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**President: Mr. Charles MALIK (Lebanon).**

**Decision concerning the procedure of the meeting:**

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fourth, Second, Third, Sixth and Special Political Committees.

1. The PRESIDENT: In view of this decision, interventions will be limited to explanations of vote on the draft resolutions recommended by the Committees.

**AGENDA ITEM 40**

The future of Togoland under French administration:  
report of the United Nations Commissioner for the  
Supervision of the Elections and report of the Trustee-  
ship Council thereon

**REPORT OF THE FOURTH COMMITTEE (A/3988)**

2. Mr. EILAN (Israel), Rapporteur of the Fourth  
Committee: Introducing a Committee's report to a

plenary meeting of the General Assembly is mostly a matter of routine which does not require an elaborate presentation. The short report now before us [A/3988] deserves, however, a different treatment because it has a historical meaning for the world and for the United Nations which should not pass unnoticed.

3. As was eloquently stated by the representative of France in the Fourth Committee [788th meeting], we are asked to certify the birth of a new state. This young State of Togoland, which is coming of age, has been, since 13 December 1946, a ward of the United Nations under the International Trusteeship System. It is the second Trust Territory to emerge from Trusteeship into independence, but the first one to blossom into full statehood in its own right, Togoland under British administration having acceded to independence through union with the independent Gold Coast two years ago.

4. But the significance of this event goes much further. What we are witnessing today results from an agreement between France, the Administering Authority, and the new Government of Togoland which came into office as a result of the legislative elections of 27 April 1958 supervised by the United Nations.

5. At the head of the Togolese Government are figures well known in the United Nations, where they have appeared for a number of years as petitioners. If item 40 on the General Assembly's agenda is now the subject of unanimous draft resolutions, it is due in the first place to the remarkable manner in which Mr. Dorsinville of Haiti, elected last year [730th meeting] as United Nations Commissioner for the Supervision of the Elections in the Trust Territory of Togoland under French administration, has performed his difficult and delicate duties. His report [A/3957] will continue to be regarded as a shining demonstration of the meaningful and constructive role that the United Nations can play when responsibilities are entrusted to competent hands. May I quote to you a passage from his report which we feel we should remember with gratefulness and pride:

"... I should like to call attention to the sympathy, one might almost say affection, which the Togolese people showed towards the members of the United Nations Mission. The deep and touching gratitude, expressed to the Observers and to me after the elections by countless groups and individuals, confirms me in the belief that there are few places in the world where United Nations prestige stands as high as in Togoland towards the end of April 1958." [A/3957, paragraph 560].

6. No wonder that the Fourth Committee in draft resolution I, which it is now submitting to you, has proposed that the General Assembly should express "its high appreciation of the work of the United Nations Commissioner and his staff". The same draft resolution also congratulates France, which, as the Administering Authority concerned, has led the Territory to

the threshold of independence and has reached a complete and sincere agreement with the freely-elected representatives of the people of Togoland on the year, the manner and the procedure by which independence will be attained. Last but not least, the draft resolution congratulates the authorities and people of Togoland.

7. We welcome the birth of a new African State and wish its people well. We hope that in 1960 an independent Togoland will join the United Nations as an equal and sovereign Member, and contribute its share to the promotion of the lofty purposes and principles of the Charter.

8. Under draft resolution II, also adopted unanimously by the Fourth Committee as a gesture of constructive good will towards Togoland, the General Assembly invites the Secretary-General, the Special Fund, the Technical Assistance Board and the specialized agencies to give urgent and sympathetic consideration to any requests for assistance concerning Togoland, submitted through the Administering Authority. This draft resolution is in reply to a formal wish expressed on 23 October 1958 by the Chamber of Deputies of Togoland.<sup>1/</sup> The Chamber of Deputies expressed the wish that the Administering Authority invite the General Assembly to send to Togoland a group of experts from the United Nations and the specialized agencies to assist the Togoland Government in carrying into effect a plan of economic and social development, in organizing its administrative services and in drawing up a Constitution consistent with the United Nations Charter. Let us hope that this is the beginning of another successful venture of the United Nations Technical Assistance Programme.

9. I have no doubt that the General Assembly will now endorse unanimously these two constructive draft resolutions proposed by the Fourth Committee, and that they will be remembered with pride as historic landmarks in the successful history of the United Nations international trusteeship system.

10. Mr. AKO-ADJEI (Ghana): On behalf of the Ghana delegation, I wish to take this opportunity to explain our position on the two draft resolutions on Togoland which the Fourth Committee has now submitted for the General Assembly's consideration.

11. As our Prime Minister, Mr. Kwame Nkrumah, has often stated, we in Ghana regard our independence as meaningless if it does not lead to the ultimate liberation and independence of all dependent peoples on the continent of Africa. It is therefore with great pleasure and satisfaction that we watch the emergence of many of our sister African countries to freedom as independent, sovereign States.

12. Indeed, it is gratifying to observe that the year 1960 will be a significant year—a year of destiny—in the modern political history of Africa. In that year four African nations are expected to emerge on the plane of international affairs as free, sovereign and independent States—namely, Togoland, the Cameroons, Nigeria and Somaliland.

13. In fact, the new State of Guinea already came into existence on 28 September 1958, and we hope that it

<sup>1/</sup> See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 40, document A/C.4/382, annex III.

will not be long before we shall all have the pleasure of welcoming Guinea as a Member of the United Nations.

