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GENERAL ASSEMBLY

EIGHTH SESSION

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President: Mrs. Vijaya Lakshmi PANDIT (India).

Adoption of the agenda: third report of the General Committee (A/2536)

[Agenda item 8]

1. The PRESIDENT: I propose to place before the Assembly the recommendation of the General Committee [A/2536] that the item entitled "Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea" should be included in the agenda of this session. Before opening the debate on this recommendation, I wish to draw the Assembly's attention to rule 23 of the rules of procedure, which provides that debate on the inclusion of an item, when its inclusion has been recommended by the General Committee, shall be limited to three speakers in favour of and three against such inclusion. The debate is now open on the recommendation of the General Committee.

2. Mr. LODGE (United States of America): On 30 October, the United States requested [A/2531] that there be included in the agenda of the present session of the General Assembly an item entitled "Question of atrocities committed by the North Korean and Chinese communist forces against United Nations prisoners of war in Korea". On the following day, in accordance with the rules of procedure, I submitted an explanatory memorandum [A/2531/Add.1] on this proposed agenda item. In that memorandum, and in my oral statement to the General Committee, attention was drawn to the accumulation of evidence that atrocities had been committed by the aggressor forces in Korea against many thousands of captured military personnel of the United Nations Unified Command, representing several national contingents, as well as against the civilian population of Korea.

3. Let it be repeated that it has only recently become possible to present anything like a complete and balanced picture of the atrocities and other wrongful acts which the aggressor forces committed. The evidence accumulated by the United States military authorities in Korea during the three years of warfare had to be carefully analysed and evaluated. Further-

more, it was necessary to await the repatriation of our surviving prisoners of war, following the armistice, in order to receive their testimony corroborating and adding to the information we already had.

4. We submit to the General Assembly today four fundamental reasons why it should consider this evidence and its implications.

5. The first reason is the simple fact that the acts in question were committed by forces engaged in an act of military aggression, so recognized by the United Nations.

6. The second reason is that the acts in question were committed against the military forces which the United Nations sent to repel that aggression, as well as against the people of the country which the aggressors were trying to conquer.

7. The third reason is that those acts by their very nature—mass murder and other heinous acts—grossly violated principles of common humanity and decency. Such principles, in fact, are so basic that their observance in war itself has been agreed to in solemn conventions having the force of international law. If the United Nations is at all interested in the observance of such principles, and specifically in the observance of international law, then it cannot, we submit, on that ground alone, ignore the history of their wholesale violation by the aggressor forces in Korea.

8. The fourth reason is that the forces which committed those acts still stand today, fully mobilized and fully armed, north of the demilitarized zone in Korea. Thus we must recognize, in the midst of our prayers and labours for genuine peace, that this story of inhuman warfare is not brought out of a forgotten past but bears directly on the pressing problems of the present.

9. For these reasons, I urge that this item be included in the agenda of the present session of the General Assembly.

10. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The United States delegation is endeavouring to have included in the agenda of the General Assembly an item concerning the allegedly criminal conduct of the North Korean forces and the Chinese people's volunteers in regard to American prisoners of war who, according to the assertions made by the United States representative in the General Committee and repeated again here, were subjected to all sorts of brutalities.

11. During the consideration of this proposal in the General Committee, the USSR delegation objected to the inclusion of this item in the General Assembly agenda, since it is a calumny based on falsification of the facts and gross lies, and has obviously been brought up for purposes of provocation; its purpose is to pre-

vent the peaceful settlement of the Korean question, to foment war hysteria and to prevent that easing of international tension which most delegations and most of the countries of the world long for.

12. It is no accident that this proposal should have been submitted to the United Nations at this particular juncture. This is quite evident from the strident war-mongering in the American Press and radio and in the utterances of important public figures in the United States, such as Mr. Stevens, Secretary of the Army, who spoke on this question on 28 October—that is to say, just recently—General Ridgway, General Van Fleet and a number of others. It is no accident that this question should have been raised by the United States delegation in the General Assembly at this particular time, when reactionary circles in the United States are using every means to prevent the convening of a political conference for the settlement of the Korean question.

13. Even American newspapers such as the *New York Times* are openly giving similar explanations of the United States delegation's move in raising the question of the so-called "atrocities" against American prisoners of war at this session. In an article by Mr. Hamilton in the *New York Times* of 8 November, it is expressly stated—I quote the actual words—that "one of the staunchest friends of the United States here has suggested that perhaps the recent report on the atrocities perpetrated on American prisoners was released by the Defense Department in the hope of blowing up the Korean Conference". There you have the motive for raising this question in the General Assembly at this particular time. In this connexion, one cannot but take note of the conduct of the United States representatives at the Panmunjom negotiations. They are clearly striving to create as many difficulties as possible in these negotiations and to prevent the convening of the conference so as to prevent any relaxation of international tension.

14. The real motives which led the United States delegation to submit this proposal to the General Assembly are evident from Mr. Lodge's candid admission in the General Committee that the present moment was quite opportune for discussing the question. It can be shown without much difficulty that by raising the question of the so-called "atrocities in Korea", which they present as a sensational novelty, and by trying to force the General Assembly to examine this question, the United States reactionaries are simply trying to resurrect the provocative and slanderous scheme of Colonel Hanley, of the United States, who, as far back as 1951, concocted a similar report on "atrocities" in an effort to slander the North Korean forces and the Chinese volunteers by imputing to them the perpetration of war crimes which they had never committed, to inflame the hatred of the officers and men of the so-called "United Nations forces" against their adversaries, and to raise the fighting spirit of the soldiers at the front who were not showing the requisite energy or the will to continue the war in Korea which they detested.

15. The United States delegation's action in raising the question of atrocities at this session is so obviously an artifice of a provocative nature that even such a paper as the *New York Times*, which I quoted only a moment ago, has spoken of the public concern aroused by this manoeuvre of the United States delega-

tion. On 6 November the *New York Times* emphasized that such haste had been shown that even up to that time the United States had not yet told the Assembly what evidence it had to support its charges or even the precise nature of those charges.

16. Today we have witnessed the same sort of spectacle, for Mr. Lodge has still said nothing cogent on this question but has only repeated what he outlined in the explanatory memorandum, which also adduces no proof. A few moments ago, at this rostrum, Mr. Lodge gave four fundamental reasons which, he said, compelled the United States to press for the inclusion of this question in the agenda of the General Assembly. What were those reasons?

17. The first was that these acts had been committed by forces engaged in an act of military aggression against South Korea and the so-called United Nations forces. Hence, the mere fact that the forces of the Korean People's Democratic Republic were the perpetrators of what Mr. Lodge calls "aggression"—although it has been proved by us thousands of times, here and before other organs of the United Nations, that the aggression was committed by United States armed forces against North Korea, and although no evidence to the contrary has ever been presented on this point...

18. Mr. LODGE (United States of America) (*from the floor*): On a point of order, the speaker is going into the substance of the question.

19. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I request that I should not be interrupted in my statement.

20. The PRESIDENT: I should like to call the attention of the speaker to the fact that he should not go too far into the background, as I requested once before when the same issue was being discussed in the General Committee.

21. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I think that, since Mr. Lodge gave the four fundamental reasons why the United States delegation deems it necessary to have this question included in the agenda, I have an equal right to criticize these reasons, to define our attitude towards them and to show that they are utterly inadequate to justify the submission of this question to the General Assembly. I do not think I am going beyond the procedural limits, since I am merely answering the points which Mr. Lodge raised here, and he was not stopped from doing so.

