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President: Prince WAN WAITHAYAKON
(Thailand).

AGENDA ITEM 56

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council (continued)*

1. Mr. SHTYLLA (Albania) (*translated from French*): The draft resolutions before us [A/3446 and A/3468] raise a very important problem. The proposals for increasing the membership of certain organs of the United Nations and, in the first instance, the number of non-permanent members of the Security Council, directly affect the Charter and constitute amendments thereto.

2. According to the text of the draft resolutions and to the explanations given by some of the sponsors, an increase in the membership of these organs has become necessary in consequence of the admission of a large number of new Members to the United Nations. It is reasonable, so it is contended, that this important event in the life of the United Nations should be reflected not only in the membership of the General Assembly but also in that of other United Nations organs, especially the Security Council, the principal organ of the United Nations responsible for the maintenance of international peace and security. One way of adjusting the Security Council to this new situation, it is said, is to increase the number of its non-permanent members.

3. The delegation of the People's Republic of Albania has no objection in principle to the idea underlying these proposals, particularly since a large number of countries of Eastern Europe, Asia and Africa have been admitted to the United Nations in the past year or more. Our attitude is determined, however, by certain considerations which I shall venture to explain to the Assembly.

PLENARY MEETING 624th

Tuesday, 18 December 1956,
at 3 p.m.

New York



4. In our view, any enlargement of United Nations organs must be subject to the fulfilment of two fundamental conditions: first of all, that the provisions of the Charter are respected, and secondly that the rights of Member States are safeguarded. The Charter is the Constitution of the United Nations, and the Members have solemnly undertaken to respect it.

5. We cannot, however, ignore the fact, as revealed by the experience of the past ten years, that certain Powers, in pursuing the aims of their policy of proceeding from "positions of strength", have repeatedly violated the basic provisions of the Charter. The list of such cases is, unhappily, a long one. I wish to mention only a few of the more recent examples. Thus, contrary to the principle of the universality of the United Nations and on no grounds whatever, the United States and a few other countries continue to refuse admission to the Mongolian People's Republic, an independent sovereign State which fulfils all the conditions required for admission to membership of the United Nations.

6. Secondly, I might quote another instance. In violation of the provisions of Article 23 of the Charter and of the gentleman's agreement concerning the distribution of non-permanent seats in the Security Council, the Philippines has been allotted a seat which was reserved for an Eastern European country; this constitutes not merely unwarranted and intolerable discrimination against a whole group of countries, but also an affront to common sense in the shape of an attempt to pass off the Philippines as an Eastern European country.

7. Furthermore, who can forget the attitude of the United States and certain other countries which, in the teeth of reality and the provisions of the Charter, persist in denying its lawful rights in the United Nations to the great Chinese people, whose seat is occupied by people who represent no one. China is a permanent member of the Security Council and as such has its own rights and duties under the Charter. For years the effectiveness of the Security Council has been impaired by the fact that China is not represented. When I say "China", I mean the Chinese people of 600 million human beings and its People's Republic directed by the Central People's Government, not the wreck which was washed ashore on Taiwan. There is only one China: the People's Republic of China, which exists, which acts as a great world Power with increasing and unquestionable international authority, and which is making great strides along the road of progress and well-being.

8. Neither the intrigues of "China lobbies" nor procedural stratagems can prevent the People's Republic of China from taking its place in the United Nations. Its speedy admission would be of benefit first of all to the United Nations, and secondly to the cause of peace and international co-operation.:

* Resumed from the 622nd meeting.

9. How can the great problems which engage the United Nations and all mankind be solved without the participation of the People's Republic of China? How, for example, can the matter before us, namely, the amendment of the Charter, be settled without the participation and consent of the People's Republic of China? Article 108 of the Charter makes it a *sine qua non* that amendments to the Charter shall be ratified by all the permanent members of the Security Council. How can the Charter be amended while the People's Republic of China is prevented from performing its functions in the Security Council and in all other United Nations organs? There is only one way out of this impasse: the immediate restoration to the People's Republic of China of its lawful rights in the United Nations.

10. The Albanian delegation, jealous of respect for the Charter and convinced that any delay in solving the problem of the Chinese people's representation in the United Nations is harmful to the cause of the United Nations, will vote against any amendment of the Charter for so long as the People's Republic of China remains deprived of its rightful place in the United Nations and unable to perform the functions conferred on it by the Charter as a permanent member of the Security Council.

11. A further consideration that decisively influences our attitude in regard to an increase in the membership of United Nations organs is that the rights of individual Member States or groups of Member States must be respected.

12. With regard to increasing the number of non-permanent members of the Security Council, we must take care to observe the principle of equitable geographical distribution, laid down in Article 23 of the Charter. It might be objected that at the present stage we are merely considering an increase in the number of the non-permanent members of the Security Council, and that the composition of the Council is a separate problem. In one sense this objection is valid; but in practice, in view of the situation which has prevailed for years in the election of the non-permanent members of the Security Council, the two problems cannot be separated.

13. I do not wish to enlarge on facts which are known to all representatives. It cannot, however, be ignored that in 1946, pursuant to the principle of equitable geographical distribution, a gentleman's agreement was concluded under which one non-permanent seat in the Security Council was allotted to the countries of Eastern Europe. Such an agreement was in conformity with the provisions and purposes of the Charter.

14. We still consider it very important that groups of countries belonging to different geographical regions should be represented on United Nations organs, and particularly on the Security Council. In this way the effectiveness of the Security Council would be enhanced and the rights of Member States would be safeguarded. It must be acknowledged that this principle has been regularly respected with regard to the groups of countries which were defined when the United Nations was established, except in the case of the Eastern European group.

15. So far as the last-mentioned group is concerned, the gentleman's agreement has not been respected. The Philippines has now been elected in flagrant violation of the provisions of the Charter. Thus the countries of Eastern Europe have wrongfully been deprived of

their right to one non-permanent seat in the Security Council.

16. All the countries of Eastern Europe are now Members of the United Nations. Four of them—including the People's Republic of Albania—were admitted last year. Whether considered as a geographical region, or on the basis of the number of countries, or on that of population, this group is fully entitled under the fundamental provisions of the Charter to a non-permanent seat in the Security Council. Does the draft resolution before us guarantee this lawful right of the countries of Eastern Europe? It is impossible to say, for it is not mentioned in any of the provisions.

17. The experience of past years, and the example of last week's election, oblige our delegation to approach this problem with great caution. We consider it essential that, when the problem of increasing the number of non-permanent members of the Security Council and other important United Nations organs is raised, the rights of the countries of Eastern Europe, including my own, should be expressly and specifically assured.

18. In these circumstances, the delegation of the People's Republic of Albania considers it an indispensable preliminary to a positive solution of the problem of increasing the membership of United Nations organs that the lawful rights of the People's Republic of China should first be restored, and that the equitable geographical distribution required by the Charter should be guaranteed.

19. Sir Percy SPENDER (Australia): The item before the Assembly is of very great significance, not only to those Members that are now for the first time participating fully in the work of the United Nations, but also to the uninterrupted representative functioning of the Security Council, the body charged under the Charter with the primary responsibility for the maintenance of international peace and security.

20. Here I should like, on behalf of my delegation, to congratulate all the sponsors of this item for their commendable initiative in proposing the inclusion of this item in the agenda of this session of the General Assembly.

21. It seems to my delegation that there are three important and related questions before us. The first is to increase the number of non-permanent members of the Security Council, and the second is to increase the number of votes required for decisions of the Council. The third, and by no means unimportant problem which, although not formally mentioned in the documentation before us, is implicit in the views of every Member on this item, is to come to some agreement on the equitable distribution of the seats of the non-permanent members, in accordance with Article 23 of the Charter.

22. I should like briefly to set forth the views of the Australian delegation on the problems I have just mentioned.

23. At the San Francisco Conference, in 1945, very considerable thought was given to the size of the Security Council. The number finally agreed upon—eleven—had in mind the practical advantage of its being small enough to permit efficient working. This was done for an important reason. Under the Charter, the Security Council is required to take speedy action—though often it may not do so—on threats to or breaches of the peace, and a larger number might have

hindered the Council in coming to decisions if it were otherwise disposed to do so. The founders of the Organization clearly foresaw that there would be some increase in the membership of the Organization, but they could not, I think, have envisaged a situation where in 1956 there would be nearly 30 more Members than in 1945.

24. In most cases it was possible for the few Members admitted until last year to be accommodated within the existing distribution of the non-permanent seats. Now, however, I believe it will be generally admitted that there must be some readjustment and expansion to meet the legitimate aspirations of the new Members.

25. My delegation has for some time past been conscious of the growing inequity in the number of non-permanent seats on the Council, particularly as it relates to the Asian area. States well qualified to contribute their special services to the Council's proceedings, such as Burma and Australia's nearest neighbour, Indonesia, have through no fault of their own have been unable so far to secure election to the Council.

26. This state of affairs has grown more acute with the admission of nineteen new Member States from Europe and Asia. Today [623rd meeting] we welcomed the twentieth new Member in the last twelve months and our eightieth Member—Japan—also from Asia. And may I say here what satisfaction it gives the Australian Government that this has come to pass and that Japan, whose membership we have supported at all times since its first application, is now a Member of this Organization. I agree with the representative of India that room should be made for more adequate representation of Asian countries.

27. The Australian Government therefore believes that it is timely that the Assembly proceed now to the expansion of the membership of the Security Council. For, although the new Members are free to express their views in this body and all its committees, there must inevitably be a sense of disappointment and frustration at the denial of opportunity to serve on the permanent Councils of this Organization. In some way, I am sure, the sum of the privileges, opportunities and responsibilities which go to make up membership of the United Nations remain unfulfilled until the way is open for such service.

28. In this connexion I would stress that very heavy responsibilities do rest upon all the members, both permanent and elected, of the Security Council. In the past eleven years, the Council has dealt with a number of grave crises affecting international peace and security. On one occasion, responding to the call of the Security Council, the United Nations took up arms to repel aggression in Korea.

29. The decisions of the drafters of the Charter regarding the criteria for membership of the Council have in retrospect proved, I think both wise and prudent. Article 23 of the Charter, which we now are considering amending, states:

“The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security . . .”.

30. I think it will be generally conceded that the non-permanent Commonwealth seat on the Security Council fully qualifies under the terms of this Article.

31. After considerable thought and examination, the Australian Government has come to the conclusion that the soundest and best solution would be to increase the number of non-permanent seats on the Council from six to eight. The Australian delegation will therefore support the relevant section of the draft resolution which has been put before us by twenty delegations [A/3446].