14. At the Conference of Independent African States held in Accra in April 1958<sup>2/</sup> this year, the eight independent African States unanimously adopted a resolution on the Trust Territory of Togoland which reads as follows:

"Bearing in mind the objectives of the International Trusteeship System and the objectives proclaimed by the Bandung Conference,

"Having regard to the extremely important responsibilities laid upon the Legislative Assembly to be elected on 27th April 1958 as to the future of the Territory by paragraphs 7 and 8 of the operative part of the United Nations resolution of 29th November 1957,

"Expresses grave concern regarding the present electoral laws and system of the Territory;

"Strongly urges that the Administering Authority co-operate fully with the United Nations Commissioner in order to ensure fair and democratic elections in the Territory".

15. We are happy that, in spite of the tremendous difficulties which confronted Mr. Sylvanus Olympio and his fellow nationalists, who demanded independence for Togoland, the nationalists won the election and have now formed the Government of the Republic of Togoland, with Mr. Sylvanus Olympio as Prime Minister.

16. At the twelfth session, the General Assembly requested the Trusteeship Council to present a report to the Assembly at its thirteenth session, "... so as to enable it, if so requested by the new Togoland Legislative Assembly and the Administering Authority, to reach a decision, in the light of the circumstances then prevailing, concerning the termination of the Trusteeship Agreement in accordance with Article 76 b of the Charter of the United Nations" [resolution 1182 (XII)].

17. The elections of 27 April 1958 demonstrated beyond any shadow of doubt the will of the people of Togoland to be free and completely independent. Moreover, by a resolution adopted on 23 October 1958,<sup>3/</sup> the Chamber of Deputies of Togoland solemnly proclaimed the choice of complete independence by the people of Togoland.

18. Following that resolution, and acting upon the mandate given to it by the people of Togoland, the Government of Togoland has negotiated an agreement with the Government of France that the year 1960 should be the year in which Togoland will be declared independent.

19. The Ghana delegation would wish to emphasize that the actual date in 1960 for the declaration of independence should be a matter for agreement between the Government of France, as the Administering Authority, and the Government of Togoland, and that that date should not be fixed as a unilateral decision by the Government of France. This point is clearly emphasized in paragraph 4 of draft resolution I, which is now

<sup>2/</sup> Conference of Independent African States. Declarations and Resolutions, 22nd April 1958, resolution No. VI, Parliament House, Accra, Ghana.

<sup>3/</sup> See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 40, document A/C.4/382, annex III.

before the General Assembly for consideration. My delegation will vote for that draft resolution.

20. Draft resolution II invites the United Nations, through the Secretary-General and the specialized agencies, to render every possible assistance to Togoland during the difficult period of transition before independence. In the resolution of 23 October 1958, to which I have already referred, the Chamber of Deputies of Togoland solemnly expressed the wish:

"That the Administering Authority invite the General Assembly of the United Nations, at its thirteenth session, to send to Togoland a group of experts from the United Nations and the specialized agencies:

"(a) To assist the Togoland Government in carrying into effect a plan of economic and social development, after having first drawn up an economic inventory;

"(b) To assist the Togoland Government in organizing its administrative services, with a view to securing the greatest possible efficacy in the management of its affairs and in the execution of its programme of economic and social development;

"(c) To assist the Togoland Government in drawing up a constitution consistent with the United Nations Charter".<sup>4/</sup>

21. The request for assistance to Togoland during this transitional and formative period of its national life is a vital and urgent matter that deserves careful and sympathetic consideration by the General Assembly. We believe that this is one field of action in which the United Nations can play a decisive role in the final preparation of dependent territories, and especially Trust Territories, for independence.

22. The Government and people of Ghana received a large measure of assistance from the United Nations and its specialized agencies during the transitional period immediately preceding our own independence. We have always expressed our gratitude for such assistance. We sincerely trust that the United Nations will be able to render valuable assistance to Togoland in this particular manner. We hope that the Government of France, the Administering Authority, will cooperate fully with the United Nations in this important matter. We also sincerely believe that France will do everything within its power to promote the fulfilment of the wishes of the people of Togoland, as expressed by the Togoland Chamber of Deputies, for United Nations assistance in solving the difficult problems confronting a new state.

23. My delegation will vote in favour of the two draft resolutions on Togoland, and we are happy to know that other delegations may see fit to do likewise.

24. Mr. KOSCIUSKO-MORIZET (France) (translated from French): I had not intended to speak again, even to explain my vote; I thought everything had already been said. For France's achievement in Togoland and elsewhere makes propaganda speeches superfluous. We are happy to have guided Togoland to independence by a policy of respect for the dignity and freedom of all its citizens. Today Togoland, tomorrow the Cameroons—this achievement is characteristic of everything that France is doing in Africa south of the Sahara. We therefore took pleasure in voting for the two draft resolutions that were today submitted to the Assembly. We also take pleasure in thanking the United

Nations for joining in the tribute paid to France, and for having helped to bring independence to Togoland in brotherhood, freedom and dignity.

25. Miss BROOKS (Liberia): I shall not make a long statement at this time because I feel that it is not necessary to do so. However, because of the role which Liberia has played in contributing to the success which has been achieved on the Togoland question, especially Togoland under French administration, I have deemed it fit to ask that a vote should not be taken on these draft resolutions of such significance. We have come so close to a "happy landing" in a matter which has experienced a rough passage that we feel that all is well that ends well. In our opinion, it only remains for us to congratulate both sides for their contributions in uniting a Territory which is dear to the heart of the Fourth Committee members. I believe that if it could be recorded that the draft resolutions were adopted unanimously, it would lend more honour and prestige to the efforts of the Fourth Committee. Therefore, I would request that these draft resolutions should be so adopted.