22. I repeat that the first reason mentioned by Mr. Lodge as impelling the United States delegation to call for the inclusion of this item in the agenda of the Assembly was the fact that these acts had been committed by forces engaged in what he described as an act of military aggression against the so-called United Nations forces. However, I repeat, we have repeatedly adduced clear factual evidence that that aggression was not committed by the North Korean forces and that, on the contrary, North Korea itself was the victim of aggression. We have cited statements by various persons including, for example, Syngman Rhee, who at this very moment is clamouring for the resumption of the war and the opening of a campaign against North Korea. These are facts that everyone knows, and they refute the mendacious contention that

it was North Korea which committed the aggression in Korea.

23. Mr. Lodge's second reason was that the acts were allegedly committed against the military forces sent by the United Nations. But it is still necessary to prove that these acts were in fact committed and to adduce some sort of evidence to justify the claim that we must deal with this question. I understand, of course, the difference between such a position and an examination of the substance of the question. A discussion of the substance of the question at this stage is inadmissible. But we have rules of procedure which call for the submission of an explanatory memorandum, and we cannot, therefore, confine ourselves merely to saying: "We support this charge". It is necessary to explain why the charge is supported. What specific basic facts, however restricted, justify the raising of this issue in the Assembly? Mr. Lodge has offered none, either today or in the General Committee or in the so-called explanatory memorandum he submitted to the General Committee.

24. All that Mr. Lodge said here today was that since the acts in question had been committed against the armed forces of the United Nations, the Assembly must deal with the matter. But he overlooked one point: that at least it must be made clear and proved that those acts did in fact take place. Without going into the instances cited in various documents by the United States delegation—since the rules of procedure prevent me from doing so—I shall now endeavour to show that there are no grounds for raising this question in the General Assembly, because neither the North Korean forces nor the Chinese volunteers have committed the "atrocities" referred to by Mr. Lodge or such violations of international law in general against American prisoners of war as would require our examination of these questions.

25. The third reason given by Mr. Lodge was that these acts by their very nature grossly violated basic principles of international law. It is, however, a fact that as far back as 1950 the Government of the Korean People's Democratic Republic twice submitted to the Security Council, on 8 August [S/1674] and 18 September [S/1778/Rev.1], a long list of gross criminal violations of international law by the United States Air Force and the so-called armed forces of the United Nations, and requested that the Security Council should examine these facts. The Security Council, however, did not see fit to consider what measures should be taken to prevent the commission of gross violations of international law by the United States Air Force and the United States armed forces. I refer now in particular to that violation of international law which consists in the violation of article 25 of the Hague Convention of 1907 prohibiting the aerial bombing of civilian populations, the kind of bombing and machine-gunning that was inflicted by the United States Air Force on the peaceful population of Korea day after day, right around the clock, destroying towns and villages, killing men, women and children, the aged, the healthy and the sick, Koreans and even Americans who were being held as prisoners of war . . .

26. The PRESIDENT: I dislike to interrupt the speaker, and I realize that it only delays the debate, but I would request him to confine his remarks within the scope of the rules of procedure, and not to go beyond that.

27. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): For procedural reasons, I cannot speak now of all the horrors to which the United States Air Force in fact subjected the civilian population of North Korea. Nevertheless, I feel obliged to adduce some further facts to prove fully that there are absolutely no grounds for submitting the question of "atrocities" to the Assembly.

28. The article by Mr. Hamilton in the *New York Times* of 6 November, to which I have already alluded, frankly observes that the State Department would like to know whether the Communists are going to be stubborn on the question of including India in the conference, before deciding how tough Mr. Lodge must be on the question of atrocities. This report in the *New York Times*, which refers specifically to the State Department, is an important piece of evidence, as it discloses the State Department's crafty scheme and reveals the true nature of the whole slanderous affair. The article adds to the information which, as I have already pointed out, appeared even in the *New York Times*, concerning the plan to disrupt the political conference. All this shows that the inclusion of this question in the agenda of the General Assembly is a sorry and shameful manoeuvre by the United States diplomats, who feel that the moment is well chosen.

29. I have already mentioned the report of Colonel Hanley, of the United States, which from the moment of its appearance left no doubt that it was based on false and fabricated "facts" and "figures". Perhaps you would like to know what kind of report it is. In that case you should look at another important document—the report of Colonel Welsh, an officer in the Information Section of General Ridgway's staff, who carried out an inquiry in connexion with Colonel Hanley's report and stated his conclusions on it. Colonel Welsh states in his conclusions that the accusations levelled in Colonel Hanley's report are unfounded and are not in accordance with the facts. Nevertheless, Colonel Hanley's office continued to hoodwink the public, reporting fictitious beatings and even killings of American prisoners of war. I shall not enlarge on the juggling and fabrication of facts perpetrated in Colonel Hanley's report. I should merely like to point out that when the author of the book entitled *The Hidden History of the Korean War* applied to Marine Corps Headquarters for clarification, the liaison officer replied that the Marines had no record of any such incidents.

30. I know that I cannot dwell on this question at greater length, especially as I have received two warnings, but I must nevertheless submit a few more facts showing how utterly unwarranted it would be to include this question in the agenda of the General Assembly. Colonel Hanley's report and the material which, not altogether officially, is being circulated among various delegations in connexion with the present United States complaint, alleging violations of international law by North Korean and Chinese volunteer forces, are closely connected, since all the data now submitted relate to 1951, the period with which Colonel Hanley also dealt.

31. It was just at that time, in November 1951, that the United States soldiers at the front were very much opposed to the continuation of the war. On 12 November 1951, George Barrett wrote in the *New York Times*, with regard to the attitude of the American

soldiers, that everywhere on the central front only one question was being asked: "Why don't we have a cease-fire now?" The article continued:

"The unadorned way that an apparently increasing number of them see the situation right now is that the Communists have made important concessions, while the United Nations Command, as they view it, continues to make more demands."

Those demands constitute as many obstacles to the conclusion of an armistice agreement. Mr. Barrett wrote further:

"Recent developments ... have convinced some troops on the fighting front that their own commanders, for reasons unknown to the troops, are throwing up blocks against an agreement."

32. It was no accident that the same newspaper noted at the time that it was precisely in these circumstances that the question of communist atrocities was unexpectedly raised. These were the circumstances surrounding the birth of the sinister Hanley plan, which was designed to arouse and intensify hatred of the enemy by means of slander and fabrications, by accusing him of all kinds of crimes. In November 1951, the *New York Times* candidly reported that one of the chief purposes of Colonel Hanley's report was to counteract the Chinese propaganda claim that they treated prisoners of war well. The organizers of this shameful affair calculated that their purpose could be achieved by ascribing to the enemy the commission of abominable acts prohibited by the Geneva Convention. In order to block any attempt to check these false reports, it was stated that the information on which Colonel Hanley's facts and figures were based was secret.

33. When, on 14 November 1951, Colonel Hanley made the provocative statement that his report had exposed the killing of American prisoners of war by the "Reds", so that American soldiers at the front might know whom they were fighting against—I am quoting from an Associated Press release of 16 November 1951—he revealed the true nature of the whole shameful matter and exposed his own dirty work. It should be noted that General Ridgway himself at the time hastened to make the following statement:

"It may perhaps be well to note with deep reverence that, in his inscrutable way, God chose to bring home to our people and to the conscience of the world the moral principles of the leaders of the forces against which we fight in Korea. It may well be that in no other way could all lingering doubts be dispelled from the minds of our people as to the methods which the communist leaders are willing to use and actually do use."