32. An increase of two would, in our opinion, provide additional representation for the States of Western Europe, whose gifts to the economic, political and cultural life of all the Members of this Organization have been so considerable. It would also provide an additional seat for all the countries of Asia and Africa, without whose voice and opinion our counsels cannot be complete. Many of our most important international problems have had to do with Asia, and it would at the very least be unwise not to heed the voice of Asia.

33. I might point out that we have not in the past been deprived altogether of Asian representation. Two Asian members of the Commonwealth have served on the Security Council by means of the Commonwealth seat. As time goes by, we can expect other members of the Commonwealth from Africa and Asia to join us. In the not too distant future, well over half the time the Commonwealth seat on the Security Council will be occupied by an African or an Asian member.

34. I should now like to turn to the second of the problems before us: the question of increasing the number of votes required for decisions of the Council. The draft resolution before us proposes that, consequent upon the expansion of the Council to thirteen, we should increase from seven to eight the number of votes required for procedural and substantive decisions of the Council.

35. The Australian delegation has some doubt whether there is any real need for this consequential amendment of the Charter. It may be argued that it is logical to increase the majority required for such decisions as a result of the increase in membership foreshadowed. But is this sound? If the present majority required, namely seven, is retained, that would be a majority of the increased membership. In our view and experience, it has in the past proved difficult, to say the least, for the Council to come to decisions. Would not a required majority of eight make it more difficult in future?

36. The last issue I should like to mention is the absolute necessity of coming to agreement as soon as possible upon a new watertight agreement which would indicate the distribution of the eight non-permanent seats. I have already indicated the way the Australian Government believes the proposed two new seats should be allocated, it being clearly understood that the existing distribution of seats as agreed upon in London in 1946 would remain unaltered.

37. It seems to me that, if we want to obtain the speedy ratification of this Charter amendment, as I believe we do, by two-thirds of the Members of the Organization, including the five permanent members of the Security Council, it is in all our interests to come to some agreement on the distribution of the seats before we come to a vote on this item. We would therefore urge the States most concerned to use their influence in coming to some speedy and satisfactory arrangement.

38. With this reservation, my delegation warmly supports operative paragraphs 2 and 3 of the draft reso-

lution before us. We hope that we can take action on the election of new members of the Council in implementation of this item at the next session of the General Assembly.

39. One last word. We believe that it would be detrimental to a proper and efficient working of the Security Council if we were not to come to some agreement on the item before us as soon as possible. We hope, therefore, that our deliberations may be completed with businesslike celerity. Moreover, it would be a gross injustice to the new Members of our Organization and it would put a severe strain on the existing arrangements for the distribution of seats if we were to defer this item.

40. It therefore came as a surprise to my delegation to hear the representative of the Soviet Union say yesterday [621st meeting] that the Communist Chinese representative should be seated in this Organization before we proceeded to enlarge the non-permanent membership of the Council. As a State which has professed friendly relations with the States of Africa and Asia, I wonder whether the Soviet Union has not again misjudged grievously the temper and feeling of the new Member States. This Soviet move is a form of pressure tactics. I believe the question of Chinese representation is irrelevant to the present issue before us.

41. I would suggest that we ignore the Soviet threat, come to a decision on this issue and wait to see whether the Soviet Union will in fact, contrary, I am sure, to the overwhelming wishes of this Assembly, fail to ratify this Charter amendment and, by so doing, in effect, add one more veto to its already large score.

42. Mr. PINARD (Canada): We have before us a very important draft resolution submitted by twenty delegations [A/3446]. It is important, because my delegation considers the Security Council to be a body of paramount interest to the United Nations, in spite of the frustrations in the way in which it has had to operate during the past eleven years. For this reason, any amendment to the Charter which affects the operation of the Security Council has to be examined by this Assembly with very great care.

43. The sponsors of this draft resolution have very competently explained the reasons for suggesting an expansion of the Security Council, and I need hardly repeat them here. There is little doubt in my mind that certain areas of the world would be inadequately represented in the Council unless some expansion were approved.

44. The composition of the United Nations has changed radically, not only since the admission of twenty new Members in the last year, but since the creation of the United Nations at San Francisco. The Canadian delegation has long felt that the countries of Asia were inadequately represented in the Security Council. One of the more desirable effects of the expansion proposed in the draft resolution before us would be a more satisfactory representation for that area.

45. At the same time, it would be improper not to recognize that a large increase in the number of European Members also requires an improvement in their representation in the Council, if Europe is to be properly represented.

46. It is our understanding that a reasonable allocation of the non-permanent seats in the Security Council in rough proportion to the countries Members of the United Nations should, under the new dispensation, provide an additional seat for Asia and also an addi-

tional seat for Western Europe. It would also be our understanding that, in the allocation of the original non-permanent seats, the Assembly would give full effect to the original arrangement under which those seats were to go to Eastern Europe, the Commonwealth, Latin America, Western Europe and the Middle East and Africa.

47. I do not want to suggest that the sole criterion for electing countries to the Security Council is equitable geographical distribution. We must, in the opinion of my Government, continue to pay due regard to the contribution of Members of the United Nations to the maintenance of international peace and security and other purposes of this Organization as laid down in Article 23, paragraph 1, of the Charter. I think that regional considerations and the so-called functional considerations are both taken care of in the distribution of seats which I have mentioned. I agree with the representative of the United Kingdom that some formal arrangement or agreement is required setting out this allocation. The Canadian delegation would certainly respect an agreement providing for this division of seats, and I hope that other delegations would also be able to support it.

48. We cannot deny the reasonable expectations of any given group of countries—Members of this Organization—to adequate representation on a continuing basis in the major organs of the United Nations. We may strongly disagree with the policies of their governments; we may even doubt that some of them have all the attributes required for participation in the United Nations, but, so long as they are Members, we must, in the opinion of the Canadian delegation, accept their right to join in the work of the Security Council.

49. If this draft resolution is adopted, therefore, the Canadian delegation will specifically recognize the existence of an Eastern European seat. In our view, the vote of the Assembly a few days ago in favour of the Philippines to replace Yugoslavia for the remainder of the latter country's term on the Council simply reflected the general opinion that it was the only way to avoid another undignified dispute, and that it was also in accordance with the agreement worked out last year among the majority of the countries concerned. The Canadian delegation, for its part, has never departed in principle from its policy of recognizing the existence of an Eastern European seat.

50. I should like to refer briefly to two of the statements made in this debate. The representative of the USSR implied in his statement [621st meeting] that Soviet support for this Charter amendment would depend, not only upon an agreement regarding the Eastern European seat upon which I have already touched, but also upon a change in the Chinese representation in the United Nations. I think this Assembly as a whole will be deeply offended if a proposal adopted, as I hope by a large majority, is frustrated or long delayed because one Member decides to make its ratification conditional upon the settlement of an altogether different problem. Such an attitude would show little respect for the deep and genuine desire of, for example, the Asian countries for proper representation on the Council.

51. The Canadian delegation has also followed attentively the comments made by the representative of India [622nd meeting]. We do not completely agree with his arithmetic, nor even, in all respects, with his geography, but our main misgiving arises from his

proposal that this question be referred to a Charter review committee or some similar body, before Assembly action is taken. The net result of this would be that nothing would be done for at least another year to begin the process of amending the Charter. After all, if the Assembly should act next year, a second year would elapse before the ratifications could be completed and additional members could actually be elected. We believe that the new Members of the United Nations in areas of the world which are not now represented deserve something better than this.

52. In conclusion, therefore, Canada strongly supports the twenty-Power draft resolution on this subject, and hopes that it will be given overwhelming approval.

53. Mr. PANYARACHUN (Thailand): The delegation of Thailand welcomes the initiative of the Latin American States, together with Spain, in introducing the present item. This initiative is timely, opportune and realistic, considering the situation which now exists. We all know that the composition and membership of the Security Council were agreed upon and embodied in the Charter more than eleven years ago, at the time when the membership of this Organization itself was very much smaller than it is now or will be in the very near future. Now that many new Members have joined our Organization, it is only natural that the membership of the Security Council should be adjusted to the new situation.

54. It is also significant that the new Members have come from many parts of the world, with the exception of Latin America. The fact that the initiative was taken by the Latin American countries therefore is particularly commendable and deserves our appreciation, all the more so since their membership in this Organization remains unchanged and the increase in the membership of the Security Council will not benefit their region, but the regions from which the new Members are drawn. My delegation therefore would not wish to let this occasion pass without commending the altruistic purposes which have led those countries to present the proposal which is now before us.

55. The delegation of Thailand strongly feels that, while the number of the non-permanent members and their distribution among the various groups may have had to be conformed to the needs of the moment, or may have even corresponded to the political equilibrium prevailing at the moment, the same situation cannot be deemed still to exist. On the contrary, the so-called gentleman's agreement reached in London in 1946, which until recently governed the election of the Security Council members, has now outlived both its *raison d'être* and its usefulness.

56. This is so because it no longer corresponds to realities, and thus no longer satisfies the requirements of fairness and justice on which international agreements—either tacit or written—should be based. Because the London agreement has the effect of excluding a number of countries, namely, the countries of Asia in general, with the exception of those of the Middle East and those which happen to be in the Commonwealth, and in particular the new nations of South-East Asia as well as those of Africa—excluding Egypt—from the possibility of representation in the Security Council, it has for some time past defeated its purpose and lost the justification for its very existence.

57. In saying this, we do not intend to lay the blame on the parties to that agreement, since it is a fact that this gentleman's agreement came into existence well

before the admission to the United Nations of the countries which are presently excluded from election to the Security Council. On the other hand, we wish to point out that, in our opinion, it is high time that this agreement was either abrogated, if this has not already been done, or replaced by another which better reflects and is more consistent with present realities.

58. This attitude is taken, not only by those who are directly affected, but also, I believe, by all those who believe in fairness and justice and in the elementary principles governing any form of association. That is to say, that all Members should have not only equal obligations, but also equal rights and privileges.

59. Finally, I am sure we all agree that, from the political point of view and the security point of view, it is not in the interests of the United Nations to exclude the countries of Asia and Africa from representation on the Security Council, for they are as much concerned as anybody else with the peace and security of the world. Furthermore, they in turn can also bring their contribution—however modest it may be—to the maintenance and preservation of such peace and security.