26. The PRESIDENT: The two draft resolutions, I and II, in the Fourth Committee's report [A/3988], having been adopted unanimously by the Committee, in the absence of any objection on the part of the Assembly, I shall declare them both adopted unanimously by the Assembly.

Draft resolutions I and II were adopted unanimously.

#### AGENDA ITEM 29

Programmes of technical assistance:

- (a) Report of the Economic and Social Council;
- (c) Establishment of an international administrative service

#### REPORT OF THE SECOND COMMITTEE (A/3992)

27. Mr. FLERE (Yugoslavia), Rapporteur of the Second Committee (translated from French): I have the honour to introduce the report of the Second Committee [A/3992] on item 29 (a) and (c) on the agenda of the present session.

28. The discussions on the United Nations technical assistance programmes in the Second Committee reflected the Committee's now traditional general support for both the Expanded Programme and the regular programmes of United Nations technical assistance. I should add that that support was also expressed in the form of tributes to the work of those who administer the programmes, in particular Mr. David Owen, Executive Chairman of the Technical Assistance Board, and Mr. Keenleyside, Director-General of the Technical Assistance Administration.

29. At the conclusion of its discussions, which dealt with all aspects of the programmes, the Second Committee unanimously adopted five draft resolutions relating to current problems of the Expanded Programme and the regular programme. Generally speaking, these five draft resolutions are aimed at further improving the two programmes, and the individual draft resolutions relate specifically to the following problems: the first to the financing of the Expanded Programme; the second to the report on the regular programme; the third to the training of national middle-level personnel; the fourth to the concentration of technical assistance on essential sectors of the economy, and the fifth to the provision of fellowships.

30. In addition, the Second Committee adopted a sixth draft resolution entitled "United Nations Technical Assistance in Public Administration". That resolution was based on the proposal originally made two years ago by the Secretary-General of the United Nations. During the past two years, the proposal has been studied by the Technical Assistance Administration, in consultation with the governments concerned. On the basis of that study and those consultations, the Second Committee was able to recommend an addition to the present programme, whereby Governments will be enabled to secure the services of qualified persons to perform duties of an executive or operational character. This form of technical assistance will be provided on an experimental basis.

31. The Second Committee adopted the draft resolution by 62 votes, with no dissenting vote, and 13 abstentions. I should add that a number of delegations consider this draft resolution to be of particular importance.

32. The six draft resolutions referred to appear in the report. The Second Committee transmits these draft resolutions to the General Assembly for adoption.

33. Mr. BERNARDO (Argentina) (translated from Spanish): My delegation would like to explain briefly its vote on draft resolution F in the report of the Second Committee [A/3992].

34. The Argentine delegation, as it stated in the Committee feared that the original draft might mean transferring the emphasis in technical assistance from the education and training of qualified technicians and experts, in line with the draft resolutions adopted by the Second Committee on technical assistance, to technical assistance in public administration.

35. We felt that since our delegation had taken a clear position in this respect, we could not change our approach to the problem. Moreover, the revised ten-Power draft resolution, although it represented a considerable change as compared with the original provisions in the first draft, could, in our view, have had some dangerous consequences, since the appointment of officials with executive functions, although such functions might be of an administrative nature, might carry political implications; for the decisions of such officials, given the high grade or level at which they would operate, might have a political impact. In addition, of course, the way in which they would carry out their duties, the salaries they would receive and the privileges and immunities they might enjoy, might also place them in a difficult position vis-à-vis nationals of the countries in question.

36. Consequently, the proposed experiment did not seem to us to be at all advisable. Nevertheless, the Argentine delegation, prompted by the spirit of understanding and co-operation which marks our deliberations, tried to find a formula which would allow it to support the ten-Power draft. To this end, it proposed two amendments. The first, sponsored jointly with the delegations of Mexico and the Dominican Republic, was withdrawn with the same object of seeking wider agreement.

37. My delegation thought that it had found the way to such agreement when it proposed a new amendment, which kept intact the principle of the political independence of States and removed any apprehension which

might have existed in that connexion by leaving it to Governments to define the duties which would be assigned to such officials as might ultimately be engaged. Since this amendment was not adopted, my delegation was unable to vote in favour of the revised ten-Power draft resolution.

38. Mr. MENDOZA LOPEZ (Bolivia) (translated from Spanish): If, in the final vote, in the Committee, Bolivia appeared to be voting in favour of the ten-Power draft resolution, that was by an error. The chief reason for which Bolivia is opposed to the appointment of public officials for the less developed countries is contained in paragraph 2 of this draft resolution, which is the fundamental paragraph and the one which defines the nature of the resolution. In view of this paragraph, it is clear that Bolivia could only abstain on the resolution as a whole; for while we are not opposed to the development of the new countries we cannot give our consent to a General Assembly resolution authorizing the appointment of public officials, this being incompatible with the principles of the Bolivian Constitution.

39. In Bolivia, public officials are representatives of the State and, at the same time, representatives of political parties. The governing political party administers the State. Thus, the public servant is the subject of political controversy. If this public representative or public official is also a representative of the United Nations, obviously the representative of the United Nations will be the subject of political controversy, and that could well be harmful to the prestige of the United Nations.

40. On draft resolution F as a whole, therefore, my delegation will abstain.

41. The PRESIDENT: We will now vote on draft resolutions A to F contained in document A/3992.

Draft resolutions A to E were adopted unanimously.