34. Thus the whole affair was nothing more than a propaganda trick; its authors were seeking, by means of lies and slander, to poison the minds of those who longed for peace and the cessation of the inhuman Korean war. The whole plan was dictated by specific political ends. This is confirmed by Colonel Welsh's inquiry to which I have already referred. Now a new report has been fabricated on that same old theme: it and Colonel Hanley's report are as alike as two peas in a pod.

35. The United States delegation's real motives in submitting this report to the United Nations are the same as those that caused the appearance of Colonel

Hanley's report in 1951. The purpose of the present report of the War Crimes Division is made clear by the statement of Mr. Stevens, the United States Secretary of the Army, on 28 October this year, when he pointed out that a description of the war crimes committed by the North Korean and Chinese forces—I quote his actual words—was "one of the best answers that can be given to anyone who questions the need of strong military defences for our country". He added that all those so-called facts confirmed that the United States could not afford to relax its defence efforts. The American Press had already expressed the view that the dissatisfaction of the soldiers at the delay in the Panmunjom negotiations should be dispelled by implanting a feeling of hatred in them and that the "atrocities" issue should be used to justify delays in putting an end to hostilities.

36. I have already pointed out that from the very beginning of the war in Korea the United States armed forces, and more particularly the United States Air Force, systematically subjected the towns and villages of North Korea to barbarous bombings, ruthlessly exterminating the civilian population. As you know, the representatives of the USSR in the Security Council repeatedly raised the question of those atrocities perpetrated by the United States armed forces.

37. There is abundant evidence, to which I cannot refer at present, of flagrant atrocities and crimes against Korean and Chinese prisoners of war and against the civilian population of North Korea committed by the so-called armed forces of the United Nations. This evidence, however, has a direct bearing on the question before us, as there can be no doubt that the United States bombings of North Korea claimed thousands of victims not only among the civil population and the sick and wounded soldiers of the North Korean and Chinese volunteer forces, but also among prisoners of war belonging to the so-called United Nations armed forces, and especially United States and South Korean prisoners of war. The death of those prisoners of war is now being imputed by the fabricators and war-mongers to the North Korean armed forces and the Chinese volunteers. This could be amply proved by the very "facts" which were used by the War Crimes Section of General Ridgway's staff, and which the United States representative has repeated in the General Assembly, without giving any evidence in support of his slanderous statements, and insisting on the inclusion in the agenda of the item proposed by his delegation.

38. All this shows that there are no grounds whatsoever for considering this question in the General Assembly; the United States delegation, indeed, has neither adduced nor made the slightest effort to adduce any evidence, however summary, to substantiate its charges. The delegation of the Soviet Union, therefore, firmly opposes the inclusion of this item in the agenda and urges the Assembly to reject the United States proposal to that effect.

39. The PRESIDENT: Before calling on the next speaker, I should like to say that the remarks made by the representative of the Soviet Union very definitely extended beyond the scope of rule 23 of the rules of procedure, and, in my opinion, were actually irrelevant to the question of the inclusion of the item on the agenda; they could easily be made—and will, I am sure, be made—when the debate takes place.

40. I should like to ask all other representatives to be good enough to co-operate in this matter. Everybody will have an opportunity to discuss this item at a later stage. Remarks should, therefore, be confined to the relevant points.

41. Mr. LLOYD (United Kingdom): I certainly shall seek to follow the advice which the President has just given and not stray along the paths along which Mr. Vyshinsky has been straying. Our rule today is, as the President has pointed out, not to go into the substance of this matter and not to pass judgment upon it, but simply to decide whether or not it should be discussed by this Assembly or by an appropriate Committee.

42. Mr. Vyshinsky in a good deal of his speech dealt with the substance of the matter and suggested that these charges were false and that there was no evidence on which they could be considered. He referred to the explanatory memorandum. In the explanatory memorandum [A/2531/Add.1] it is stated, on the responsibility of the United States Government, that evidence was uncovered at various times of atrocities, and then the United States Government goes on to say:

“Extensive and careful investigation has now verified that tens of thousands of United Nations soldiers and Korean civilians, who had been captured by North Korean or Chinese communist aggressors, subsequently were killed by beatings, deliberately planned starvation, cold-blooded murder, mutilation and torture.”

Then the last paragraph of the explanatory memorandum says:

“The United States Government was able only recently to carry the investigation of these atrocities to such point as to warrant submission of this matter to the General Assembly for appropriate consideration.”

So it is perfectly clear from the explanatory memorandum that there has been an extensive and careful investigation of these matters, and that surely raises, *prima facie*, a matter which this Assembly must discuss.

43. As I say, we have not to go into the substance of the matter today. I am not going to deal with Mr. Vyshinsky's references to aggression in Korea and all the rest of it. There is only one comment which I want to make upon the reasons which Mr. Lodge put forward for our considering the matter. After all, these charges concern numbers of men who were fighting under the United Nations flag, and they were fighting pursuant to a resolution of the United Nations, and I think we have a duty and a responsibility to discuss matters of such gravity affecting men fighting in such circumstances. If we were to refuse to discuss these atrocities and these matters, I think we would create the impression that this Organization has a complete disregard for what can happen to those who have been fighting pursuant to a resolution which it has passed.

44. There is, however—although one need not go into the substance—one further matter with which I think we must try to deal, and that is the general issue raised by Mr. Vyshinsky, that this is a provocative move on the part of the United States Government with deliberate intentions to ruin the negotiations

taking place at Panmunjom. I gather he based that conclusion largely upon a single article in an American newspaper. Fortunately, in this country, and in many other countries of the free world, there is still a free Press and people are entitled to write articles, to speculate and to make suggestions, and none of that has any of the accent of official representation of the views of the government of the country concerned. We know that in other countries it is not the same; that anything which does appear in a newspaper has to be officially approved and represents an official view. That is not so in the countries of the free world, and really the speculations of a single journalist are not a very firm foundation for making a very grave allegation of this sort in an international assembly.

45. As the representative of the United States pointed out, these matters have only just been verified, and, reports having been published, it seems to me that silence on this matter by this Assembly is quite out of the question. Such grave matters must be ventilated and the dark horrors with which they deal have to be brought to light. We do not want a recriminatory debate any more than anybody else does. I do not think that the suggestion put forward, that the United States and those associated with the United States want a recriminatory debate, has come from the best source, because we get quite a lot of recrimination from that source as a rule. The way in which I hope that the Assembly will regard this matter is to treat it as a matter which must be brought to the light of day.

46. War is always a terrible business. It produces cruelty and frightfulness. The so-called rules of war are not obeyed in any war. I hope that the disclosure of these atrocities, for that is really what they are—and nobody who has read this report can have any doubt upon that matter—will strengthen the impulses towards peace and that they will stimulate all of us to desire to work for the peace we are all seeking. As I say, we have no wish that the debate upon these matters should be unduly prolonged or unduly recriminatory, but, since these horrors have taken place, it is right that they should be debated. We hope that the debate will proceed with reasonable expedition and, as I say, that our general impulses towards peace will in that way be strengthened.

47. It was the suggestion of my delegation that the matter should be dealt with by the Assembly in plenary meeting, and I hope that that will be approved today. I do not think that this is a question requiring detailed discussion in a committee. The war in Korea is, we hope and pray, a thing of the past. Let us deal with these charges firmly, and, I hope, finally, and then set about the final task of building the future on the firm foundation of a peace in which atrocities shall have no place.

