaining: Canada, Cuba, Dominican Republic, Ecuador, Ethiopia, India, Mexico, New Zealand, Panama, Paraguay, Philippines, Thailand, Venezuela.

Paragraph 2 was adopted by 31 votes to 15, with 13 abstentions.

17. The CHAIRMAN put to the vote section II of the operative part of the draft resolution.

A vote was taken by roll-call.

Iran, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Pakistan, Paraguay, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, France, Greece, Honduras.

Against: Israel, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Guatemala, Haiti, Iceland.

Abstaining: Mexico, Netherlands, New Zealand, Norway, Panama, Philippines, Thailand, Venezuela, Canada, Dominican Republic, Ethiopia, India.

Section II was adopted by 35 votes to 12, with 12 abstentions.

18. The CHAIRMAN put to the vote the resolution as a whole (A/AC.31/11).

A vote was taken by roll-call.

Iceland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Iran, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Pakistan, Paraguay, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, France, Greece, Honduras.

Against: Iceland, Israel, Norway, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Chile, Guatemala, Haiti.

Abstaining: India, Mexico, Netherlands, New Zealand, Panama, Philippines, Thailand, Venezuela, Canada, Dominican Republic, Ethiopia.

The draft resolution was adopted by 35 votes to 13, with 11 abstentions.

19. Mr. BOHEMAN (Sweden) said that his delegation would not press for a vote on the draft resolution of which it was co-sponsor (A/AC.31/L.53). The result of the vote just taken showed that a large majority of members favoured the draft resolution submitted by Sub-Committee 1. The Swedish delegation hoped that the votes had been cast in full knowledge of the General Assembly's responsibility for implementation of the decision.

20. Sweden would always abide by United Nations decisions. The draft resolution it had submitted together with the Netherlands delegation had been an attempt to reconcile the divergent views on the matter under discussion. The Swedish delegation had always held that some likelihood of acceptance by the parties concerned was an essential condition for the adoption of any decision. It could not commit itself as to the part Sweden would take in the positive implementation of the decision just taken.

21. Mr. Boheman reserved his delegation's right to bring up the Netherlands-Swedish draft resolution in plenary meeting if the Sub-Committee's text failed to obtain the required two-thirds majority.

22. Mr. ICHASO (Cuba) said that, for the reasons stated by the representative of Sweden, his delegation would not insist on a vote on its draft resolution (A/AC.31/L.57). He reserved the right to re-submit the proposal to the General Assembly in plenary meeting if the need arose.

23. The CHAIRMAN announced that the *Ad Hoc* Political Committee had completed its agenda for the fourth regular session.

24. Mr. HOOD (Australia) expressed his sincere appreciation of the manner in which the Chairman had conducted the debates. The Chairman had fulfilled his difficult task with unfailing patience and skill. Mr. Hood also thanked the Rapporteur and the Vice-Chairman.

25. Mr. ICHASO (Cuba), Mr. BELAÚNDE (Peru) and Mr. C. MALIK (Lebanon) also expressed appreciation of the work done by the Chairman, the officers of the Committee and the Secretariat.

26. The CHAIRMAN thanked the members of the Committee for their co-operation. He drew attention to the excellent work done by the Secretary of the Committee, the interpreters, and other members of the Secretariat.

The meeting rose at 4.10 p.m.

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