Draft resolution F was adopted by 62 votes to none, with 15 abstentions.\*

## AGENDA ITEM 12

Report of the Economic and Social Council (chapter VI, sections I and III; chapter VII, sections I to VI, VIII and IX)

REPORTS OF THE THIRD COMMITTEE (A/3954) AND OF THE FIFTH COMMITTEE (A/3995)

42. The PRESIDENT: Before calling on the Rapporteur, I would draw the attention of the Assembly to the report of the Fifth Committee [A/3995] on the financial implications of draft resolution IV submitted by the Third Committee. This is submitted in accordance with rule 154 of the rules of procedure.

43. Miss ADDISON (Ghana), Rapporteur of the Third Committee: I have the honour to present the report [A/3954] on the Third Committee's discussion of item 12, (Report of the Economic and Social Council,

\*/ The delegation of Brazil, which was absent at the time of the voting, subsequently informed the President that Brazil would have cast its vote in favour of the draft resolution. See paragraph 116 below.

The Delegation of Honduras subsequently informed the President that Honduras wished to be included among the countries which had cast their votes in favour of the draft resolution. See 781st meeting, paragraph 1.

chapter VI, sections I and III; chapter VII, sections I to VI, VIII and IX).

44. The following questions were given particular attention by the Committee: United Nations Children's Fund; formulation of social policies related to economic development; international control of narcotic drugs; human rights; co-ordination of results of scientific research; and international co-operation in the fields of science, culture and education. You will find them described in some detail in the Committee's report.

45. The Third Committee recommends to you the adoption of four draft resolutions. In this connexion, I understand that the Fifth Committee has already taken action concerning the financial implications entailed in the adoption of draft resolution IV on co-ordination of results of scientific research.

46. In connexion with draft resolution IV, may I draw the Assembly's attention to a possible consequential change resulting from an amendment to paragraph 1, which was accepted by the sponsor of the draft resolution and adopted by the Committee. In view of the fact that the Secretary-General is requested to arrange a survey in co-operation with the specialized agencies concerned and the International Atomic Energy Agency, the words "the specialized agencies and the International Atomic Energy Agency" should also appear in paragraph 1 after the words "by the United Nations", so that the first sentence would end as follows:

"the steps which might be taken by the United Nations, the specialized agencies and the International Atomic Energy Agency towards encouraging the concentration of such efforts ...".

47. The PRESIDENT: The Assembly will now vote on the four draft resolutions, I to IV, contained in the report of the Third Committee [A/3954].

Draft resolution I was adopted unanimously.

Draft resolution II was adopted by 67 votes to none, with 3 abstentions.

Draft resolution III was adopted unanimously.

Draft resolution IV was adopted unanimously.

### AGENDA ITEM 34

#### Advisory services in the field of human rights: report of the Economic and Social Council

##### REPORT OF THE THIRD COMMITTEE (A/3951)

48. Miss ADDISON (Ghana), Rapporteur of the Third Committee: I have much pleasure in presenting to the General Assembly the report of the Third Committee [A/3951] on its consideration of item 34 of the Assembly's agenda, namely, "Advisory services in the field of human rights: report of the Economic and Social Council".

49. It will be recalled that the General Assembly, when it established the programme of advisory services by resolution 926 (X), requested the Economic and Social Council to submit to this session of the Assembly a report containing an evaluation of the projects carried out under the programme of advisory services in human rights and recommendations concerning the future of the programme.

50. The Council's evaluation was contained in a resolution<sup>5/</sup> which, among other things, expressed appreciation for the efforts of the Governments, organizations and individuals who had participated in seminars already held and to the Secretary-General for the part he had played in their organization, and went on to approve the plan presented by the Secretary-General for holding seminars in the year 1959.

51. The Third Committee found itself in general agreement with the Economic and Social Council, and by 65 votes to none against, with 4 abstentions, adopted a draft resolution in which the General Assembly expresses its satisfaction at the manner in which the projects have been carried out under the programme of advisory services in the field of human rights, and further approves the plan presented by the Secretary-General to the Economic and Social Council for holding seminars in 1959 and that, if possible, three of these should be held next year, taking note of the Council's request to the Secretary-General to keep in mind the possibility of organizing in the future an international seminar on a subject of universal interest. I would draw attention to the words "if possible" in paragraph 2. The main reason for the inclusion of these words, as is explained in the Committee's report, was that members of the Third Committee realized that the Fifth Committee had yet to review the budgetary aspects of the 1959 advisory services activities, and did not wish to prejudice that consideration in any way.

52. It is a matter of satisfaction to the Third Committee that our colleagues in the Fifth Committee [679th meeting] have agreed to reinstate a reduction in the 1959 budget which had been recommended by the Advisory Committee on Administrative and Budgetary Questions, and that it is beyond question now that the Secretary-General will be able to organize three seminars next year.

53. May I conclude by stating the Third Committee's gratification that this programme, which was launched in 1955 amid some expressions of doubt, has now become successfully and solidly established. Carefully administered, it can make a most valuable contribution to the work of the United Nations in the field of human rights.

54. The PRESIDENT: The General Assembly will now vote on the draft resolution contained in the report of the Third Committee [A/3951].

The draft resolution was adopted unanimously.

### AGENDA ITEM 20

#### Election of the United Nations High Commissioner for Refugees

55. The PRESIDENT: The Assembly has before it the note by the Secretary-General [A/3987], in which he informs the Assembly that he has nominated for the post of High Commissioner for Refugees Mr. Auguste R. Lindt, who has held the office since 10 December 1956. I am confident that I voice the feelings of the Assembly in thanking the Secretary-General for this nomination and in expressing appreciation to Mr. Lindt for his willingness to continue to serve in this post. Unless a vote is requested, I would suggest that

<sup>5/</sup> See Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No. 1, resolution 684 (XXVI).