48. Mr. KATZ-SUCHY (Poland): In accordance with rule 14 of the rules of procedure, the General Assembly has been called upon to decide upon the recommendation of the General Committee in respect of the inclusion in the agenda of the present session of the question of the alleged atrocities committed by the troops of the Korean People's Democratic Republic and the Chinese volunteers.

49. In deciding on this matter, the General Assembly must be guided by its concern for our Organization, which cannot be used as an instrument of propaganda

by the United States delegation in its attempt to disturb international relations and to create an atmosphere which would impede a settlement of the Korean problem.

50. Our Organization should energetically oppose these moves undertaken with the obvious intent of preventing the General Assembly from performing its task. I should like to recall rule 15 of the rules of procedure, which states that during a session, no item that is not of a serious and urgent character may be added to the agenda of the General Assembly. The slanderous nature of the United States proposal, which is based on imagination and insinuation, makes it impossible for us to consider it as an important proposal. For our Organization, important matters are only those which serve the interests of peace, the interests of international security and the interests of friendly co-operation among nations. The United States proposal fits into none of these categories.

51. The United States proposal is but a repetition of slanders which have already been exposed, and which are used by the United States State Department and by the psychological warfare agents of the United States Government to sabotage the peaceful settlement of the Korean problem. This has been going on since the beginning of the aggression against the Korean People's Democratic Republic. Therefore, how can we consider these worn-out and fully exposed slanders as an important and urgent matter?

52. While I fully recognize the position taken by the President, that the question should not be discussed in substance, I must point out that the procedural issue cannot be separated from the question of substance, since the Assembly must necessarily decide on the question of including an item on the basis of whether or not sufficient proof exists to make the case worthy of consideration. This has also been confirmed by the representative of the United Kingdom, who, by referring to the existence of a *prima facie* case, showed the necessity of proving the existence of sufficient facts to justify the inclusion of the item in the agenda. Therefore one can understand the nervousness of Mr. Lodge, who tried to prevent this debate, a nervousness which showed his lack of argument in the attempt to sabotage the discussion, rather than his conviction that a case really exists.

53. We consider it probable that the United States Government finds it imperative to torpedo the Korean political conference and to diversify the weapons in its arsenal of propaganda methods in the cold war. A connexion between the Korean question and the question of the so-called atrocities has also been pointed out in the debate by Mr. Lodge, who claimed that the issue bore directly on the present problems in Korea. The General Assembly cannot recognize the needs of the United States ruling circles as valid arguments to give this proposal a character of urgency and to justify its inclusion in the agenda.

54. As I have said, I do not propose to analyse the material which the United States delegation has used in an attempt to give its proposal a semblance of plausibility. However, I should like to stress that the weakness of the proposal also lies in the fact that the United States delegation has been unable to present to the General Assembly a memorandum substantiating its charges against the Korean People's Army and the Chinese volunteers. In an attempt to conform with the

provisions of rule 20 of the rules of procedure, however, the United States delegation has submitted a half-page document which Mr. Lodge today called an explanatory memorandum, but which contains no explanation whatever. This document, therefore, cannot be considered as an explanatory memorandum within the meaning of rule 20 of the rules of procedure.

55. It is obvious that the United States proposal is merely a clumsy manoeuvre to divert attention from the United States crimes which were perpetrated in Korea. It is a new attempt to torpedo the Korean political conference and to warm up the cold war. It is an attempt to prevent the easing of international tensions. It is an attempt to justify the United States position with respect to the question of the representation of the Chinese People's Republic in our Organization. Finally, it is a manoeuvre to maintain the war psychosis in the United States and to continue the imposition of the heavy armaments burden upon the American people.

56. During the discussion in the General Committee and in the General Assembly, the representative of the United States was unable to refute the obvious truth that his proposal served only these purposes. In the General Committee [90th meeting], even the representative of Mexico, who was the only one to speak in favour of the United States proposal, voiced serious misgivings that this new American provocation might only hamper the settlement of the Korean question.

57. The General Assembly should therefore draw the proper conclusions from this state of affairs and oppose the inclusion of this item in the agenda. By so doing, the General Assembly would be acting in the interests of a peaceful settlement of the Korean problem, in the interests of the relaxation of international tensions and in the interests of friendly co-operation amongst nations. In this spirit, the Polish delegation will vote against the inclusion in the agenda of the General Assembly of the item proposed by the United States.

58. The PRESIDENT: Are there any other speakers?

59. I call on the representative of the United States.

60. Mr. LODGE (United States of America): I shall be very brief and shall try to stay strictly within the spirit of the President's admonition.

61. The PRESIDENT: Would the United States representative tell me whether he is speaking on a point of order?

62. Mr. LODGE (United States of America): I am speaking in reply so as to correct certain inaccuracies that have been stated here.

63. The PRESIDENT: I should like to make one point clear. After the representative of the Soviet Union spoke, I made it clear in my remarks that I thought that he was out of order in dealing with the substance of a matter on which he would have occasion to speak later.

64. As I interpret the rules, I do not think it is possible for the representative of the United States to give his reply at this stage, but surely he will have the opportunity of contesting any of the remarks made in the Assembly at a later stage, when the present matter will have been decided.

65. Mr. LODGE (United States of America): I have no desire to speak about the substance of the question.

The representative of the Soviet Union has said that I do not have a *prima facie* case. All I have to do here is to show that I do have a *prima facie* case. He said that I do not have one, and here I have this thirty-seven-page document with all these photographs in the back of it. This certainly constitutes a *prima facie* case, and I think this is pertinent in the consideration of whether we want to place the item on the agenda.

66. The PRESIDENT: I do not agree that rule 23 would permit the United States representative to speak again.

67. Mr. LODGE (United States of America): I thought that rule 74 made it possible for me to reply.

68. The PRESIDENT: I do not consider that rule 74 applies to this case, and I would request the representative to make any reply which he would like to make at a later stage, when this matter comes up for discussion. At the moment, it is merely a question of the inclusion of the item in the agenda. I think the representative has very clearly shown that there is a certain substance to what he has said.

69. Mr. LODGE (United States of America): I am a member of this body who always heeds the requests of the President. If the President does not want me to speak or to show that we have a *prima facie* case, and a very thick one that has been distributed to everybody, I will abide by her desire.

70. The PRESIDENT: I think the representative has already shown that he has a case, and he has also shown the evidence in his hand. I am grateful to him for co-operating with the Chair.

71. The debate is now closed on the inclusion of this item. I shall put to a vote the recommendation of the General Committee [A/2536] for the inclusion of the item.

The recommendation was adopted by 53 votes to 5, with 2 abstentions.

72. The PRESIDENT: We shall now consider the second recommendation of the General Committee, to the effect that this item should be considered directly in plenary meeting by the General Assembly, without reference to a committee.

73. I recognize the representative of Yugoslavia on a point of order.

74. Mr. MATES (Yugoslavia): I am sorry that this did not come to the President's notice earlier. I wanted to make a very brief explanation of the vote which has just been taken. If I am permitted, I shall do so now.

75. When the question of the inclusion of the item on which we have just voted came up in the General Committee, I voted for it, and my delegation voted for its inclusion at this plenary meeting. We did so because we believe that if a government has a complaint to submit to the United Nations, the door of the United Nations should be open to hear and debate that complaint.