60. If the foregoing points, including the necessity for an increase in the membership of the Security Council, appear to be generally accepted, the questions of the amount of the increase or the countries to which the newly-created seats should go, are far from settled.

61. Finally, the question of the form in which the new distribution of seats should take effect—whether by tacit agreement or in a written clause—has also been raised.

62. May I be allowed to take up first the question of the size of the increase. The twenty-Power draft resolution advocates an increase of two members for the Security Council. This proposal, in our view, appropriately takes into account the important consideration that the Security Council is an organ designed primarily, in the words of Article 24 of the Charter, "to ensure prompt and effective action by the United Nations . . . for the maintenance of international peace and security". Therefore it cannot be too large a body, which might engage in long-drawn-out discussions and deliberations. The Thai delegation concurs, in general, with this argument and with the conception that the Security Council should remain an executive and not a deliberative body. In consequence, its composition should not be such as to make it unmanageable or unwieldy.

63. We cannot, however, overlook the fact that, in this respect, the Security Council has barely lived up to the expectations of the authors of the Charter. In fact, so little action could be expected in cases involving the interests of the permanent members, that a way had to be found to remedy the Council's inaction caused by the veto, and so the General Assembly resolution 377 (V), entitled "Uniting for peace", came into existence. In the course of the recent events, we have had reason to be thankful to the fifth session of the General Assembly and to the author of that resolution, the then United States Secretary of State, Mr. Acheson, for having provided us with the means to deal with grave disturbances of the peace in those cases where the Security Council is incapacitated by the use of the veto. Without such means, the United Nations would have been powerless and would have had to watch conflicts developing before its eyes without even having the opportunity of exerting its great moral pressure, as it has done during the past few weeks.

64. Although it is recognized that the Council's capacity for action has been gravely reduced, the Thai delegation nevertheless is willing to agree that practical failures do not alter the basic character and functions of the Security Council. Consequently, its structure should be such as to allow it to perform the functions originally assigned to it.

65. The practical problem now before us is whether the increase should consist of two members, as proposed in the twenty-Power draft resolution, or of three members, as has been suggested unofficially by a number of delegations. My delegation wishes to keep an open mind on these suggestions. Although, in principle, we cannot see how the difference of one more or less can substantially affect the basic structure of the Council, what it may affect is the equilibrium among Powers; and in this connexion we should like to hear what the permanent members have to say, since the success or failure of this proposal rests mostly, if not entirely, upon them.

66. As regards the question of what regions will benefit from the increase, it is only logical for me to say that those that have been denied access to membership of the Council should be the first to be compensated for the injustice which they have long suffered. This means, of course, the nations of East and South-East Asia and Africa. In normal circumstances, therefore, the new seats should be allocated to them. Whether in practice this can be done is another matter. If other regions, such as Europe, should also claim an increased representation, then an augmentation of three new seats instead of two would be an appropriate and practical way out of the difficulty. At this stage, my delegation would not wish to commit itself to any hard and fast position. Its only desire is to do what it can to facilitate and hasten the solution of this problem, in which other delegations, as well as my own, have the deepest interest.

67. The last important question to be examined is the form in which this change should be effected; in other words, whether it should take the form of a tacit agreement, as heretofore, or whether a specific clause should be introduced in the Charter. In this respect, the Thai delegation's position is not as yet firmly set one way or the other. We are inclined, however, to think that, if the new increase in membership of the Security Council is approved, difficulties such as those experienced at the previous session of the Assembly are not likely to recur, since all the important regions of the world will have a fair and adequate representation in those bodies. However, if certain delegations wish to insist upon guarantees, and if concrete proposals are put forward for including in the Charter clauses similar to those adopted in the Statute of the International Atomic Energy Agency, the delegation of Thailand can promise that it will give such proposals serious and careful consideration.

68. Mr. PALAMARCHUK (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The question of amending the United Nations Charter so as to increase the number of non-permanent members of the Security Council has been brought before the General Assembly because of the admission of new Members to the United Nations, as will appear from the explanatory memorandum sent to the Secretary-General by the Latin American countries and Spain [A/3138]. In the twenty-Power draft resolution [A/3446], too, an increase in the number of non-permanent members of the Security Council is advocated on the ground

that the membership of the United Nations has increased.

69. In their statements on 14 December [620th meeting], the representatives of El Salvador and Venezuela said that the United Nations Charter should be amended under the procedure laid down in Article 108, with a view to increasing the number of non-permanent members of the Security Council, and that that should lead to the effective functioning of the United Nations and to a balanced membership in the main organs of the United Nations. On these grounds, it is proposed that the General Assembly should amend Article 23 of the Charter, which lays down the composition of the Security Council, and also Article 27, which regulates the procedure under which the Security Council makes its decisions.

70. In the view of our delegation, such proposals must be treated with great caution, irrespective of the motives by which they are prompted. The effective functioning of the United Nations and its organs depends not on the review of certain provisions of the Charter, but on the observance of the Charter by all Member States. Our foremost concern, we feel, must be to ensure that all Member States, and above all the permanent members of the Security Council, should act in concert in accordance with the spirit of the Charter, which provides an appropriate basis for harmonious action among States with different social and political systems.

71. In this connexion, we cannot pass over in silence the flagrant violation of the principle of equitable geographical distribution of seats in the Security Council to the prejudice of the Eastern European countries. You are aware that this principle is embodied in the United Nations Charter and is an important factor in the correct composition of the Security Council.

72. On the basis of the principle of equitable geographical distribution, the permanent members of the Security Council concluded a "gentleman's agreement" in London in 1946 to support the election to the Council of candidates proposed by the countries of the five most important areas of the world. Under this agreement, the seats of the non-permanent members of the Council were distributed as follows: two seats for the Latin American countries; one seat for the British Commonwealth; one for the Middle East; one for the Western European countries and one for the countries of Eastern Europe.

73. Let me remind you that from 1946 to 1956 Latin American countries were elected to vacant seats on the proposal of the Latin American group, in the following order: Mexico, Brazil, Colombia, Argentina, Cuba, Ecuador, Brazil, Chile, Colombia, Brazil, Peru, Cuba. During the same years, non-permanent seats on the Security Council were successively allocated to Australia, Canada, India, New Zealand and Australia, on the proposal of the Commonwealth group. The Western European region was represented successively by the Netherlands, Belgium, Norway, the Netherlands, Denmark and Belgium.

74. Since 1952, the non-permanent seat intended for the Eastern European area has been occupied by States not proposed by the group of Eastern European countries. The gentleman's agreement was thus strictly and consistently applied in respect of all countries except those of Eastern Europe. During the last few years, flagrant and totally unjustified discrimination has been practised against those countries. Quite recently the

Philippines was elected to the seat belonging to the Eastern European area, and the Eastern European countries were again victimized by this violation of the gentleman's agreement. What assurance is there that the countries of other areas will not be subject to such discrimination tomorrow?

75. The sponsors of the draft resolution profess to be concerned that "due regard" should be given "to the contribution of Members of the United Nations which are not permanent members of the Security Council to the maintenance of international peace and security and to the other purposes of the Organization". Needless to say, we fully appreciate the desire of certain countries, particularly those of Asia, to ensure due representation in the Security Council, as explained yesterday by the Indian representative [622nd meeting] and today by the representative of Thailand. The countries of Eastern Europe, however, ask for equitable representation on no less valid grounds.

76. For many years, the policy of discrimination excluded many States from the United Nations, which undoubtedly diminished its effectiveness. Owing to the admission of new Members, now numbering twenty European, Asian and African States, the United Nations has an opportunity for acting more effectively, provided, of course, that all its Members act in full conformity with the principles of the Charter and in the interests of genuine co-operation between States, irrespective of the social system to which they belong.

77. If the United Nations was able to defeat the policy of discrimination by admitting twenty new States, why should this policy still be applied when it comes to restoring its legitimate rights in the United Nations to the People's Republic of China?

78. Why is it suggested that the General Assembly, in which eighty States are already represented, should overlook another piece of crying injustice and deprive the People's Republic of China, a permanent member of the Security Council, of its rightful place in the United Nations?

79. There can be no question of balanced representation in the United Nations and its chief organ, the Security Council, while China is excluded from the Organization and its place in the Security Council is taken by persons from the occupied Chinese island of Taiwan who do not represent anybody. How long is this state of affairs to continue? Surely a skeleton cannot be kept in the cupboard forever.

80. The absence from our midst of the true representatives of China is due to the fact that one of the great Powers, the United States, refuses, on political grounds, to accept reality and uses every available means of pressure to prevent the People's Republic of China from occupying its rightful place in the United Nations.

81. China is one of the original Members of the United Nations. It participated in the San Francisco Conference, signed the United Nations Charter and, as one of the great Powers, has a permanent seat on the Security Council. As a result of the national struggle for liberation, the thoroughly rotten Kuomintang régime was overthrown in 1949 and the People's Republic of China was founded. Its authority extends over the entire territory of China, except for the island of Taiwan, where the remnants of the Chiang Kai-shek group have entrenched themselves under the protection of the United States armed forces. The Chinese people having thus asserted their sovereign right to be masters

of their own destiny in their country, any attempts to dispute that right are inconsistent with the generally accepted principles of international law and constitute a violation of the United Nations Charter.

82. As we have already had occasion to point out, it is admitted in international law and practice that in its foreign relations a State may be represented only by a government which exercises *de facto* authority in the country. It is plain that only the Government of the People's Republic of China is able to assume and discharge obligations on behalf of the Chinese people and the Chinese State.

83. The increasingly important part the People's Republic of China has been playing in international affairs shows that without its participation no international problem of any magnitude can be solved. Thus the United Nations cannot hope to deal successfully with disarmament unless it recognizes that agreement on this problem among the five great Powers, including the People's Republic of China, is essential. Any improvement in international economic co-operation is similarly impossible if the great country of China, with its enormous population and inexhaustible economic potentialities, is not included.

84. It goes without saying that the Security Council, which bears the primary responsibility for the maintenance of international peace and security, cannot take effective action in the absence of the legitimate representatives of China. After all, China, as a great Power, is a permanent member of the Council, and a violation of its rights creates a most irregular situation, forcing the Council to operate with only four permanent members.

85. The representative of the United Kingdom yesterday [622nd meeting] went so far as to speak of sabotage in connexion with the demand to restore its legitimate rights to the People's Republic of China in the United Nations, when that question was raised during the discussion of the proposed increase in the number of non-permanent members of the Security Council. Clearly, he is either deluding himself or deliberately distorting the facts. Sabotage is being practised by the United Kingdom itself which, together with certain other States, has for seven years been preventing the restoration of its legitimate rights in the United Nations to the People's Republic of China.