Mr. Lindt be elected High Commissioner for Refugees by acclamation.

Mr. Auguste R. Lindt was elected United Nations High Commissioner for Refugees by acclamation.

56. The PRESIDENT: I should like to congratulate Mr. Lindt on the confidence which the Assembly has placed in him and to wish him every success in his great work with refugees.

## AGENDA ITEM 57

### Question of arbitral procedure

#### REPORT OF THE SIXTH COMMITTEE (A/3983)

Mr. Agolli (Albania), Rapporteur of the Sixth Committee presented the report of that Committee.

57. Mr. TUNCEL (Turkey) (translated from French): I should like to explain on behalf of my delegation the reasons why we cannot support the draft resolution appearing in the Sixth Committee's report [A/3983].

58. The Turkish delegation does not regard this draft resolution as satisfactory. During the Sixth Committee's consideration of the question of arbitral procedure, the Turkish delegation had the honour to submit a draft resolution, referred to in the Committee's report. The general debate on the subject made it clear that the Committee was faced with two extreme positions. Some held that the General Assembly should confine itself to taking note of the work of the International Law Commission; others, that the Assembly should approve the Commission's work. The Turkish delegation felt that those two opposite positions could not be reconciled, and accordingly, took the initiative of submitting to the Sixth Committee, for its consideration, a draft resolution which, by requiring the General Assembly to study the question at an appropriate time, left the future open.

59. In taking this position, the Turkish delegation had in mind the fundamental principles of the Charter, which refers to arbitration as one among the peaceful means of settling disputes between States. Moreover, the Charter recommends the General Assembly to do all it can to encourage the development of international law. As, however, the Greek draft resolution, which was submitted before the Turkish draft resolution, was voted on first, in accordance with the rules of procedure, and adopted, there was no opportunity for the Sixth Committee to vote on the Turkish draft resolution.

60. The Turkish delegation is happy to note, nevertheless, that the final text of the Greek draft resolution took into account the procedure proposed by the Turkish delegation, and at least invited Governments to send to the Secretary-General any comments which they might wish to make on the draft, and in particular on their experience in the drawing up of arbitral agreements and the conduct of arbitral procedure. The Turkish delegation earnestly hopes that the United Nations will be able to give further study to this question at an appropriate time in the future.

61. I should like to take this opportunity to express my delegation's opinion on another matter, namely the significance of the report which has just been submitted to the General Assembly on behalf of the Sixth Committee. That report has not been examined by the Sixth Committee, and I accordingly wish to state on

behalf of my delegation that it represents only the opinion of the Rapporteur.

62. The PRESIDENT: I request the General Assembly to vote on the draft resolution, contained in the Sixth Committee's report [A/3983]. A request has been made by the Romanian delegation for separate votes on paragraph 2 and on the last two phrases of paragraph 3 of the operative part of this draft resolution. I shall first put to the vote paragraph 2.

Paragraph 2 was adopted by 60 votes to 7, with 6 abstentions.

63. The PRESIDENT: I now request you to vote on the last two phrases of paragraph 3, which read:

"... for their consideration and use, in such cases and to such extent as they consider appropriate, in drawing up treaties of arbitration or compromis,"

The last two phrases of paragraph 3 were adopted by 43 votes to 19, with 10 abstentions.

64. The PRESIDENT: I now put to the vote the draft resolution as a whole.

The draft resolution as a whole was adopted by 46 votes to 17, with 11 abstentions.

65. The PRESIDENT: I give the floor to representatives who wish to explain their votes.

66. Mr. SRESHTHAPUTRA (Thailand): I should like to explain briefly my delegation's vote on the resolution concerning the question of arbitral procedure.

67. It is not because of lack of interest that my delegation abstained from voting on certain parts of the resolution and the resolution as a whole on this question. We did so because in the course of the general debate on this question in the Sixth Committee certain articles of the draft model rules on arbitral procedure met with considerable criticism. We do not believe that the draft rules as they now stand will attract States to use or promote the use of arbitration, which is one of the means for pacific settlement of disputes prescribed in Article 33 of the Charter of the United Nations. Moreover, the resolution contains no definite provisions for the reconsideration of the question by the United Nations, and this, in our opinion, could be interpreted as an approval of the draft model rules, the substance of which has not been discussed in the Sixth Committee.

68. Mr. GLAZER (Romania) (translated from French): The Romanian delegation voted against the draft resolution recommended by the Sixth Committee because certain sections of the operative part imply approval-only moral approval, it is true, but nonetheless approval—of the idea of compulsory international arbitration, which is unacceptable to us.

## AGENDA ITEM 65

United Nations Emergency Force:

(b) Progress report on the Force;

(c) Summary study of the experience derived from the establishment and operation of the Force

#### REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/3989)

Mr. Sylvain (Haiti), Rapporteur of the Special Political Committee, presented the report of that Committee and then spoke as follows:

69. Mr. SYLVAIN (Haiti), Rapporteur of the Special Political Committee (translated from French): May I take this opportunity to bring the following point to the attention of the French-speaking delegations. As the French translation of sub-heading (b) of agenda item 65 seemed to me inadequate, to say the least, I asked the Language Service of the Secretariat to replace the term "Rapport d'activité concernant la Force" by the expression "Rapport sur le fonctionnement de la Force", which they very willingly agreed to do.

70. Mr. PLAZA A. (Venezuela) (translated from Spanish): In explaining the Venezuelan delegation's vote, I should like to repeat explicitly what I said in the Special Political Committee [98th meeting] regarding my country's sense of gratitude and appreciation for the important work done for peace by the United Nations Emergency Force. This gratitude is due especially to General Burns, for his excellent work as Commander of the Force, to the members of the Force and to the Secretary-General.