76. At the same time, however, I should like to state that my delegation has serious doubts as to whether the inclusion of and debate on this item at this stage will facilitate the solution of the problems concerning Korea. We also think that a debate with mutual recriminations in the present circumstances would

hardly be a good way to resolve the very serious and most regrettable problems which unfortunately have arisen.

77. In conclusion, I should like again to say that, whatever our own views on the usefulness of this debate, we consider that if a complaint has been brought and a *prima facie* case has been made, the matter should be discussed in the United Nations.

78. Mr. SUDJARWO TJONDRONEGORO (Indonesia): I should like to explain briefly the vote of my delegation. The item which has been submitted by the United States encompasses very serious and grave charges. In fact, atrocities, no matter where they may occur, cannot be taken lightly. On the other hand, atrocities committed during war-time are unfortunately not unusual. We fear that it is never very difficult to find or see atrocities in the course of a war, let alone in a war such as the Korean War which has been fought for the past three years. Moreover, it is certainly not pleasant to discuss atrocities. Worse than that, it may revive hostile feelings among the peoples directly concerned in a gruelling conflict. But these charges of atrocities are a serious matter for those directly concerned and, morally speaking, for the world in general.

79. Therefore it would have been very difficult for my delegation to oppose the inclusion of this item in our agenda. On this principle, and although we have some doubts with regard to the timing of the inclusion, my delegation voted for the inclusion of the item in our agenda. However, we do wish to join in appealing for moderation when this item comes before the Assembly for consideration.

80. Mr. MENON (India): My delegation wishes to explain its vote of abstention on the issue put before the General Assembly, namely, the inclusion of the item under discussion in the agenda.

81. On general principles, and as a matter of practice, my delegation has always voted for the inclusion of items for the purpose of discussion, because it is understood that the merits of the case will be discussed in the debate that follows.

82. In this particular matter, we have found it necessary to consider the issue in the context of all the circumstances that exist. The predominant thoughts in our minds concern the prospects, the possibilities, the steps, the hindrances and all the circumstances that surround this issue of peace in Korea. The committing of atrocities anywhere is a matter that horrifies people, and all just people—assemblies of this character—in our opinion should take steps to prevent atrocities from taking place. All such steps would have the support of my delegation.

83. But in fact it is the horror and the revulsion in such atrocities that form one of the arguments against war itself. In the present circumstances, we have more than one consideration in mind. First, war atrocities are governed by the Geneva Convention, and the best procedure to deal with them is a matter to be considered. Secondly, we are dealing here with an issue in which one of the parties concerned is not present in this Assembly. Thirdly, and this is our predominant feeling, irrespective of what has been said, and no doubt with great sincerity and feeling, there should be no acrimonious discussion; and the proceedings both in the General Committee and the General Assembly

have already shown that acrimonious discussion will not and cannot be avoided.

84. Over and above all this, there is the position of my Government as the Chairman of the Neutral Nations Repatriation Commission in Korea. It appears to us totally improper that we should in any way take part in the discussion of a matter which may well go before the political conference on Korea, be concerned with the prisoners in Korea and be related to problems in which our objectivity should not be challenged in any way at all. Normally speaking, the question of what happened during war-time would be a matter that would go to the political conference which is now being prepared, and which we hope will come to a successful issue.

85. For all these reasons we decided, after great deliberation, to abstain from voting on the inclusion of this item in the agenda, with the request that you do not consider that my delegation is against freedom of discussion or is curtailing the prospects of discussion in the Assembly or has in any way any sympathy for or lack of revulsion about atrocities, by whomever they may be committed.

86. My delegation also wishes to take this opportunity of saying here that, in view of what I have already said, it will not participate in any of the future proceedings on this item, nor will it participate in any vote on any draft resolution that may come from any delegation whatsoever.

87. Mr. TARAZI (Syria) (*translated from French*): I should like briefly to explain my delegation's vote on the inclusion of the item in question in the agenda of the eighth session of the General Assembly.

88. My delegation considers that all questions should be fully discussed by the General Assembly and its Committees. Although this basic rule, which is implicit in the Charter and which has often been confirmed by various resolutions of the General Assembly, has been infringed on numerous occasions, my delegation nevertheless voted in favour of the inclusion of this item in the agenda. It goes without saying that such a vote must not be interpreted as indicating any view by my delegation on the substance of the matter. My delegation's attitude will be defined during the discussion of the item itself. For that reason my delegation voted in favour of including this new item in the agenda.

89. The PRESIDENT: We shall now take up the second recommendation, to the effect that this item should be considered by the General Assembly without reference to a committee.

90. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I should like to explain our position on the second question put to the Assembly by the President, the question whether this question should be discussed in the General Assembly or in a committee. Inasmuch as we objected to the inclusion of this item in the agenda at all, we shall of course object to its consideration in any organ of the United Nations. We shall therefore object to its being considered either in the General Assembly or in any of the committees.

91. The PRESIDENT: As no other representative wishes to speak, I shall take it that the Assembly approves the recommendation and that this item will be

considered directly in a plenary meeting of the General Assembly at a subsequent date.

It was so decided.

Treatment of people of Indian origin in the Union of South Africa: reports of the *Ad Hoc* Political Committee (A/2532) and the Fifth Committee (A/2547)

[Agenda item 20]

The President presented the report of the Ad Hoc Political Committee (A/2532).

Pursuant to rule 67 of the rules of procedure, it was decided not to discuss the item.

92. The PRESIDENT: We shall proceed to vote on the draft resolution proposed by the *Ad Hoc* Political Committee. I shall first, however, give the opportunity to any member who desires it to explain his vote on the draft resolution.

93. As no member of the Assembly wishes to explain his vote at this stage, I shall now put the draft resolution [A/2532] to the vote. A roll-call vote has been requested.

A vote was taken by roll-call.

Nicaragua, having been drawn by lot by the President, was called upon to vote first.

In favour: Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico.

Against: Union of South Africa.

Abstaining: Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Belgium, Canada, Colombia, Denmark, Dominican Republic, France, Greece, Luxembourg, Netherlands, New Zealand.

The draft resolution was adopted by 42 votes to one, with 17 abstentions.

The Tunisian question: report of the First Committee (A/2530) (concluded)

[Agenda item 56]

94. The PRESIDENT: I should like to remind the Assembly that, at its 455th plenary meeting, the provisions of rule 67 of the rules of procedure were applied to the report of the First Committee [A/2530] on this question, inasmuch as no proposal was made for the holding of a debate on the report. We shall therefore proceed with the explanations of vote which were begun at that meeting.

95. Mr. THORS (Iceland): I should like to ask the President whether it would be in order for me to deal with the amendments which have been submitted by my delegation, or whether I should first explain my vote.

96. The PRESIDENT: It is in order for the representative of Iceland to deal with the amendments submitted by his delegation.

97. Mr. THORS (Iceland): The Icelandic delegation has the honour to present three amendments [A/L.166] to the draft resolution adopted by the First Committee on the Tunisian question.

98. The first refers to the third paragraph of the preamble of the draft resolution recommended by the First Committee. That paragraph is somewhat controversial and was so regarded in the First Committee. We therefore wish it to be deleted.

99. Our second and third amendments refer to the two operative paragraphs of the First Committee's draft resolution. The Icelandic delegation proposes the substitution for these two paragraphs, which were regarded as controversial in the First Committee, of one single paragraph which would read as follows:

"Recommends that negotiations between France and Tunisia be undertaken to ensure the realization by the people of Tunisia of their right to self-determination."