86. As long as the Security Council operates without the representative of the People's Republic of China, no increase in the number of its non-permanent members will be able to raise it to the level required by the Charter, under which it is to be a centre for harmonizing actions aimed, above all, at the maintenance of international peace and security.

87. Any proposals for increasing the number of non-permanent members in the Security Council will therefore fail to obtain the support of the Ukrainian SSR so long as the question of restoring China's rights in the United Nations remains unsolved. Not until the People's Republic of China occupies its rightful place in the United Nations will the Government of the Ukrainian SSR be prepared to agree to an increase in the membership of the principal organs of the United Nations, having in mind that the principle of equitable geographical distribution of the seats of non-permanent members in the Security Council must also be restored.

88. Mr NINCIC (Yugoslavia): My Government has always advocated a cautious approach to any question of altering the structure of the United Nations Charter.

It has felt that this structure was generally well balanced and satisfactory and that it should, therefore, not be tampered with lightly. However, we have never ruled out the possibility that the time might come when changed circumstances might require us to take a fresh glance at some parts of the Charter. In fact, at the Assembly's tenth session, when the convening of a General Conference under Article 109 for the review of the Charter was being discussed, the Yugoslav representative, who opposed the convening of such a conference at that time, none the less pointed out [544th meeting] the possibility that the expected increase in United Nations membership would require an expansion of some of the main organs by an amendment to the relevant Charter provisions.

89. There now seems to be a widespread feeling that the impressive advance towards universality which the Organization has been able to achieve within the last twelve months poses, with added emphasis, the question of increasing the membership of at least some of the major United Nations bodies, and more especially of the Security Council.

90. That such a feeling should have arisen and that it should have arisen with regard to the Security Council is hardly surprising. After all, the size and structure of this body, which bears primary responsibility for the maintenance of international peace and security, was determined at a time when the membership of our Organization was little more than half of what it has now become, and when the role that certain vast areas of the globe were to play in international affairs could still be but dimly envisaged.

91. There is little doubt that it is in the interests of a more satisfactory working of the Security Council and of the United Nations as a whole that the structure of the Council should reflect more adequately both the Organization's new membership pattern and the changed world picture in its entirety. The sentiment in favour of an expansion of the Security Council membership rests on a solid basis, and my delegation for its part certainly shares in this sentiment.

92. It has, however, emerged very clearly from our discussions so far that there are certain practical implications involved in an increase of the Security Council membership with regard to which there does not appear to be the same consensus of opinion.

93. Let us take, first, the most obvious question—the actual extent of the increase. Certain rather substantial differences seem to have arisen here. There is, on the one hand, the draft resolution of the twenty Powers, which provides for two additional non-permanent members and which would thus bring the total membership of the Council to thirteen. This proposal seems to have quite a wide measure of support. On the other hand, a number of delegations apparently feel that the proposed increase does not provide an adequate answer to the many problems that have arisen in this connexion, and they obviously consider that a more far-reaching expansion is called for. What we are clearly up against here is a problem of striking a satisfactory balance between the necessity of keeping the Security Council compact enough to conform to its original purpose and the need of obtaining as accurate a reflection as possible of the world as it is today. This is clearly a problem which requires careful thought.

94. Then, further, there is the extremely important question of the distribution of seats in the Security Council. Most speakers have stressed the close con-

nexion, the interdependence one might almost say, between the question of the increase of the membership of the Security Council and the question of the allocation of seats, as it has been called. In other words, one of the major problems with which we are faced here is how to meet most adequately within the broader structural framework that is being envisaged the exigencies of Article 23, paragraph 1, which explicitly provides for the principle of equitable geographical distribution.

95. This problem, as we see it, has two main aspects. There is, first, the question of the basis upon which a generally satisfactory distribution of seats can be worked out. This is, admittedly, no simple question. Without going into the details of this aspect of the problem for the moment, there are two points which should, I think, be made.

96. One relates to the representation of the Asian and African continents. The countries of Asia and Africa, which have so far been woefully under-represented in the Council, should, especially now that the numbers in the United Nations have grown so significantly, be given a fuller opportunity of assuming their share of responsibility in the Security Council. That seems to be generally recognized.

97. The second point, and one to which my delegation attaches considerable importance, is this. The future allocation of seats should be so devised as to avoid the difficulties and controversies which have recently been arising in connexion with European representation on the Council. I need hardly recall that there has, in particular, been a most regrettable tendency—of which we have lately had a rather glaring instance—to disregard the principle of equitable geographical distribution at the expense of Eastern Europe. This should now cease, and the distribution of seats in an expanded Security Council should be so conceived as to ensure to Eastern Europe the representation to which it is fully entitled.

98. Another question that has been raised—and, in our opinion, rightly raised—is that of providing reasonable assurances that any distribution that may be agreed upon will be effectively and consistently applied. It is, I think, in the interests of all that the lines upon which the question of equitable geographical distribution is settled should be set forth in terms and in a form so clear and unequivocal as to ensure that they neither give rise to divergencies nor lend themselves to uncertainty or misconstruction. My delegation is, for its part, in favour of the firmest possible assurances in this respect.

99. These are some of the important questions which naturally arise in connexion with the proposed expansion of Security Council membership, and to which an answer will have to be found before we can really proceed with the amending of Articles 23 and 27 of the Charter.

100. Nor are they the only questions. A number of delegations have pointed, not without justification, to the paradoxical features of any attempt to amend the Charter—and, in particular, the provisions relating to Security Council membership—in the absence of a settlement of the question of Chinese representation. This is but another instance of the rather grotesque state of affairs that has been reached through a persistent refusal to face the realities of the Chinese situation.

101. My conclusion will, therefore, be this. The question of adapting the structural framework of the Security Council to the changed conditions, both within

the United Nations and in the broader context of world affairs, has been raised and demands an answer. It cannot be a simple answer, nor should it be a hasty one. It will have to pay due heed to all the complex facets of the problem, and must be such as to stand the test of time. In other words, we must seek a solution which will have general support here, as well as a reasonable prospect of proving workable over the years. To arrive at such a solution will clearly require further efforts, careful study and earnest consideration.

102. Mr. HANIFAH (Indonesia) : The distribution of the non-permanent seats in the Security Council has always been a matter of utmost interest to my Government. I am sure that this interest is shared by all the Member States of this Organization which regard this body as a centre for harmonizing the actions of nations in preserving and strengthening international peace and security. The Charter has, indeed, conferred upon the Security Council the primary responsibility for the pacific settlement of disputes, for the determination of the existence of any threat to the peace, breach of the peace or act of aggression, and for taking measures designed to maintain or restore international peace and stability.

103. The very nature of the Security Council and the responsibilities vested in it demand that representation in that organ be universal in character, in the sense that all the regions of the world should be adequately represented on it. This was recognized, in fact, by the drafters of the Charter. The Charter provides that, in the election of the non-permanent members of the Security Council, special regard should be paid to the principle of equitable geographical distribution. I venture to say that this principle and its faithful application comprise one of the most important conditions for the proper constitution and functioning of the Security Council.

104. We have been told that this principle was fully realized when the first election of non-permanent members to the Security Council took place in London in 1946. We are informed that a gentleman's agreement was reached among the permanent members of the Security Council relating to the distribution of the non-permanent seats. However, when that agreement was reached, one important factor was overlooked, and the voice of new Asia calling attention to that omission went unheeded. That factor was, of course, the re-emergence of new Asia and new Africa in the world arena.

105. In the ten years since the conclusion of the so-called gentleman's agreement, no fewer than twenty-nine countries, including seventeen from Asia and Africa, have been admitted to our Organization. In this respect, permit me to say that this re-emergence of Asia and Africa has brought about a change, if not a shift, in the relations of various States with one another, just as it has brought about a change in the appearance of this Organization itself.

106. Certainly, in the light of this, the role of new Asia and new Africa in world affairs can no longer be ignored. The effective functioning of the United Nations demands that they be given due and indeed realistic representation in all its organs. At the Bandung Conference in 1955, the nations of new Asia and new Africa, with a population of 1,400 millions, or more than half the population of the world, also considered seriously this question of representation in the Security Council. The Conference considered—and here I quote from its final *communiqué*:

"that the representation of the countries of the Asian-African region on the Security Council, in relation to the principle of equitable geographical distribution, was inadequate. It expressed the view that, as regards the distribution of the non-permanent seats, the Asian and African countries, which, under the arrangement arrived at in London in 1946, were precluded from being elected, should be able to serve on the Security Council, so that they might make a more effective contribution to the maintenance of international peace and security".

107. Indeed, the important role of new Asia and new Africa in the stabilization of peace throughout the world, and the vastness of its area and of its population, all dictate a reappraisal of the present situation.

108. In our view, one way of meeting realistically the changes in our new world is to increase the membership of the Security Council. However, such an increase will, we are afraid, be of no avail if the principle of equitable geographical distribution is not solved and decided upon at the same time. The application of this principle should, in our view, be very carefully decided upon in order to avoid a repetition of the errors which in the past have been responsible for so much of the tension in the election of the non-permanent members of that body. We believe that this principle of the equitable geographical distribution of the non-permanent seats is one which has to be decided through agreement of all the Member States of the Organization, and not merely by the permanent members of the Security Council.

109. A distribution of the non-permanent seats which realistically meets this principle is, we are convinced, also fully in accordance with the Charter provision to give special regard to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of this Organization.

110. I could not leave this rostrum without expressing our deep appreciation of the initiative taken in this matter by the countries of Latin America. Be sure, indeed, that we share and understand the sentiments of Asia and Africa on this important question. With a keen awareness of the changes in the world today and a realistic approach in dealing with them, we are making yet another contribution to the maintenance of international peace and harmony. We are therefore grateful not only for their sensitive appreciation of the sentiments of new Asia and new Africa, but also for what this means in the way of realizing the principles and purposes of our Organization.

111. With regard to the draft resolution before us, I would like to reserve my right to speak about it at a later stage.

112. Mr. MAURER (Romania) (*translated from French*) : The General Assembly has before it a draft resolution the object of which is to increase the number of non-permanent members of the Security Council from six to eight by an amendment of the provisions of the Charter.

113. A number of representatives who have preceded me have in our view explained very ably the reasons why we should not adopt this draft resolution today. In order to avoid reiterating arguments which are equally its own, the Romanian delegation wishes merely to state that, in its view, an increase in the number of the non-permanent members of the Security Council can be considered only if certain conditions are fulfilled.