71. Venezuela considers that the United Nations Emergency Force has played a decisive part in maintaining peace in the area in which it is deployed, and that it should continue in operation so long as circumstances warrant its existence.

72. Venezuela also believes that all States Members of the United Nations are jointly responsible for the establishment and maintenance of the Force, and it has never sought, nor will it seek, to evade its proper share of that responsibility, for that would be against its convictions and principles.

73. Venezuela cannot, however, agree to the basis which has been adopted for apportioning the cost of the Force among States Members, namely, the same scale as that applied for the annual contributions of Members to the United Nations budget. For the factors taken into account in establishing the annual contributions cannot be the same as those which should serve as a basis for calculating the costs brought about by a specific and exceptional situation; here, other factors must be considered. If the criteria applied are the same in both cases, what is equitable in one case will not be so in the other.

74. For those reasons, the Venezuelan delegation in the Special Political Committee expressed the view that the apportionment of costs should be readjusted on the basis of a more equitable scale of assessments. Since the Mexican delegation had presented an amendment to that effect, my delegation was prepared to vote in favour of the seven-Power draft resolution, in the hope that the amendment would become part of the text. However, this did not happen, and some delegations, by insisting that there was no need to ask the Fifth Committee to apportion the costs of the Force equitably, gave the victory to the argument that the only equitable arrangement was to apportion them in accordance with the scale of contributions.

75. Since this is contrary to the view of my delegation, but since Venezuela, as I said earlier, recognizes the important part played by the United Nations Emergency Force, my country has decided to abstain from voting on the draft resolution submitted by the Special Political Committee.

76. Mr. GARCIA ROBLES (Mexico) (translated from Spanish): The Mexican delegation is glad to have this

opportunity of again expressing its gratitude both to those Member States which have provided contingents for the United Nations Emergency Force and to the Secretary-General and his capable staff for the valuable contribution they have been making to the efficient performance of the difficult tasks entrusted to the Force.

77. As regards the practical problem of financing UNEF, which is the subject of the draft resolution submitted by the Special Political Committee in its report [A/3989], my delegation would like to make a few general remarks to state its position and to give the reasons for the vote it intends to cast on the draft resolution.

78. To begin with I would say that my delegation fully understands the Secretary-General's statement in paragraph 32 of his report [A/3899] that the present position with regard to the collection of the assessments is a matter of increasing concern since, as at 31 July 1958, sixty-two Member States made no payment towards the cost of maintaining UNEF in the current year.

79. Moreover, while we not only understand this concern but also share it, we feel obliged to say, with equal frankness, that the situation which has given rise to it is by no means surprising and was easily foreseeable from the start, since the serious and legitimate objections which were expressed by a considerable number of representatives at the eleventh session, and voiced even more strongly at the twelfth session, have been consistently ignored.

80. My delegation considers that this situation is due to the fact that the method of financing employed has not been based on the principles of justice and equity which should govern such a system.

81. A brief review, made dispassionately and without recrimination, of the origin of the United Nations Emergency Force and of the functions and responsibilities assigned to it will serve to illustrate this general statement, since the number of reports, resolutions and other documents concerning the Force has assumed such proportions that the essential features of the subject are often lost to sight. A review of this kind can easily be made by rereading the resolutions adopted by the General Assembly at its first emergency special session and at its eleventh regular session.

82. Even that is not necessary, however, since in the report which the Secretary-General submitted to the twelfth session of the Assembly [A/3694] he aptly summed up the practical effect of these resolutions as far as UNEF is concerned. In the course of this report, the following statement appears: "UNEF was designed to meet a particular need in an acute emergency" [A/3694, paragraph 44]. Further on it states:

"Looking back to November of last year [1956], it may be recalled that UNEF was, in the first place, a pre-condition set by France, Israel and the United Kingdom for the cease-fire. Subsequently, it was a pre-condition for the withdrawals from Egypt of the Anglo-French and Israel forces." [Ibid., paragraph 47].

83. The essential purpose of UNEF had been achieved by March 1957, when the withdrawal of the armed forces of the last of the three States which had intervened in Egypt was completed. This brought to an end

the first stage of the Force's existence and it may be said that it was practically the only stage that many Members of the United Nations had contemplated at the first emergency special session; there followed a second stage, which is the one in which we still find ourselves.

84. What I have already recalled will be sufficient explanation of some of the main reasons for the objections which from the very outset have been raised to the way in which it was proposed to finance UNEF. On this point it is particularly useful to examine the records of the eleventh and twelfth sessions of the General Assembly, especially those of the 721st plenary meeting, at the twelfth session, and of the 547th and 555th meetings of the Fifth Committee during the eleventh session, which include the statements made by the representative of Mexico [721st meeting] and the statements made in the Fifth Committee [547th meeting] on behalf of the twenty Latin American Republics by Mr. Urquiza, who was then spokesman for the Latin American group and is now Chairman of the First Committee, on the criteria to be followed for the financing of UNEF.

85. It was mainly as a result of the many and well-founded objections raised in the Fifth Committee during the General Assembly's eleventh session that resolution 1089 (XI) was adopted. It set up a committee of nine members "to examine the question of the apportionment of the expenses of the Force in excess of \$10 million", taking into consideration, "among other things, the discussions on this matter at the General Assembly" and studying "the question in all its aspects, including the possibility of voluntary contributions" and "the principle or the formulation of scales of contributions different from the scale of contributions by Member States to the ordinary budget".