In proposing this amendment, my delegation is again seeking to avoid controversial issues which arose in the First Committee. Furthermore, if the amendment were adopted, the Secretary-General would be relieved of the duty of intervening in this dispute and would no longer be under an obligation to report on this question to the General Assembly at its ninth session.

100. These amendments proposed by the Icelandic delegation are presented in a spirit of conciliation. We cannot close our eyes to the fact that two parties are involved in this dispute. The United Nations is bound to show appropriate regard for both parties. We therefore suggest in our amendments that the General Assembly should recommend that negotiations between France and Tunisia should be undertaken.

101. In Article 1, paragraph 2 of the Charter, it is stated that one of the purposes of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". We suggest, therefore, that negotiations between France and Tunisia should ensure the realization by the people of Tunisia of their right to self-determination. Is this not an obligation which we have all undertaken and which, accordingly, we must live up to and respect?

102. The amendments of the Icelandic delegation are presented in a spirit of conciliation, as I have said, and, let me add, in a spirit of humility. We are not, of course, a party to this dispute, but, in common with all other Member States, we have our obligations under the Charter. Furthermore, we fear that repeated frustrations in the United Nations, such as those which we saw recently in the case of Morocco, will unavoidably cause many people throughout the world to lose their faith in the Organization and thus undermine its prestige, power and strength. If those peoples of the world who are not content with their status, their share in life, and their present or future prospects, find that they have nothing to seek from the United Nations, they will, in the course of time, seek the realization of their aspirations in some other way, and will most likely obtain what they want in a manner which will be much more costly in lives and property to the parties concerned, and to many others, than would be the case were the peaceful channels of the United Nations to prove constructive and successful.

103. Our amendments are proposed in an effort to obtain a majority for a weak resolution which may, however, lead to strong, positive and constructive results, and they are submitted with regard and respect for both parties to the dispute. If we act in that spirit, the United Nations can, in this case as in others, render helpful and constructive assistance.

104. Mr. BAKR (Iraq): The questions of Morocco and Tunisia were submitted for the consideration of the General Assembly because the situation which has prevailed during the last year in those countries has given rise to great apprehension and anxiety in many countries. These two questions were brought before this Assembly also because of the hope in, and the high regard for, what the United Nations stands for as set forth in the Charter. My delegation, like many others, believed that these two problems could be settled within the framework of the United Nations and that there was ample opportunity to avoid bloodshed and the recurrent massacres which have been the fate of Morocco and Tunisia in recent years.

105. If the Assembly keeps silent after so many weeks of deliberations, and after the seriousness of the situation has been presented to it by many delegations, the only conclusion which the suffering peoples of Morocco and Tunisia—and, for that matter all peoples who seek and strive for the peaceful settlement of their disputes—can reach is that this Organization is either incapable of living up to its ideals or that only anarchy and bloody resistance are capable of solving these problems. Fourteen hundred years ago the second caliph, Omar ibn al-Khattab, said: "Who gives you the right to enslave people when their mothers delivered them free?" The freedom of people was not established by the Charter of the United Nations. Humanity has striven for liberty and for freedom from time immemorial. The United Nations Charter is but an echo of these immortal voices. If the provisions of the United Nations Charter are now to be ignored by a number of great or small nations, the fight for liberty will continue without their support or co-operation.

106. It is extremely discouraging and disheartening to see that this Organization is regarded as a tool for furthering the interests of certain Powers. Only problems which fall within the orbit of what these Powers regard as of interest to themselves are permitted to be handled effectively by this world organization. Basic and fundamental principles cannot be twisted around every day without doing lasting and incalculable damage to world harmony and the concept of justice and freedom in the world. The Assembly, by taking no stand whatsoever on such burning questions, indicates that all who entertain any hope for reaching an agreed and peaceful settlement must look for other means.

107. Surely, if these two countries are left to fall into the throes of boundless revolution, this Organization will stand, as it does now stand, responsible for the consequences. For this present apathy those Powers will be held responsible which have, either directly or indirectly, brought this sorry situation into being.

108. The present situation may satisfy France and also give gleeful satisfaction to the avarice of foreign colonists in these two territories. It may even serve the short-term interest of alliances and international groups. But behind these alliances and these groups,

we are told, exists a moral and ideological concept. These ideals and concepts could not be defended in isolation from other problems of a similar character throughout the world.

109. Some Powers have accused the Arab countries of, in general, adopting negative attitudes towards international problems. But it has been demonstrated repeatedly, as it is demonstrated now, that these same Powers are avoiding any positive stand on questions involving the lives of millions of peace-loving people.

110. The conclusions reached by the First Committee were not the outcome of intransigence or the narrow view of one side alone. They were based on all the points of view which were expressed in the debate. They were flexible and realistic. Is the General Assembly, then, to deal a blow to that spirit of compromise which permeated the discussions in the First Committee? The matter is now before the Assembly. One tragic situation was allowed to develop when the Assembly was not able to adopt a resolution on the question of Morocco. Everyone agrees that this negative attitude in no way reflects the feeling of the Assembly. Yet an appearance of unconcern unfortunately has been created. Every effort was made to avoid hard words and to tone down considerably the provisions of the draft resolution on the Tunisian question. The draft resolution [A/2530] with the proposed amendments [A/L.166] represents only a part of what is the right of the Tunisian people. We advocate it in a spirit of compromise and conciliation.

111. We cannot believe that it is the desire of the General Assembly to stifle the just claims of the Tunisian people through virtual deletions of substantive parts of a mild and fair draft resolution. Surely we should be guided by some measure of consistency. If, one day, the Assembly proclaims that the violation of the rights of certain people to independence justifies United Nations intervention by force, it cannot on another day stifle even a pious hope for the attainment of freedom and independence of other people somewhere else. Nothing is more calculated to weaken this Organization and faith in the great Powers than this disparity of concern with questions essentially and fundamentally similar. We sincerely hope that the General Assembly will adopt the draft resolution before it, so that the North African people will not feel utterly disillusioned and completely let down.

112. Mr. URRUTIA (Colombia) (*translated from Spanish*): I wish to say a few words about the amendment submitted by the representative of Iceland [A/L.166]. The deletion of the third paragraph of the preamble would certainly eliminate the assertion, which many of us consider inopportune, that the objectives set forth in resolution 611 (VII) of 17 December 1952 have not yet been achieved, but the fourth paragraph, which likens the territory of Tunisia to an independent State, would still stand. That is a status which Tunisia may acquire in the near future, but which at present is merely a hope and not a reality. However, in our opinion the most delicate part of the Icelandic amendment is the paragraph recommending "that negotiations between France and Tunisia be undertaken to ensure the realization by the people of Tunisia of their right to self-determination".

113. If we were to agree to that wording, we should be going much further than last year, since in res-

olution 611 (VII) we confined ourselves to urging the parties concerned "to conduct their relations and settle their disputes in accordance with the spirit of the Charter". There is a great difference between urging the parties to bear the spirit of the Charter in mind and recommending that negotiations should be undertaken to ensure the realization of a people's right to self-determination. As in the case of Morocco, I wish to say that in discussing this draft resolution we do not wish to embark on an examination of any rights which the Tunisian people may have.

114. We believe, moreover, that, whatever those rights may be, this Assembly is not competent to pass judgment on them. And those of us who believe that Article 2, paragraph 7, of the Charter precludes the Assembly from examining such problems feel constrained to oppose both the second amendment and the draft resolution itself; for we consider that the United Nations is not competent to make recommendations on a matter which, in our view, concerns France and Tunisia alone. For these reasons, we feel bound to cast a negative vote.

