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President: Mr. Abdul Rahman PAZHwak
(Afghanistan).

In the absence of the President, Mr. Patrick Solomon
(Trinidad and Tobago), Vice-President, took the Chair.

AGENDA ITEM 76

Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (continued)*

- (a) Advisory Committee on Administrative and Budgetary Questions;
- (b) Committee on Contributions;
- (c) Board of Auditors

REPORTS OF THE FIFTH COMMITTEE (A/6445/ADD.1, A/6471/ADD.1, A/6523)

Mr. Silveira da Mota (Brazil), Rapporteur of the Fifth Committee, presented the reports of that Committee.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.

1. The PRESIDENT: The recommendation of the Fifth Committee concerning the vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions appears in its report [A/6445/Add.1, para. 5]. If there is no objection, I shall take it that the Assembly approves the draft resolution recommended by the Committee.

The draft resolution was adopted without objection.

2. The PRESIDENT: The next item concerns the membership of the Committee on Contributions. If I hear no objection, I shall take it that the Assembly approves the draft resolution recommended by the Fifth Committee [A/6471/Add.1, para. 5].

The draft resolution was adopted without objection.

3. The PRESIDENT: The third item concerns the vacancy in the membership of the Board of Auditors. If there is no objection, I shall take it that the Assembly adopts the draft resolution recommended by the Fifth Committee [A/6523, para. 5].

The draft resolution was adopted without objection.

AGENDA ITEM 45

Permanent sovereignty over natural resources

REPORT OF THE SECOND COMMITTEE [A/6518]

Mr. Reisch (Austria), Rapporteur of the Second Committee, presented the report of that Committee and then spoke as follows:

4. Mr. REISCH (Austria), Rapporteur of the Second Committee: The history of this item goes back to resolution 1803 (XVII) by which the Secretary-General was requested to study the various aspects of permanent sovereignty over natural resources. His report on the matter^{1/} was submitted to the Economic and Social Council and, later, to the twentieth session of the General Assembly. The Second Committee discussed the matter at the twentieth session, but was unable to complete its consideration and, at its 1404th meeting, the Assembly recommended a postponement to the twenty-first session.

5. At this session, the Committee had before it, in addition to the report already mentioned, a draft resolution (A/6518, para. 4). In the course of debate, a sizeable number of amendments were introduced to this draft (A/6518, para. 5 et seq.) and the draft itself underwent several revisions. Following the adoption, by large majorities, of two amendments, and separate votes on the sixth preambular paragraph and operative paragraphs 3, 4, 5, and 8, all of which were adopted by large majorities, the draft resolution as a whole, as revised and amended, was adopted by 99 votes to none with 8 abstentions (A/6518, para. 26).

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Second Committee.

6. The PRESIDENT: I shall now call on those representatives who wish to speak in explanation of their votes before the voting takes place.

^{1/} Official Records of the Economic and Social Council, Thirty-seventh Session, Annexes, agenda item 15, document E/3840.

*Resumed from the 1452nd meeting.

7. Mr. GALLARDO MORENO (Mexico) (translated from Spanish): In the Second Committee my delegation voted in favour of the draft resolution (A/6518, para. 26) now before the General Assembly because we regard it as a corollary of resolution 1803 (XVII), adopted in 1962, on permanent sovereignty over natural resources because it now enumerates and defines the just aspirations of, and the position maintained by, developing countries in the matter of the exploitation of their natural resources.

8. The resolution necessarily implies simultaneous consideration of the investments necessary for development. It does not mean we should disregard one of the elements essential for development: the investment needed for any kind of utilization of resources, which must be financed from both national and international funds.

9. Mexico believes, as the President of the Republic said in his most recent report to the Congress, that foreign credit, as well as direct foreign investment, is a factor that can offset insufficient domestic savings. I quote the President's words:

"Doing without foreign aid is advocated by those who enjoy a high standard of living and therefore do not suffer the consequences of our development lag, the impact of which would be felt by the lower income groups. Those who would like to open the door to foreign investment without restrictions or safeguards forget that the goal of our economic development is to consolidate our national independence as soon as possible. We are aiming at development with independence and social well-being.

"If economic development is to strengthen our independence, not to reduce or freeze the living standard of our people, and to proceed at a satisfactory pace, we must have access to resources from abroad, but subject to a scale of priorities established in the light of well-defined national needs and objectives.

"Mexico's political stability, our increasing savings capacity, our utilization of natural resources for the benefit of the nation, our national control over basic industry, the strength of our currency, our traditional freedom of trade, the potential returns on productive investment and the broad fields still open in Mexico for investment to replace imports, produce competitive exports or both, are all factors which in international terms make Mexico a very favourable field for sound direct foreign investment.