86. As all are aware, this Committee's work bore little fruit, its only achievement being the adoption by the General Assembly of resolution 1090 (XI) in which it was decided to postpone the examination of the problem to the twelfth session.

87. Unfortunately at the twelfth session some delegations chose to regard the provisions of the final paragraph of resolution 1090 (XI) as a dead letter and put pressure on the Assembly to adopt, without any prior examination of the questions raised in resolution 1089 (XI), a joint draft resolution, which became resolution 1151 (XII) in spite of the serious reservations and repeated objections of many representatives, including the representative of Mexico.

88. An odd fact worth mentioning at this point is that up to 30 September 1958, eleven of the twenty-one Member States which sponsored the draft resolution in question—i.e., more than one half of them—had not paid any of the contributions which they themselves had established in that resolution to cover the cost of maintaining the Emergency Force during 1958, yet another illustration of the wisdom of the saying attributed to Talleyrand: "Surtout, pas de zèle".

89. In the light of all these facts, my delegation considers it essential that in examining the measures it should recommend for covering the cost of maintaining the Force in 1959, the Fifth Committee should adopt as its guiding principle the need for its recommendations to rest on an equitable basis.

90. In the Special Political Committee we had occasion to suggest an amendment proposing that this should be explicitly mentioned in the text of the seven-Power draft resolution. The sponsors of that draft resolution, however, found it difficult to accept our suggestion, for they considered that it might be open to misinterpretation and that it was, moreover, unnecessary since the Fifth Committee would undoubtedly have to ensure that the basis for the contributions it recommended was a fair one.

91. As my delegation, on the basis of the experience it had had with previous resolutions, considered it necessary that the draft resolution should embody an explicit reference of the kind we proposed, we were obliged to abstain in the vote in the Special Political Committee and we shall have to do so again when the draft resolution which that Committee has transmitted to us is put to the vote.

92. We consider that the Fifth Committee should, at the present session, take a more serious view of its responsibilities and should make a thorough study, either for itself or through the establishment of a well-balanced and widely representative sub-committee of how to set up an equitable system for financing UNEF, a system which, as contemplated in resolution 1089 (XI), would be separate from that for the regular budget of the United Nations. With that in mind the Fifth Committee could perhaps examine the practicability of the suggestions made by the representative of Cuba in the general debate in the Assembly [767th meeting] and by the representative of El Salvador in the general discussion in the First Committee [963rd meeting], that an emergency fund should be established on the basis of voluntary contributions.

93. On the other hand, if the method of contribution adopted by the Assembly was considered preferable, we think that the Fifth Committee should bear in mind, amongst other considerations, the following two principles, which we regard as fundamental.

94. The first is the principle of the relationship between powers and duties, according to which the permanent members of the Security Council have a greater degree of responsibility for the maintenance of international peace and security. In conformity with this principle, the Fifth Committee should fix a special quota for the great Powers in accordance with whatever scale may seem desirable.

95. The second principle is that applied in resolution 1212 (XII) concerning payment for the clearance of the Suez Canal, which might be expressed by saying that the greater the material benefit arising from a United Nations emergency operation, the higher should be the contribution made to the cost of it. We feel that in application of this principle the Fifth Committee should, among other things, fix a second special quota which would be shared proportionately among the States which have considerable public or private investments in the Middle East.

96. The establishment of these two special quotas which should cover the greater part of the expenditure arising out of the maintenance of the Force, would make it possible to arrive at a reasonable sum of money which, in order to safeguard the principle of collective responsibility for the maintenance of peace, would be paid by all the Member States in accordance



with the scale of contributions applied in the regular budget.

97. My delegation considers that the sum should be of a symbolic character, that it should not exceed 5 per cent of the total budget for the 1959 financial year and that it should be reduced by 1 per cent for each year in which the Force continues in being. This would, of course, in no way prevent any State which so desired and was able to do so from contributing a sum larger than that assigned to it as its quota.

98. In making the foregoing practical suggestions for an equitable distribution of costs, which my delegation intends to explain in detail in the Fifth Committee, we do not wish to imply that they are the only possible ones or that they, rather than any other equally effective ones which may be submitted to the same end by other delegations or by the Secretary-General, should be followed; what we do wish to make clear is that the vote of the delegation of Mexico—whose Government has on two separate occasions contributed to the best of its ability to the maintenance of the Force, with payments of \$70,000 and \$10,000 respectively—on the draft resolution on this subject which the Fifth Committee may submit to the General Assembly will depend on how far it seems to us to conform to the principles of equity. Meanwhile, as I stated previously, my delegation will abstain from voting on the draft resolution submitted to us by the Special Political Committee.

99. Mr. SCILINGO (Argentina) (translated from Spanish): In the Special Political Committee, in connexion with the report of the Secretary-General on the United Nations Emergency Force [A/3899], Argentina voted in favour of the draft resolution submitted by Brazil and six other countries, and amended by Italy and Mexico, which was approved by the Committee and is now before the Assembly. It will now vote again in favour of the draft resolution. It previously expressed its disagreement with the basis of the present system for financing the Force and said that, when the financial aspects came to be considered by the Fifth Committee, it would raise the question of reviewing that basis. The Argentine delegation wishes to reiterate this view in the present plenary session. That delegation considers it unjust that all the Member States should have to bear a further financial burden, in many instances too heavy for them, which takes no account of the relative responsibilities of Member States for the maintenance of international peace and security.

100. The PRESIDENT: I now request the Assembly to vote on the draft resolution recommended by the Special Political Committee in its report [A/3989]. The representative of Jordan has asked for a vote by roll-call.