115. Mr. MUÑOZ (Argentina) (*translated from Spanish*): The question of the General Assembly's competence has been raised at various stages of the discussions on this matter, and also during the debates concerning the Moroccan question. Article 2, paragraph 7, of the Charter has been invoked in this context.

116. The Argentine delegation contends that that provision is, in a general manner, of strict and absolute application. It is of strict application because it serves as an express guarantee against intervention by the Organization in the domestic affairs of its Members. The Charter is a legal instrument which imposes certain obligations on the contracting parties, and likewise grants them certain rights. Since this Organization was founded on the principle of the sovereign equality of all its Members, it could not but adopt the fundamental adjunct inseparable from sovereignty, and it consequently incorporated the provision which prohibits any intervention by the United Nations in matters which are essentially within the domestic jurisdiction of a State.

117. It has been said on many occasions that the present tendency is to widen the domain governed by international law. Such an affirmation is correct, but the same cannot be said of the conclusion which some draw from it when they maintain that the domain reserved to domestic jurisdiction is daily becoming more restricted. We recognize the changes which have supervened, but we cannot evaluate them by arithmetical formulæ. On the contrary, we believe that the possibility of intervention arouses, in the complex international relations of the present-day world, the most stubborn resistance on the part of those who view the new manifestations of this tendency with misgivings; for past experience has created, in every corner of the globe and in every age, a resentment which it would be very difficult to eradicate.

118. This consideration accounts for the modification introduced in this provision of the Charter at the San Francisco Conference, when the term "solely" was replaced by the more restrictive word "essentially", which appears in the final text. Furthermore, Article 2, paragraph 7, is, in our opinion, of absolute application, because it states categorically that nothing con-

tained in the Charter shall authorize the United Nations to intervene. The restriction therefore extends to any and all of the provisions of this international document. It follows, therefore, that all the principles of the Charter must be applied by the organs entrusted with their implementation, with due respect for the limits of domestic jurisdiction.

119. The power to undertake studies, to promote action by the United Nations in the various spheres of its competence, and to make recommendations, must be subject to this restrictive clause. Even so, the scope of the Organization's activities is vast, and the United Nations greatly contributes to progress in matters within its competence. If we accepted the contrary view, then, quite apart from the objections we have already stated, we should have to admit that we had created a supra-national authority which might finally set itself up as a supreme tribunal and so frustrate the free expression of the distinctive characteristics of each people. We emphatically do not believe that such was the intention of the authors of the Charter at San Francisco. Quite the contrary; we firmly believe that the lofty principles of the document which unites us will be carried out only through co-operation in seeking solutions of international problems of an economic, social, cultural and humanitarian nature, thus building this Organization into a centre for harmonizing the efforts of the nations in the attainment of those common objectives.

120. From what I have said it is clear that the United Nations may, in our opinion, deal with a question only when such a course is permissible under the provisions of Article 2, paragraph 7, of the Charter. The rule does not apply when there is clear and conclusive evidence that the question at issue is not within the domestic jurisdiction of any State. And that leads us to consider the Tunisian case in the light of this provision of the Charter. In this connexion, my delegation feels that neither the San Francisco discussions, nor the historical background or wording of Article 2, paragraph 7, of the Charter, nor even the authorities on the subject, allow of the conclusion that the provision extends to territories which have not reached a full measure of self-government.

121. We believe that the prohibition of intervention in matters within the domestic jurisdiction of a State is founded on sovereignty, which belongs exclusively to the people. When a people is not fully free to exercise its sovereign rights, there can be no question of domestic jurisdiction within the meaning of Article 2, paragraph 7. Otherwise we would constantly be infringing that provision in applying Chapters XI and XII of the Charter, since if we accept the interpretation of the administering Powers themselves, they exercise sovereignty over Non-Self-Governing Territories as well as over Trust Territories.

122. My delegation wishes to reaffirm its attitude on this matter, which is that legal sovereignty in such cases is vested in the international community so long as the inhabitants have not achieved self-government or independence. Sovereignty, as is clear from the Preamble of the Charter, rests with the people, which must be regarded as a collective entity and not as a group of isolated individuals, since international public law does not recognize individuals.

123. For all these reasons, we are of the opinion that the General Assembly is competent to deal with the

Tunisian question, as this does not involve intervention within the letter or the spirit of Article 2, paragraph 7, of the Charter.

124. Having thus stated our position regarding the question of competence, I now wish to refer briefly to the substance of the question.

125. First, the fact that the competence of the Assembly is recognized does not necessarily imply that recommendations have to be made. Without questioning the General Assembly's right to make recommendations in this case, even when competence has been proved beyond all doubt, it is still worth considering whether a resolution is politically opportune.

126. Secondly, even if it is opportune to adopt a resolution, the General Assembly must nevertheless exercise its powers with the greatest possible caution, bearing in mind the particular circumstances of the question at issue. All we can do is to formulate recommendations, and this means that these recommendations, which have great moral weight, will have practical effects only if there is a certain degree of acceptance, explicit or implicit, total or partial, by the parties directly concerned.

127. Thirdly, the Argentine delegation attaches paramount importance to conciliatory action, as opposed to unilateral expressions of opinion which, in spite of the best intentions, frequently ignore the complicated circumstances of the problems under discussion.

128. Fourthly, the extent to which these complex factors become apparent corresponds to the viewpoints adopted, which may vary considerably as, in the last resort, even the most objective analysis cannot be entirely free from that subjectivity which is ever present in political relations.

129. Fifthly, our vote in each case reflects our assessment of the political aspects of the problem under discussion; it is influenced by the position adopted by the Assembly in refusing to take a decision in respect of the similar problem of Morocco.

130. The sixth and last point is that the future of such questions will depend, in our opinion, not only on the course of action which the United Nations may adopt to ensure observance of the sacred principle of self-determination of peoples, but also on the efforts of the peoples themselves in seeking to fulfil their national aspirations, particularly their advancement towards self-government and the achievement of that social justice without which no true sovereignty can exist.

131. Mr. DU TOIT (Union of South Africa): I take this opportunity to explain that my delegation is opposed both to the draft resolution submitted by the First Committee and to the amendment which is now proposed. The reasons for our opposition were fully stated in the Committee, reasons which we base on paragraph 7 of Article 2 of the Charter. We shall therefore vote against both the draft resolution and the amendment, and we shall, moreover, vote against every paragraph of the draft resolution if the paragraphs are put to the vote separately. We shall do so, as, in fact, we did in the Committee, no matter what each paragraph may state, because we are opposed to the context and the purpose for which the paragraph is here being used.

132. I would recommend similar action to those of my fellow representatives who would prefer that no

resolution should be passed on the question of Tunisia. I do so with the more emphasis because of an attempt which, in spite of the ruling of the President, was made in this Assembly last week [455th meeting] on the question of Morocco, when, in order at least to obtain some resolution relative to the subject of Morocco, an attempt was made to convert into a substantive motion the skeleton of the preamble which remained of the original draft resolution after this Assembly had seen fit to pass no resolution relative to that subject.

133. Mr. NUÑEZ PORTUONDO (Cuba) (*translated from Spanish*): My delegation's position with regard to the Tunisian question was explained by our Minister for Foreign Affairs, at the beginning of the last session of the General Assembly [379th meeting], and repeated by me at the present session in the First Committee [640th meeting] during the debate on Morocco.