114. The first of these conditions must be the restoration of its lawful rights under the Charter to the Central People's Government of the People's Republic of China as China's representative.

115. The wise solution required by the needs of the international community and the true interests of the United Nations has been delayed for too long. Since the question of the number of members of the Security Council has been raised, let us ensure that, so far as its permanent membership is concerned, the Council is properly composed. The important tasks conferred on the Council by the Charter cannot receive the attention they deserve until the lawful rights of all permanent members of the Security Council have been restored.

116. But that is not all. Article 23 of the Charter requires that in the election of non-permanent members of the Council due regard shall be paid to equitable geographical distribution. This has been repeatedly pointed out from this very platform. It was thought that this geographical distribution could be ensured by a gentleman's agreement which, unhappily, has been found woefully inadequate. To take only one example, no one will venture to claim that the Philippines belongs to Eastern Europe, and that its election to the Council represents nothing more than the application of the provisions of the Charter. The gentleman's agreement therefore, is not enough. Other ways must be found to ensure respect for the provisions of the Charter.

117. Lastly, let us not forget that the difficulties which have faced us in recent years, the impasses from which we have had to extricate ourselves, have been due in most cases merely to a misconception and, to be blunt, to the violation of the provisions of the Charter. Let us put an end to this situation. Let us abide strictly, firmly and sincerely by the basic principles of the Charter. Let us apply the Charter. That would be a real amendment. Let us adopt that amendment before we consider any others.

118. It is for these reasons that the Romanian delegation will vote against the draft resolution as it stands.

119. Mr. HUMPHREY (United States of America): I shall be brief and to the point. We have before us, as has been so generally indicated, a matter of singular importance: the expansion of the membership of the Security Council. The Security Council is endowed with particularly important responsibilities. The Member States of the United Nations have conferred on it primary responsibility for the maintenance of international peace and security. Furthermore, the Member States have agreed that, in carrying out this responsibility, the Security Council acts on behalf of all of us. Therefore any proposal to alter the structure of this crucial and vital organ of the United Nations should be approached with considerable care.

120. The countries of Latin America, in proposing the discussion of this item and in putting forward a draft resolution [A/3446] calling for an increase of two in the number of non-permanent seats, have taken a commendable initiative. This should facilitate our discussions and help us reach a quick decision which will augment the prestige and moral authority of the Security Council, taking into account, of course, the increase in membership in the United Nations since the San Francisco Conference.

121. The problems facing us in increasing the number of non-permanent seats in the Security Council

revolve around two questions: first, the size of the Council, and secondly, the question of equitable geographical distribution. These questions cannot, however, be completely separated from one another. One has a bearing on the other, just as other factors have an important bearing in our consideration of the structure of the Security Council as a whole. However, for purposes of discussion these questions can be considered separately.

122. Let us take first the question of size. Since this time last year, the United Nations has admitted twenty new States, many of them from the areas of Africa and Asia, and others from Europe. Both these areas have been under-represented in the United Nations. Furthermore, even before these new countries were admitted, the United Nations believed, and acted upon this belief, that the Far East had not been given its proper opportunity to share in the deliberations of the Security Council. The growing strength and vigour of the Asian world makes it imperative that this situation be corrected. The United States was therefore already well disposed to an enlargement of the Security Council when so many new Members were admitted.

123. We feel that it is proper and just and in the interests of the maintenance of international peace and security that such an increase should take place. We hope that the General Assembly will approve that increase now. Member States can then proceed with the processes of ratification, and the additional members can be promptly elected to the Security Council.

124. The size of the increase has been carefully considered by the United States Government. We have consulted widely with delegations from all parts of the world. We have considered the question in relation to the increase in United Nations membership and in relation to the responsibility which the Security Council bears—a great responsibility given to this organ, relatively small in numbers but nonetheless vital, by the Member States "in order to ensure prompt and effective action by the United Nations"—to quote the words of the Charter.

125. We have weighed the advantages of associating a large number of nations with the Security Council's work against the advantages of a smaller structure which can act quickly and decisively, when not paralysed by the abuse of the veto. We have concluded that an increase of two seats—one for the countries of Asia and another for the countries of Western and southern Europe—would best contribute to the organization of the Security Council in the pursuit of its functions.

126. We shall therefore support the draft resolution presented by the countries of Latin America and Spain.

127. While membership of the Security Council is an honour and entails grave responsibility, all Members of the United Nations play an important role in the preservation of international peace and security through their participation in the Organization itself, and especially through their participation in the General Assembly. The General Assembly's deliberations on the situations in the Near East and Hungary over the past two months have demonstrated how much larger is the General Assembly's role now with regard to questions of international peace and security than had originally been intended at the time when the United Nations was founded.

128. The question of equitable geographical distribution, which is closely tied to the size of the increase,

has also aroused considerable interest—so much so that we may perhaps be in danger of forgetting that Article 23 of the Charter states that, in the election of members of the Security Council, due regard should be specially paid “in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization”. It is because the Members of the United Nations have been mindful of this important provision of the Charter that some States have failed to be elected to the Security Council in recent years. The Charter also provides—second only to this provision that I have just quoted—that special attention should be paid to equitable geographical distribution. I have already indicated that one of the reasons why we support an enlargement of the Security Council is to provide for more equitable geographical representation from the Afro-Asian area and from Western and Southern Europe.

129. The USSR representative has indicated his interest in the allocation of a seat in an expanded Security Council to the countries of Eastern Europe. We do not find that concern unnatural. The eastern part of Europe covers a sizeable amount of territory, from the area of the Baltic to that of the Mediterranean. With the proposed increase in the non-permanent membership of the Security Council, it would be possible to provide for the representation of Eastern Europe without denying equitable representation to other geographical areas.

130. It is, however, rather ironical that the Soviet representative should accuse the United States and the majority of Members of the United Nations—two-thirds of them, in fact—of gross violations of the Charter. It ill behoves the representative of a State which is systematically depriving the Hungarian people of their rights and brazenly flouting the overwhelming recommendations of this Assembly to accuse others of violating the Charter.

131. The Soviet representative's charges were made, furthermore, at a time when he was already aware of the fact that, if the membership of the Security Council were expanded, appropriate arrangements might well be agreed upon for the allocation of a seat to the eastern part of Europe. The Soviet representative surely knows that if the enlargement of the Security Council is defeated by his efforts, or by failure of Member States to ratify, not only will a seat for Eastern Europe be jeopardized, but many new Member States of Africa, Asia and Europe may well be denied equitable and effective representation on the Security Council.

132. On the other hand, if the Security Council is not expanded, the Soviet representative surely realizes that the countries of Asia may well exercise a continuing claim for an existing seat, both on the basis of equitable geographical distribution and on the basis of contributions to international peace and security.

133. The Soviet representative has also raised the totally extraneous question of the representation of China in the United Nations. We are all aware that the Soviet Union and some other Members do not share the frequently and consistently stated opinions of the majority of the General Assembly on this question. But, as the United Kingdom representative pointed out earlier in this debate [622nd meeting], that issue is not germane to the question before us. We must not allow that issue to be used as a pretext for depriving new Member States of their right under the Charter fully

to participate in the work of the Organization. The question of the representation of China has already been decided at this session. To reargue this highly controversial issue will not provide fair and equitable representation for the new Member States, nor will it assist in expanding the non-permanent membership of the Security Council.

134. The United States, therefore, supports an increase in the non-permanent membership of the Security Council, in order to encourage the broader representation of States and in order to increase the Security Council's effectiveness—and not in order to engage in a “cold-war” exercise.

135. With respect to the customary allocation of the other non-permanent seats on the Council—two to Latin America, one to Western Europe, one to the Commonwealth and one to Africa and the Middle East—we are in agreement that the pattern should be retained. As has been indicated in these comments, the United States delegation would support an appropriate allocation of all the non-permanent seats in an expanded Security Council—either by a consensus statement by the President, or by resolution, or by some other means acceptable to the Members.

136. We have also considered the point of view that the Assembly should not try to reach a decision at this session. May I say, however, that we sense a widespread feeling that a decision should be taken now. This is a feeling that we share. We are not convinced that further delay or study would materially add to the facts now available or produce any proposals more generally acceptable than the twenty-Power draft resolution. The process of amending the Charter is at best a slow one, and we believe that it would be wise to act now so that we might give appropriate recognition as soon as possible to the new Members of the United Nations.

137. The PRESIDENT: In his statement, the representative of Syria said that he might submit a proposal. I shall give him until tomorrow morning to do so. I intend tomorrow morning to propose that the list of speakers should be closed. I hope that the Assembly will be in a position to take a vote on this item tomorrow.

AGENDA ITEM 66

Question considered by the first emergency special session of the General Assembly from 1 to 10 November 1956 (continued)*

138. The PRESIDENT: This morning I said that I would allow the representative of France to make a statement in connexion with the question of the Middle East. The word “statement” that I used has given rise to a misunderstanding that I would not allow the right of reply. That is not the case, although, of course, I rely on the discretion and the good sense of the representatives to keep their interventions and replies within reasonable limits.

139. Mr. GISCARD D'ESTAING (France) (*translated from French*): The French delegation has asked to be allowed to make a statement today because of the treatment of French nationals in Egypt, which is causing the deepest concern to the Government of France and to French public opinion.

* Resumed from the 597th meeting.

140. The Egyptian authorities have in fact organized a systematic campaign for the expulsion of French nationals residing in their country.

141. As early as 21 November 1956, in an *aide-mémoire* addressed to the Secretary-General [A/3400/Add.1], my delegation called attention to the arbitrary measures that were being taken against French nationals in Egypt. Attention was again drawn to the matter on 27 and 30 November.

142. We wish to pay a tribute to the Secretary-General for the efforts he has made to secure a fair solution. However, no specific assurances have been given that would allay our concern. No guarantees have been offered us. On the contrary, individual decisions have hardened into a general attitude, and therefore we feel compelled to lay the matter directly before the General Assembly.

143. Since the adoption of General Assembly resolutions 997 (ES-I) and 998 (ES-I) and the effective carrying out of the cease-fire, our nationals in Egypt have been systematically subjected to measures of expulsion. For the information of the Assembly, I shall cite the evidence of some of those affected.

144. Mr. Emile Gadua, for thirty years a member of the Cairo bar, stated:

"On 27 November 1956, in the middle of the night, I received an expulsion order calling on me to leave the country within eight days."