"No formal guarantee, no preferential treatment—which because of ideological conviction and under the terms of our Constitution we are not prepared to grant—could give foreign investment greater advantages than those derived from the objective conditions—economic, political and social—which prevail in Mexico."

10. Mr. HOGENDORP (Netherlands): On behalf of the Netherlands delegation I should like to reiterate the positive and profound interest of the Kingdom of the Netherlands in the subject of permanent sovereignty over natural resources—an interest to which the Netherlands delegation is giving expression by its

affirmative vote on the draft resolution now before us [A/6518, para. 26].

11. There is no need for me at this moment to dwell upon the details of the Netherlands views on the various paragraphs of the draft resolution. They are set out in the explanatory statement I had the honor to make before the Second Committee on 7 November last [1061st meeting].

12. My delegation nevertheless wishes to state in this plenary meeting that, because of the integrated interest of the Kingdom of the Netherlands as a whole in the subject matter of this draft resolution, the Government of the Netherlands is satisfied to see that this important text has been formulated in a well balanced way. The amendments eventually incorporated by the co-sponsors into the final text have greatly contributed to this end.

13. In the opinion of the Netherlands delegation, the balance we have been aiming at has been realized, especially in the new operative paragraph 5, the contents of which appear to constitute a well-considered equilibrium of fundamental rights and duties which must underlie each and every effort of Member States in the field of development activities.

14. In our opinion, the draft resolution in its present form gives a strong moral backing to developing countries with regard to their fundamental right to bargain for the best deal they can obtain in the field of the exploitation of their natural resources. The actual content of this right will, of course, have to be negotiated case by case and in accordance with mutually acceptable practices. In this context I should like to note once again, especially in order to avoid misunderstandings, that this resolution in no way prejudices existing contracts and agreements and that nothing in the text of this draft resolution suggests any retroactivity as to its applicability.

15. In the light of what was said on the subject of a "Charter for development" in the general statement made before the Second Committee on 18 October last [1036th meeting] by the Netherlands Minister in Charge of Development Aid, Mr. Bot, we should like to stress once again that the right, in particular as laid down in operative paragraph 5, is a promotive right; that is to say, a legal principle of a promotional nature, the pursuit of which in good faith is an inescapable duty for all Member States of the United Nations, a touchstone—if I may say so—in the course of any of our efforts to accomplish for all peoples in our world an existence in accordance with human dignity and solidarity.

16. The Netherlands delegation on a previous occasion expressed its appreciation for the spirit of cooperation and comprehension which prevailed during the shaping of this resolution. Indeed, the discussions took place in a most constructive atmosphere deeply appreciated by my delegation.

17. Mr. ROOSEVELT (United States of America): The United States will abstain on the draft resolution on permanent sovereignty over natural resources [A/6518, para. 26], although it contains much with which we agree. We favour the resolution's recalling and reaffirming resolution 1803 (XVII), which contains a comprehensive declaration on the subject. We agree,

among other things, with the importance of proper exploitation of natural resources to the development of developing countries and with the desirability of maximizing the rate of growth of these developing countries. We agree with developing countries exercising freedom of choice in the manner in which they use their natural resources, with the important role of foreign capital, with the training of national personnel, and with access of the developing countries to foreign "know-how", as well as to capital itself.

18. At the same time, there are elements of the resolution with which the United States does not wholly agree. National participation in the administration of foreign enterprises is desirable in principle and is generally desirable in practice. However, it would be a mistake to state that there is a right to secure and increase a share in the administration of an enterprise regardless of the practical considerations, the contractual obligations and the equities of the case. Similarly, it is impossible for us to agree that under all circumstances there is a right of countries to secure and increase their share in the advantages and profits derived from the exploitation of their natural resources when it is fully or partly carried out by foreign capital.

19. We recognize, of course, that operative paragraph 5 states an important qualification of the right asserted in that paragraph, as has just been explained by the representative of the Netherlands. We appreciate in particular the regard which that paragraph expresses for "mutually acceptable contractual practices". Nevertheless, we find the wording of operative paragraph 5 inadequate. The paragraph does not state with sufficient clarity the fact that no country can escape the obligations arising out of international law and economic co-operation and out of contractual arrangements which have been mutually accepted.

20. The final phrase of paragraph 5 is not altogether clear to us, but I should like to place on record the view of the United States that, under the international law of State responsibility, all States have the right to extend diplomatic protection in appropriate cases.