134. The Government of Cuba believes that the members of the Assembly are unanimous in declaring that the right of peoples to self-determination is an ideal to be attained through great efforts. We consider that point to be beyond dispute. It is inscribed in the Charter and, so far as Cuba is concerned, it is an historical tradition, for the Cuban people struggled for many years to achieve its independence.

135. But we want to see how some useful objective may be attained. When the Moroccan question was being discussed, I said that we thought it inadvisable for the United Nations to lay down laws it could not afterwards enforce. Such a method would merely disillusion the peoples concerned. General Assembly resolutions and agreements would be published in the newspapers and could not later be carried out in practice; as a result, instead of being encouraged, the peoples would become discouraged. It therefore seemed to me to be much more practical and expedient to adopt resolutions which would gradually have the effect of rallying, by persuasion, the approval of France which, by virtue of the existing treaties with Tunisia and Morocco, is in a truly extraordinary legal position which cannot be changed otherwise than by persuasion.

136. Consequently, last year, together with Brazil, we proposed the draft resolution which was approved by a large majority and which became resolution 611 (VII) of the General Assembly.

137. The Cuban delegation considers that this resolution is not only in force, but fully in force. Since the position has not changed, neither the draft resolution adopted by the First Committee nor the amendment proposed by the representative of Iceland is as complete as resolution 611 (VII). They limit and alter, instead of extending its application. It follows that we see no advantage, to the people of Tunisia or to the Assembly, in our voting in favour of either of the texts now before us. For these texts would not enable us to achieve anything. They would not enable us to achieve independence or self-government for the people of Tunisia, and, if they were adopted, international opinion would again be given the spectacle of a resolution which the United Nations had promulgated and had later been unable to enforce.

138. The Cuban delegation is convinced that the French Government will be able rightly to appraise

the signs of the times, and that it will fully understand that the situation in Tunisia, as in Morocco, cannot remain indefinitely as it is at present. It feels sure that the French Government will hasten, in accordance with resolution 611 (VII) adopted by the Assembly last year, to continue negotiations to bring about an agreement which will result in the final recognition of the self-government, and later of the independence, of the Moroccan people.

139. For these reasons, the Cuban delegation will vote against the draft resolution recommended by the First Committee and against the amendments proposed by the Icelandic delegation.

140. Mr. TAKIEDDINE (Lebanon) (*translated from French*): My delegation, having supported the draft resolution now before us in the First Committee, considers the amendments submitted by Iceland acceptable as a minimum. It will vote for them in a spirit of realism and conciliation.

141. We hope that the fact that negotiations between France and Tunisia are contemplated will allay the fears of certain delegations and induce them to support the draft resolution as amended.

142. My delegation would not, however, wish to let this opportunity pass without renewing its appeal to France to stretch out its hand to the most genuine and most authoritative representatives of Tunisia so as to reach an agreement with them which would re-establish public liberties in Tunisia and guide that country towards self-government. We confidently hope that this appeal will be heard by the country which was the first to proclaim the rights of man.

143. Mr. NAJAR (Israel) (*translated from French*): My delegation had an opportunity in the First Committee of explaining why it considered that the draft resolution submitted by certain Asian and African Powers did not meet present requirements. It does not intend to repeat them. The question which arises here in the General Assembly is not, in our opinion, that of the right of the Tunisian people to self-determination. That right, which my delegation respects, is not at issue. The real question which we have to settle now is, we believe, what the Assembly must do, within the limits of international law, in order to promote and not to compromise the chances of a peaceful settlement between France and Tunisia which will take account first of all of the legitimate aspirations of the Tunisian people.

144. Last December, my delegation, in company with many others, advocated negotiations between the interested parties as a serious effort towards understanding. After several difficult months, it is now generally known that conversations are proceeding between M. Pierre Voisard, the new French Resident-General in Tunisia, and His Highness the Bey of Tunis. The declared object of these conversations, which is proclaimed and accepted publicly by both parties, is, *inter alia*, the fulfilment of the legitimate aspirations of the Tunisian people and the development of Tunisian institutions within the framework of Tunisian sovereignty. These terms are taken from the actual statements made by M. Pierre Voisard and His Highness the Bey of Tunis.

145. Press agencies inform us also that the initial stages of these discussions have recently been followed by specific measures of conciliation such as the return

to the civil authorities of control of the police, the suppression of censorship, the raising of the curfew in areas where it applied, and the liberation of the first group of political detainees.

146. In these circumstances, and while reaffirming our whole-hearted support of General Assembly resolution 611 (VII) of 17 December 1952, my delegation does not think that the Assembly would be well advised to adopt, at the present session, a resolution or amendments recommending once again the establishment of contact between the interested parties, whereas those parties have in fact already established contact and conversations appear to be proceeding favourably.

147. For these reasons of fact, my delegation will vote against the draft resolution and the amendments to it, without thereby implying that it adopts a negative position towards the principles contained in them and without committing itself for the future.

148. The PRESIDENT: We shall now proceed to the vote on the draft resolution submitted by the First Committee [A/2530] and the amendments thereto submitted by Iceland [A/L.166]. I shall put the amendments to the vote first.

149. The first amendment calls for the deletion of the third paragraph of the preamble.

The amendment was adopted by 39 votes to 4, with 10 abstentions.

150. The PRESIDENT: I shall now put to the vote the second amendment, which calls for the substitution of the following text for paragraph 1 of the operative part:

"Recommends that negotiations between France and Tunisia be undertaken to ensure the realization by the people of Tunisia of their right to self-determination."

A roll-call vote has been requested.

A vote was taken by roll-call.

Honduras, having been drawn by lot by the President, was called upon to vote first.

In favour: Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala.

Against: Honduras, Israel, Luxembourg, Netherlands, Nicaragua, Panama, Paraguay, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Colombia, Cuba, Dominican Republic, Ecuador, Haiti.

Abstaining: New Zealand, Peru, Turkey, United States of America, Venezuela, Brazil, Canada, Chile, Costa Rica, El Salvador, Greece.

The result of the vote was 32 in favour, 16 against, and 11 abstentions.

The amendment was adopted, having obtained the required two-thirds majority.

151. The PRESIDENT: I shall now put to the vote the third amendment, which proposes the deletion of the last paragraph of the draft resolution.

The amendment was adopted by 39 votes to 4, with 10 abstentions.

152. The PRESIDENT: I shall now put to the vote the draft resolution proposed by the First Committee [A/2530], as amended. A roll-call vote has been requested.

A vote was taken by roll-call.

Peru, having been drawn by lot by the President, was called upon to vote first.

In favour: Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan.

Against: Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, Nicaragua, Panama, Paraguay.

Abstaining: Peru, Venezuela, Argentina, Brazil, Canada, Chile, Costa Rica, El Salvador, Greece, New Zealand.

The result of the vote was 31 in favour, 18 against, and 10 abstentions.

The draft resolution was not adopted, having failed to obtain the required two-thirds majority.

153. Mr. LODGE (United States of America): The United States favours the ideal of self-government. We believe that negotiations between the French and the Tunisians are the best approach to the solution of this question. We believe the General Assembly should encourage such negotiations and, at the very least, not discourage them. Resolutions which exacerbate the relations between the French and the Tunisians are not calculated to further the objective of bilateral negotiations and therefore, in our view, tend to defeat their proper purpose.

The meeting rose at 1.5 p.m.