Mr. Emile Deshayes, a businessman, stated:

"I spent one night in the Cairo Citadel and was then held in the Barrages prison for five days under the same conditions as ordinary prisoners. I was then expelled by written order."

Mr. Jean Coquard, a garage owner, stated:

"On Thursday, 22 November, two Egyptian army officers came to my home at 8.30 p.m. and told me that I had to leave Egypt within ten days, 22 November being counted as one day."

Mr. Henri Boitel, a teacher at the Daher French school in Cairo, stated:

"On 26 November 1956, an Egyptian plain-clothes policeman informed me orally that I would have to leave Egyptian territory within ten days."

145. These expulsions have been accompanied by arbitrary measures against the property and interests of French nationals in Egypt. In most cases, persons expelled from Egypt have not been allowed to take with them assets to the value of more than £20. Industrial and business establishments have been sequestered and some have been placed in liquidation.

146. In this connexion, I need only say that, on 9 November, eighteen orders placing French businesses under sequestration were issued. With regard to the powers of the administrator of sequestered property, proclamation No. 4—published on the day when general censorship was imposed on the Egyptian Press—states:

"He may, with the authorization of the Minister of Finance and Economy, proceed to sell the assets, terminate the industrial and business operations, and, in particular, make arrangements for the winding-up of any company whatsoever."

The proclamation adds, in a spirit whose significance will not be lost on the lawyers in the Assembly: "He may also exercise any power that may be conferred upon him by the Minister of Finance and Economy." On 30 November, an ordinance published in the *Official*

Gazette transformed these partial measures into general measures, proclaiming the sequestration of the assets of all French nationals in Egypt, whether individuals or bodies corporate.

147. After a number of embarrassed denials, this evidence was officially confirmed by the Egyptian Government when Mr. Mohyeddin, the Minister of the Interior, said on 9 December, as reported by the Associated Press, that 1,452 French nationals had been expelled from Egypt. The statement, while admitting that expulsions had actually taken place, grossly distorted the figure involved, since the Swiss representative at Cairo has reported that, by 10 December, 3,672 French citizens alone had been evacuated from Egypt. The same day, immediately upon his arrival in Zurich, Mr. Koenig, the Swiss diplomat representing our interests in Egypt, stated, again according to the Associated Press: "The expulsion of French residents is continuing without interruption and on a large scale."

148. That was the situation on 13 December, when we were informed by the Swiss mission at Cairo that measures had been taken to compel all our nationals to leave Egypt.

149. Such action against private persons and property is contrary to the fundamental principles of international law. These general obligations have been embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights. Moreover, Egypt is bound by the specific provisions of international treaties concluded under the auspices of the International Red Cross Committee. I refer to the four Geneva Conventions of 12 August 1949. The Egyptian action is also a patent violation of the General Assembly's resolutions. I shall deal with these three points in turn.

150. The preamble of the Charter proclaims the faith of the United Nations in fundamental human rights and in the dignity and worth of the human person. Many Articles of the Charter reiterate this obligation of the Member States of the United Nations.

151. The Universal Declaration of Human Rights is intended to give substance to these principles. It prohibits any discrimination against private persons (article 7) and provides that "no one shall be arbitrarily deprived of his property" (article 17, paragraph 2).

152. The violation of such obligations would in itself be sufficient reason for condemning the action of Egypt. The collective expulsion of French nationals, the sequestration of their property, and the confiscation or liquidation of their assets and of their industrial and business establishments are further grounds for condemnation.

153. But let us further consider the strictly legal aspect. The Geneva Conventions of 1949 were signed, and later ratified, by Egypt. What are the principal obligations imposed by these Conventions—in particular the fourth Geneva Convention—in respect of the protection of civilians in the event of armed conflict?

154. In the first place, article 3 of that Convention prohibits violence to the person, in particular cruel treatment, and outrages upon personal dignity or humiliating and degrading treatment. Article 27 of the Convention reaffirms this right of private persons in all circumstances and provides that private persons shall be protected against all acts of violence or threats. Articles 41 to 43 stipulate very specifically the conditions under which assigned residence or internment

is permissible. These measures may be ordered only if public security makes them absolutely necessary. The persons interned are to have the right to a review of their situation by an impartial body or court.

155. But women and children have been arrested, and the interned persons have in no instance been able to obtain a hearing.

156. This Geneva Convention explicitly prohibits the collective expulsion of the nationals of a State because of any armed conflict whatsoever, even while hostilities are going on—and hostilities had ceased when the events I have described took place. The mass expulsion of the nationals of a State which is a party to a conflict is prohibited by the Geneva Conventions.

157. Article 45 of the fourth Convention deals with the transfer of persons to the territory of a third Power. It provides that such transfer can take place only on an individual basis and only when the security of the State makes it absolutely necessary. The legal advisers of the International Red Cross, in their authoritative commentary on the Geneva Conventions, confirm this interpretation. They say:

"According to practice and doctrine, this right [of expulsion] is limited in character. The mass expulsion at the beginning of a war of all foreigners in the territory of a belligerent State is, in particular, inadmissible."¹

158. Under the fourth Geneva Convention the parties are required, after the cessation of hostilities, to revoke any restrictive measures taken against civilians. Article 46 of the Convention provides most explicitly:

"In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities."

"Restrictive measures affecting their property shall be cancelled, in accordance with the law of the detaining Power, as soon as possible after the close of hostilities."

159. Egypt has not only failed to revoke the restrictive measures: it has even aggravated them and adopted additional ones.

160. General Assembly resolution 997 (ES-I) of 2 November 1956 calls on Egypt and all other Member States to "refrain from any acts which would delay or prevent the implementation of the present resolution". The measures taken by Egypt against French nationals call into question commitments assumed by both sides by virtue of their acceptance of this resolution and its *bona fide* execution. They would be unjustified even in the course of an armed conflict, and, in the legal situation established by the cease-fire, they are a veritable act of belligerency.

161. The law is clear. The Egyptian action must be condemned. Some may be tempted to explain—I do not say justify—these actions by the events which took place at the beginning of November. No equivocation is permissible in this matter and we must take a firm stand. Events in Egypt have been discussed at length in the General Assembly. Decisions have been taken, and France, for its part, has abided by them and is complying with them scrupulously. The legal position has been established; a legal frontier has been drawn. We now face a flagrant violation.

162. All the facts I have mentioned took place after the cease-fire. We have deliberately refrained from mentioning the acts of brutality that preceded it.

163. What do we seek? We expect to receive satisfactory assurances here concerning the immediate cessation of expulsions, respect for the integrity of all persons, and the restitution of property.

164. I should like solemnly to draw the Assembly's attention to the implications of this discussion. This is not a covert resumption of the debate on the Suez matter. That debate has taken place, and it culminated in the adoption of resolutions which are now being implemented. The issue now is one of law, affecting not States but private individuals. What view would world opinion take of the authority and scope of the Charter if the General Assembly reversed its position in so flagrant a case? This violation of the freedom and property of individuals would be a threat to us all. It is strange, indeed, as the representative of the Philippines pointed out on 12 December [618th meeting], that two yardsticks of justice are applied when different States are involved. But who can agree to the existence of two yardsticks of justice, a favourable one when States are concerned and an oppressive one when individuals are concerned?

165. Sir Pierson DIXON (United Kingdom): I wish, on behalf of my Government, to associate myself briefly with what has been said by the representative of France about the treatment of British and French nationals in Egypt contrary to established legal and humanitarian obligations.

166. The behaviour of the Egyptian Government towards British subjects in Egypt has aroused feelings of great indignation in the United Kingdom.

167. The British community in Egypt in October 1956 numbered about 13,000 persons. By 10 December, 2,550 of these had been obliged to leave Egypt. Over 700 were actually expelled by order of the Egyptian authorities. The remainder left under strong pressure from the Egyptian authorities. I am deliberately not going into details, and will merely say that this pressure amounted to intimidation.

168. Those who remain are suffering great hardship as a result of various measures which the Egyptian authorities have taken, in particular a decree sequestering their property and a decree forbidding Egyptians to have financial dealings with them.

169. The British community in Egypt consists chiefly of poor people, many of whom were born in Egypt and have spent their whole lives there. Several thousands of them are of Maltese extraction. It is these people of restricted means who are worst affected by the Egyptian measures.

170. I may add by contrast that Her Majesty's Government has taken no steps whatsoever against Egyptians resident in the United Kingdom. The former cultural attaché of the Egyptian Embassy in London has been allowed to stay on to help the Indian High Commissioner look after Egyptian students in the United Kingdom.

171. As the Assembly is aware, representations have been made on this matter by the representative of France and myself, and both the Swiss Government and the Secretary-General have been exercising their good offices.

172. Within the last four days, there have been signs that the Egyptian Government may be moderating its

¹ *Les Conventions de Genève du 12 août 1949, Commentaire*, vol. IV, p. 287, Comité international de la Croix-rouge, Geneva, 1956.

policy in this matter. I understand that the Foreign Minister of Egypt is to speak. I hope that he will be able to give us assurances which will help to remove the deep anxiety which we feel. I am sure the Assembly will understand that, while we would value any assurances which he may be able to give, our anxiety cannot be allayed until assurances are fully translated into action.

173. Mr. LOUTFI (Egypt) (*translated from French*): I have listened with close attention to the statements of the representatives of France and the United Kingdom, who complain that the Egyptian Government has taken certain arbitrary measures against their nationals resident in Egypt which, they say, are not in conformity with the principles of international law. They mentioned expulsions and the sequestration of property; I do not intend to reply to all the arguments of fact and of law which have been put forward here, but I reserve my delegation's right to speak again later in the debate.

174. Before dealing with the substance, I should like to recall that it was the British and French Governments themselves which, in August and September last, spread panic among their nationals by urging them to leave Egypt and by placing transport at their disposal.

175. The Egyptian Government then made special arrangements in order to facilitate and hasten the departure of French and British nationals, at the request of those two Governments and to their entire satisfaction. The object of France and the United Kingdom at that time was to embarrass the Egyptian Government by such measures as the withdrawal of Canal pilots and by ordering British and French nationals employed in Egyptian public or private undertakings to break their contracts and to abandon work in progress.

176. The two Governments did not bewail the fate of their nationals when they were seeking to embarrass the Egyptian Government, at a time when they were maintaining normal relations with Egypt. But now that their attempt at invasion and subjugation by force has failed, they are trying to win a political victory by propaganda means.