A vote was taken by roll-call.

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

In favour: Ireland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Tunisia, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Iceland, India, Indonesia, Iran.

Against: Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary.

Abstaining: Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Philippines, Saudi Arabia, United Arab Republic, Uruguay, Venezuela, Yemen, Afghanistan, Cambodia, Chile, Honduras, Iraq.

The draft resolution was adopted by 51 votes to 9, with 17 abstentions.\*

101. The PRESIDENT: I give the floor to representatives who wish to explain their votes.

102. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation feels it necessary to explain the reasons for its vote on the draft resolution submitted by the Special Political Committee on agenda item 65, "United Nations Emergency Force", relating to the financing of that Force.

103. The Soviet delegation spoke against and voted against the draft resolution in the Special Political Committee as a consequence of the Soviet Union's position of principle as regards the establishment and operation of the United Nations Emergency Force.

104. The Soviet delegation also voted against this proposal in the General Assembly. Under the United Nations Charter, armed forces of the Organization may be established by only one principal organ of the United Nations, namely, the Security Council, which bears primary responsibility for the maintenance of international peace. The relevant provision in this respect, which is quite clear, is contained in Chapter VII of the Charter.

105. Thus, Article 43 plainly states that Member States shall "undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements", armed forces necessary for the purpose of maintaining international peace.

106. There is, however, no provision in the Charter which confers powers to establish and operate United Nations armed forces on the General Assembly or on any other United Nations organ except the Security Council.

107. It therefore follows that the General Assembly's decision [resolution 1000 (ES-I)] on the basis of which the United Nations Emergency Force was set up in 1956 is fundamentally contrary to the Charter and the Soviet Union has repeatedly drawn the attention of Members of the Organization to that fact. The circumstances in which the Emergency Force was established are well known. These troops were sent to Egypt in order to prevent the aggression committed by the United Kingdom, France and Israel against that country from spreading. This was done in compliance with the unanimous request of Member States for the immediate withdrawal of the intervening Powers' troops from Egyptian territory. Having been subjected to an unprovoked attack, Egypt was obliged to agree at that time to the introduction of a United Nations Emergency

\*/ The delegation of Turkey, which was absent at the time of the voting, subsequently informed the President that it would have cast its vote in favour of the draft resolution. See paragraph 115 below.

Force in the hope that this would be of some help in putting an end to the aggression. It cannot be expected that those exceptional circumstances will ever recur.

108. It is significant that the Secretary-General in his summary study of the experience derived from the establishment and operation of the Force [A/3943], should also recognize that the circumstances in which the United Nations troops were established were of such a nature that it could not reasonably be expected that they would often be duplicated elsewhere. It would, therefore, be quite unjustified, on the basis of the so-called experience of the Emergency Force, to seek the General Assembly's approval of any general principles and rules for the organization of a stand-by United Nations force.

109. Nevertheless, certain Western Powers have recently been trying to prove the need for the continued maintenance of the United Nations Force and have been representing it as virtually the only basis for preserving peace in the Arab East. It is no secret that the Western Powers' aim in making such attempts is to lay the foundation for the institution of an international police force and to adapt it to their colonialist and aggressive ends, which have nothing in common with the Purposes and Principles of the United Nations Charter.

110. However, attempts by the Western Powers to use the United Nations as a cover for their interference in the domestic affairs of other countries meet greater opposition in the United Nations with every year that passes. This is illustrated by the collapse of recent attempts to force through the United Nations a decision on the establishment of a stand-by international police force. The conclusive condemnation by many countries of this plan, which was harmful to the cause of peace, forced its sponsors to waive consideration in the Special Political Committee of the summary study prepared by the Secretary-General. We can only hope that this lesson will not pass unheeded and that the Western Powers will consign to oblivion the bankrupt idea of establishing an international police force in violation of the United Nations Charter.

111. The resolution adopted by the Assembly contains a request by the General Assembly to the Fifth Com-

mittee to recommend such action as may be necessary to finance the continuing operation of the United Nations Emergency Force in Egypt. The intention, moreover, is to continue the previous illegal system of financing the Force.

112. The Soviet delegation has repeatedly pointed out that the only correct approach to this question would be to adopt a decision to charge the entire cost of maintaining the Force to the countries which committed aggression, that is, the United Kingdom, France and Israel. To relieve the United Kingdom, France and Israel of the financial responsibility for the expenditure resulting from the aggression against Egypt and, in particular, for the cost of maintaining the United Nations Emergency Force, and to transfer this responsibility to other States is contrary to the rules of international law and to the principles on which our Organization is based.

113. The fact that many Member States refuse to pay contributions to the UNEF Special Account is evidence that they share this point of view and do not wish to bear the financial responsibility for aggression which they did not commit and did not support.

114. For the above reasons, the Soviet delegation voted against the resolution which imposes upon the United Nations the cost of maintaining the Emergency Force. The Soviet delegation is authorized to state that the Soviet Union, as before, will not participate in the financing of the Force.

115. The PRESIDENT: The representative of Turkey informs me that he regrets that he was absent at the time that the vote was taken on this resolution, but that he wants it recorded in the verbatim record of this meeting that he would have voted in favour of it. It will be so recorded.

116. Before we adjourn, I want to say that the representative of Brazil has informed me that he was detained and was thus unable to participate in the vote on resolution F concerning item 29 of the agenda, which dealt with programmes of technical assistance. Had he been present, he would have voted in favour of this draft resolution. This also will be recorded in the verbatim record of this meeting.

The meeting rose at 1.10 p.m.