177. What exactly are we being reproached with? As regards the expulsions, Egypt was the object of an unprovoked armed aggression—condemned in the General Assembly resolutions of 2, 4, 7 and 24 November 1956—and was obliged to take the necessary steps to prevent any activity capable of harming its security. These measures include the removal of aliens whose presence on Egyptian soil was a potential source of danger to public order and to the security of Egypt.

178. Nevertheless, anxious not to damage any interest, the Egyptian Government set up a special committee, presided over by the Under-Secretary of State of the Interior and including among its members the Counsellor of State of the Ministry of Foreign Affairs and the Counsellor of State of the Ministry of the Interior. All cases involving expulsion are first considered by this committee.

179. The Egyptian Government has not taken any general action against the British and French nationals resident in Egypt, despite the unjustifiable acts of war committed against Egypt by France and the United Kingdom. One of the factors accounting for this attitude is the Egyptian Government's realization that most of those nationals condemn their Governments' aggression against Egypt.

180. It is for this reason that expulsion orders have been made against only 791 of the 11,000 British nationals resident in Egypt; and of these 791, altogether 712 have already left Egyptian territory. In addition, 706 British nationals have left Egypt of their own free will. There are also 450 British technicians who were in Egypt under the terms of the Anglo-Egyptian Treaty of 1954, and who have had to be interned.

181. At the outbreak of hostilities, there were 7,000 French nationals in Egypt. Expulsion orders were made against 2,648; of these, 740 have left the territory; 474 French nationals have left Egypt of their own free will. No French national has been interned.

182. No one has been molested. The Egyptian authorities, despite the legitimate anger of the Egyptian people, have made every effort to prevent enemy subjects from being molested.

183. On 10 December last, the French newspaper *Le Monde* published a letter from a highly-placed Frenchman previously resident in Egypt who had just arrived from Cairo. I should like to quote a passage from this letter:

"French residents of Egypt recognize that, with very rare exceptions, the behaviour of the Egyptian authorities towards them has been absolutely correct. All of them experienced touching—sometimes overwhelming—proof of attachment on the part of Egyptian Moslems."

184. All the expulsion orders were made for reasons of security. It is, however, open to any alien against whom an order is made to apply to the Ministry of the Interior, which has given its services specific instructions to examine such application with the closest attention. Applications have been made to the Ministry of the Interior, in accordance with this procedure, and altogether 496 had been received by 11 December. Of these 496 cases, 164 expulsion orders were rescinded under the procedure set up by the Egyptian Government.

185. The representatives of France and the United Kingdom also referred to the property of French nationals and companies in Egypt. In this respect, the Egyptian Government has not taken any action which is unjustified or contrary to international law. After the unprovoked aggression of France and the United Kingdom against Egypt, the Egyptian Government exercised its sovereign right by placing the assets of those two countries under sequestration. These assets and the companies and undertakings involved are being managed by custodians who must render an account of their management. No property has been confiscated.

186. This has been the reaction of the Egyptian Government to the Anglo-French aggression. In reacting as it did, the Egyptian Government simply conformed to the international practice of sequestering enemy property, which was also the practice adopted during the last two world wars by France and the United Kingdom.

187. Nevertheless, the representative of France takes exception to these measures, though they have their origin in his own country's aggression. What the representative of France forgets to say is that his Government and the British Government last July took the unilateral action of blocking all Egyptian assets in France and in England at a time when our relations with both those countries were normal.

188. These are the facts. They speak for themselves and require no comment.

189. The representatives of France and the United Kingdom cite the United Nations Charter in support of their accusations against Egypt. But they have apparently forgotten the cruel attack which their countries made against Egypt, the systematic bombing of Egyptian territory, the destruction of Port Said and the killing of thousands of innocent civilians, including a large number of women and children. They have forgotten that the attack violated the United Nations Charter, the principles of international law and the Universal Declaration of Human Rights. It is astounding to hear them now accusing Egypt because it has taken certain security measures against their nationals.

190. The Articles of the Charter, which they cite concern the human rights set forth in the Universal Declaration of Human Rights. Yet the Declaration itself, in article 29, subjects these rights to limitations in cases where public order is at stake, a provision which certainly covers security measures in cases of armed conflict. The Declaration also provides that these rights may in no case be exercised contrary to the Purposes and Principles of the United Nations. Moreover, the Declaration does not contain any provision capable of modifying the principles of international law which relate to security measures in cases of armed conflict.

191. It is impossible for somebody to rely on the Charter or on the Universal Declaration of Human Rights who himself violates the Charter and commits aggression which has been repeatedly condemned by the General Assembly, particularly when the action taken by Egypt is fully consistent with the relevant principles of international law, both in the matter of the expulsions and in the matter of the sequestration of enemy property.

192. It is hardly necessary for me to say which are the principles of international law that govern expulsion. It is common knowledge that a State has the right at all times to expel an alien who has been admitted to its territory. It is equally generally agreed that the powers of the State to deal with aliens are much broader in the event of war. It is recognized that a belligerent has the right to expel enemy subjects resident in its territory, upon the outbreak of an armed conflict or of a state of war. The Geneva Convention provides that, when persons are authorized to leave a territory, they "may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use" (article 35). This is the line of conduct which the Egyptian Government has adopted.

193. The representatives of France and the United Kingdom cite the Geneva Convention of 12 August 1949 relative to the protection of civilian persons in time of war. I should like to point out, first, that this Convention applies in the case of a war. Consequently, in relying on this Convention, the delegations of France and the United Kingdom recognize, implicitly at least, that what we are confronted with is a state of war, not, as they have persistently claimed, a police action.

194. The Convention admits that, in cases where the security of a State may be prejudiced, the Government concerned has the right to take certain steps to safeguard its security. In effect, we read in article 27 that the parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war. Article 41 provides, furthermore, that "should the Power in whose

hands protected persons may be consider the measures of controls mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment".

195. In fact, the measures which the Egyptian Government was forced to take for its own security, on the occasion of the unprovoked aggression which was committed against Egypt and which the United Nations has condemned almost unanimously, did not, we think, in any way violate the Convention.

196. On the contrary, it is France which has violated this Convention since, according to reports received by us and confirmed by today's newspapers, the French have transferred military personnel and civilians from Port Said to Cyprus. This measure violates the Convention and more specifically article 49, which provides that "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive".

197. It is clear from what I have just said that the Egyptian Government has respected the principles of international law and has not violated either the Charter of the United Nations, or the Universal Declaration of Human Rights, or the Geneva Convention.

198. Instead of coming to the Assembly to complain of the treatment of their nationals, France and the United Kingdom would have been better advised to evacuate their troops from Egyptian territory immediately, in conformity with the General Assembly resolutions of 2, 4, 7 and 24 November, which were adopted almost unanimously. The presence of these armed forces, which is intolerable to the inhabitants of Port Said, has, as is known, already led to very serious disturbances in the town. According to the newspapers, between twenty-five and forty of my compatriots have been killed, and about 100 have been wounded. This is hardly the time for France and the United Kingdom to raise the question of the treatment of their nationals. They should rather apply themselves to helping world opinion to forget one of the most shameful armed aggressions that history has ever known.

199. Mr. MAHGOUB (Sudan): I had thought that we were going to be confronted by a case based upon legal argument. To my disappointment, however, none of the conventions and articles quoted by the representative of France applies to the present case.

200. Before going into the merits of the facts mentioned, I should like to take the legal arguments of the conventions and articles mentioned by him. These conventions and articles were mentioned not only in his statement but also in the document which he has circulated [A/3444]. I shall consider these points in their order.

201. The first reference which was made concerned Article 1, paragraph 3, of the Charter. The commentary on this section by Goodrich and Hambro states: "In this paragraph the Charter recognizes that an international organization set up primarily to provide peace and security must also actively concern itself with the improvement of the economic and social conditions of peoples and the widening of the area of human freedom." But, according to the same commentary, "the strengthening of the economic and social provisions of the Charter did not give the United Nations power to coerce States in respect to matters which had

hitherto been regarded as falling within their exclusive domestic jurisdiction". Article 1, paragraph 3, "only purports to be a statement of purpose, and furthermore the purpose set forth is the achievement of 'international co-operation', not the enforcement of specific policies or legal right".²

202. It is very clear from this that Article 1, paragraph 3, is not applicable, because the expulsion of aliens from any State is a matter falling entirely within the domestic jurisdiction of that State.

203. Reference was also made to Article 13, paragraph 1 b, of the Charter. The same comment applies here as to Article 1, paragraph 3. Because the United Nations should not interfere with the domestic jurisdiction of a country, this must be only a statement of purpose, and not give the United Nations any power to interfere in such things.

204. There was also reference to Article 55 c. It is very interesting, in that connexion, to read the following commentary by Goodrich and Hambro:

"The statement of purpose contained in chapter IX, section A, paragraph 1, of the Dumbarton Oaks proposals was substantially revised at San Francisco, with the result that some delegations feared that the basis was provided for a dangerous extension of the power of the United Nations."

In reference to Article 2, paragraph 7, it is stated that, in order to "remove any ground for believing that this revised statement would permit interference in the domestic affairs of any Member", it was agreed to include the following statement in the relevant report:

"The members of Committee 3 of Commission II are in full agreement that nothing contained in Chapter IX (Chapters IX and X of the Charter) can be construed as giving authority to the Organization to intervene in the domestic affairs of Member States."³

On the other hand, it is argued that the Charter commits Members only to international co-operation and that, in the absence of an international agreement defining human rights and fundamental freedoms, no international obligation to respect specific rights and freedoms exists.

205. There was also reference to Article 62, paragraph 2, of the Charter. Neither the Council which was set up under Chapter X nor any one of its commissions, has the power to take action in regard to any complaints concerning human rights. This alone would have disposed of this uncalled-for action, but the purpose was not that this Assembly would take legal notice nor was it that this Assembly would give any redress, because such is not within the jurisdiction of this Assembly, but it was mere propaganda.

206. Further reference is made to the Geneva Conventions of 12 August 1949 and, as this was dealt with by the representative of Egypt, I do not propose to go further into that matter.

207. The complaint is about the expulsion of some French and British citizens from Egypt and, as we have heard from the representative of Egypt, no expulsions were made indiscriminately. The expulsions were of people who had been suspected of acting against public security; they were not merely given orders to

leave the country without having a chance to defend their case, but an administrative authority was set up and appeals were presented to that authority, with the result that some 200 odd applications were accepted and orders for expulsion cancelled. This was an administrative action, but in a judicial manner, so it does not constitute a breach of human rights.

208. I imagine that the French delegation would be the one to bring this case before the Assembly because I can quote figures—and I challenge the French delegation to deny them—showing that in August of 1956 some thirty-five Sudanese citizens and other Arab citizens were expelled from French Equatorial Africa as a result of administrative orders and without any legal protection or right of appeal. They left their properties there and nobody, as yet, knows the fate of those properties. Representations were made to the French Government by the Minister for Foreign Affairs of the Sudan with respect to mass expulsions for no apparent reason—except that the people in the Sudan were supporting the people of Algeria when their five leaders were kidnapped.

209. People who commit such indiscretions should not come before this Assembly to make complaints of this nature. I am sorry that the British have associated themselves with the French because I know that the British will not present a case in this instance, particularly when they have no legal leg to stand on, unless they rely on equity. Being a student of English law, I would quote for them their own maxim: "He who comes to equity must come with clean hands." At this time they do not only come here without clean hands but have associated themselves with their French allies and come with hands stained with blood. Therefore they cannot ask even for equity.

210. This case is nothing more than sheer propaganda, and I am sure this Assembly will dismiss it with contempt.

211. Mr. JAMALI (Iraq): We sincerely hope that we will be afforded some special sessions in which to discuss at length the tragic events in the Middle East and in which to place responsibility and to condemn all those who were responsible for the very many crimes there committed. In the last few weeks, there has been unlimited propaganda in the local Press and all around the world, in an endeavour to obliterate the aggression of the three Powers upon Egypt, and the accompanying crimes. This is a propaganda campaign, calculated to hide the truth. The French representative's appearance on this rostrum is but one phase of this campaign. All this is in an effort to hide the damage done to human life and property and to world peace in the Middle East.

212. We are surprised that the French delegation—and I am sure the United Kingdom was dragged in, involuntarily—should see fit to raise this matter and not to keep things quiet and let them settle themselves peacefully so that people might forget their crimes against Egypt. Unfortunately they did not deem this advisable.

213. What has happened is that they have come to the court, saying: "We attacked this gentleman; we tried to kill him, but while trying to kill him our foot was scratched. Therefore, we ask you, the court, to pass judgement, giving us compensation for the scratch on our foot, because we wanted to kill this man." That is what the French complaint amounts to. They complain that their foot has been scratched. We are not sure that it has been scratched yet, but we know that

² Goodrich and Hambro, *Chart of the United Nations: Commentary and Documents*, Revised edition, pp. 96 and 97, World Peace Foundation, Boston, 1949.

³ *Ibid.* pp. 320 and 321.

they did attack innocent people. They did destroy life and property. They did damage homes. They did collude with Israel by providing it with jet planes. All these things are well known to us.

214. If we are to consider the issue of the French complaint, we must look at the whole situation and consider the complaint as part of the whole; it should not be taken up independently and in isolation.

215. Certainly we are sad about all the tragic events that have taken place in the Middle East. But who was the cause? Who started this chain of events? Who attacked? Who destroyed homes in Port Said? Who killed innocent people in Port Said? The people who were killed in Port Said were, after all, Egyptian citizens. Egypt did not kill French citizens, but France killed Egyptian citizens. Egypt did not destroy French homes, but France destroyed Egyptian homes. Egypt did not infringe on the sovereignty of France, but France infringed on the sovereignty of Egypt. How can France come to the rostrum and accuse Egypt of having scratched the foot of France when France wanted to kill Egypt? The French delegation should know that France was primarily responsible for all that took place in the Middle East. France acted in collusion with Israel. France provided Israel with jet aircraft and pilots with which to attack Egypt, and urged the United Kingdom to join. Now France is trying to interfere with the domestic jurisdiction of Egypt. Egypt is certainly entitled to guarantee its own security, to remove dangerous or suspicious persons.

216. Fortunately, we find that the accusations made here are greatly exaggerated, that Egypt has not deported as many as the French claim. Fortunately, we find that many British and French in Egypt have excellent and amicable relations with Egyptians, and their friendship and sympathy with their Egyptian friends continues.

217. It is French policy in Algeria and Egypt that has wrought this calamity. Who is responsible for the misery of any French person in Egypt, in Algeria, in Morocco, in Tunisia? It is the French people themselves, not the Egyptians, the Algerians, the Moroccans, or the Tunisians.

218. We are a people with an excellent tradition of welcoming foreigners and of treating them with hospitality. This cannot be denied. But who has created the present abnormal situation?

219. The representative of France has invoked the Charter with regard to the deportation of French people. I wish he had invoked the Charter with regard to the behaviour of his country in attacking Egypt; I wish he had invoked the Charter in connexion with what his Government is doing to the Algerians. We know that men, women and children are being killed every day in Algeria.

220. The French accusation this afternoon holds no water at all. Destruction of life has been carried out by France, not by Egypt. Deportation of Egyptians was carried out by France before it was begun by Egypt. Sequestration and the holding of money of Egyptian citizens was carried out, as the representative of Egypt said, by France before it was begun by Egypt. From whatever angle we look at it, it is plain that France has no right to make a complaint in this Assembly. People who live in glass houses should not throw stones.

221. Mr. ZEINEDDINE (Syria): At a moment when the Assembly might have expected the repre-

sentatives of France and the United Kingdom to come to the rostrum and announce the completion of the withdrawal of their forces from Egypt, in accordance with the General Assembly resolution, they have deemed it fit to speak of the mistreatment of French and British nationals in Egypt. An announcement of the withdrawal of their forces would certainly have been fitting for great nations conscious of their international responsibility, but to raise their voice to speak of the mistreatment of the French and British in Egypt is to strike at the harmony which had begun to reappear in our midst. It is disappointing to find that those two representatives thought it well to bring such a matter to the attention of the General Assembly.

222. I do not wish to indulge at this time in a legal analysis of the situation, much as my delegation would wish to do so; nor do I wish to recount all the facts of the situation. But their deception was ill-timed and also ill-conceived, presented as it was in a statement which was both legally and factually unfounded. I refer to the statement of the representative of France, with which, unfortunately, the representative of the United Kingdom found it necessary to associate himself. I hope that he read it carefully before giving it his support. Possibly, in a moment, the third ally, Israel, will come to the rostrum to speak about the Jews in Egypt—as if Jews were nationals of Israel.

223. Was it courage, was it audacity, which prompted the bringing of this matter to the Assembly at this time? Would it not have been preferable to present the situation as it really is and be grateful to Egypt—despite the war which France and the United Kingdom provoked, despite the aggression which they carried out—for its composure and its moderation? The representative of Egypt told us a few moments ago that there had been no general expulsion, although Egypt was entitled to expel. There is a commission to deal with appeals in that connexion. There has been no general sequestration or confiscation of property, no general internment, although war is war—to use the French expression, *à la guerre, comme à la guerre*. Egypt did not make use of that privilege; on the contrary, it tried to do what it could in a humane manner, which unfortunately, the aggressors find it difficult to understand.

224. The representative of France certainly has done a lot of research, and this is commendable. He went into many articles of many conventions which, according to his special interpretation, lent themselves as applicable to the present situation. But I would like to ask one question: In all his research did he find one article according to which France was entitled to make war upon Egypt? Where is the article that he could depend upon and the text of which he could bring here? Articles can be used in one way or another, but facts are facts and legalistic arguments are not going to disprove the fact that the three allies have caused such trouble, such loss of life and property that one should rather remember their acts.

225. For that purpose I would like to quote what a Swedish journalist in Egypt was able to write. His name is Mr. Anderson, and he wrote:

"My eye-witness story"—he came to Port Said shortly after the bombardment—"would not be a very nice story to tell children of the world. If it can be called a 'police action', what the French and British troops have done to the Egyptians, then there is no place for the word 'humanity' in their dictionaries. Few hours after cease-fire was declared I entered in the city of Port Said and found a burn-

ing, smoking inferno. I met children in the bombed-out houses and among the ruins searching for their parents. I saw parents, they too were searching with bleeding hands in the wreckages that were left of their homes, to find their killed children. I saw the thousands of dead bodies in smouldering smoking ruins, in the backyards of the few hospitals that still were left, two hospitals, completely blown up containing some 900 patients altogether. Is this to be called 'police action', to fly along the streets machine-gunning into every house as well as the streets? I call it terror and murder.

"If you want to see my pictures, please call on International News Photos who has my material" and so on.

They were smuggled out of Port Said against the wishes of the occupying Powers in that area.

226. That is what the French and the British have done to the Egyptians. What did the Egyptians do to the French and the British? Moderation has characterized the actions of Egypt throughout its policy in the present situation. But that moderation, instead of being received with gratitude, instead of being grateful for it and appreciative of the policy of moderation by us of the Arab States, it seems that another policy should be followed in the future—one which would try to teach a lesson to all aggressors that unilaterally aggressive actions can only end up to be prejudicial to those who undertake them.

227. Unfortunately it is beyond us to forget the feeling of hospitality, the feeling of some communion of culture that we feel with the people of the Mediterranean and other countries, the feeling that some day or another when the trouble which has resulted from the French and British action has ended, this friendship may be re-established.

228. Lastly, the representatives of France and the United Kingdom came here to ask for assurances. The representative of the United Kingdom in particular was not satisfied with assurances; he wanted to see that those assurances were complied with. But what assurances can be given to the French and British residents in Egypt, in Syria, in Morocco, in Algeria, in Tunis and other parts of the world? To my mind, the only assurance is that they behave themselves and behave themselves properly.

229. Mr. KUZNETSOV (Union of Soviet Socialist Republics) (*translated from Russian*): It is already after 6 p.m., and the question before us is extremely important. In addition to the documents that have been distributed, we have heard information submitted by the French representative and the United Kingdom representative and a number of explanations presented here by the Egyptian representative.

230. In considering an important question of this kind, delegations must naturally have time to study the material more thoroughly and to prepare their statements. Moreover, as you know, there are many other meetings and receptions which representatives are obviously in a hurry to attend.

231. The Soviet delegation therefore proposes that the consideration of this question should be postponed until tomorrow, particularly as we feel that there is no need for haste in this matter.

232. The PRESIDENT: I agree with the representative of the Soviet Union, but I want to take items 56 and 68 of the agenda first at tomorrow's meeting. If there is no objection, I shall consider my proposal as adopted.

It was so decided.

The meeting rose at 6.15 p.m.