21. Having said this, I should like to make it clear that the gap which separates us is relatively narrow. In order to clarify this, I should like to read to this Assembly a redraft of operative paragraph 5 which would represent the extent to which we believe it would be wise for the Assembly to go in this resolution. May I make it clear that I am not offering this text as an amendment. I am merely reciting it in order to show what I believe to be the relative closeness of our positions. We would have it read:

"Recognizes the right of all countries, and in particular developing countries, with due respect for mutually accepted contractual arrangements and to international law, to advance their share in the administration of enterprises which are fully or partly operated by foreign capital and to a greater share where appropriate in advantages and profits derived therefrom on an equitable basis with due regard to development needs and objectives of the peoples concerned, and calls upon countries from which such capital originates to respect that right."

22. My delegation unfortunately is also unable to accept the view contained in the proviso to the last preambular paragraph that government supervision of the activity of foreign capital is necessary to ensure that it is used in the interests of national development. But we do feel that such capital should conduct its activities in the interests of national development. We would accordingly have found it possible to accept a formulation of this proviso reading approximately as follows:

"... provided that the activity of such capital is so conducted as to ensure that it is used in the interests of national development".

23. My delegation is of the view that the reference to the sale of non-commercial reserves of primary commodities in the last clause of paragraph 7 is indeed unfortunate in this resolution, since, while the problem alluded to is an important one, it is not germane to the purposes of this resolution. We would, nevertheless, have been prepared to accept a formulation of this clause which would take into account the fact that those who place such reserves on the world market cannot be governed in their determinations only by the effect that sales on those markets may have on the foreign exchange earnings of the developing countries. Such a formulation, we believe, would be proper if it called upon Governments:

"... in placing on the world market non-commercial reserves of primary commodities, to have due regard for the problem of market disruption which could have an adverse effect on the foreign exchange earnings of the developing countries".

24. Other reservations which we have on the text of this draft resolution have been set forth in the Second Committee, and I will not repeat them now. But in general, I am afraid that this draft resolution may discourage the flow of international capital, public and private, to developing countries. All of us agree, I believe, that this flow should be increased rather than diminished. It is essential to development. Many countries have emphasized this point in the general debate in the Second Committee, not just the developed countries alone.

25. Accordingly, after the most careful consideration, my Government concluded that we could not vote for the draft resolution and that we must abstain since we believe it raises a serious question whether it is in the interest of the developing countries themselves.

26. May I add just this? This draft resolution, which is primarily concerned with the economics of permanent sovereignty over natural resources, does not change applicable international law or contracts one iota. For our part, we regret, indeed, that it has not proved possible to attain a full measure of agreement on this draft.

27. Mr. ORTIZ SANZ (Bolivia) (translated from Spanish): The draft resolution (A/6518, para. 26) before us, dealing with permanent sovereignty over natural resources, will no doubt command the overwhelming approval of the General Assembly.

28. It is no secret to anyone that the root of the frustration and uncertainty of international life in our time, as well as the most positive hope for

progress for nations at an early stage of development, lie in the economic sphere. The political, social, and cultural documents which this Assembly debates and approves express, in most cases, anxieties of a theoretical and doctrinal nature and lay down ideal lines for international conduct intended to lead to peace and co-operation; in other cases, these political, social and cultural documents provide safety valves for the tensions of the cold war. These documents are therefore necessary; they deserve our attention and Governments should be careful to be guided by their recommendations.

29. Having said this, we should be very clear and explicit about the following: developing nations cannot be content with theoretical and abstract documents. The people of the developing nations live in poverty and in conditions of backwardness; low wages and high living costs; insufficient resources for education and public health; insufficient capital to invest in increasing productivity; mounting costs of production because of the imbalance in the terms of trade, defective economic infrastructures; adverse market conditions for their exports; downward pressures on prices because of dumping; import barriers in major markets; massive competition, not always fair, in regard to manufactured goods; monopolistic manoeuvres on a vast scale. In the circumstances it is difficult even to survive and, of course, it is absolutely impossible to develop and advance.

30. It is for this reason that, although political declarations are ever more numerous and emphatic, three fourths of the world's population, represented by the Governments of some eighty States Members of the United Nations, not only make no progress towards development but live in increasingly poor and humiliating conditions. That truth, which is clear as daylight, and is obvious to both the wealthy and the poor, lies at the root of a grave malaise that characterizes the history of the twentieth century, but it has also had a salutary effect. The malaise takes the form of political subversion which is born of economic and social frustration and is not directed against this or that theory of Government, but against a state of injustice which must be changed by any available means; that is the point at which the revolution of rising expectations is inevitably transformed into the revolution of despair. We, the poor and small countries, are anxious that the revolution of rising expectations should move forward because it is just, because we are human beings who aspire to a better life, because we have a right to a better life after having sacrificed our raw materials blindly for the prosperity of others, and because this revolution of rising expectations is the last road to equality among men and peace among nations. Others, the prosperous and great countries, must understand this revolution of rising expectations and must act with vigour and in good faith to achieve them if not because it is just and necessary, at least in order to defend their own prosperity and greatness against a universal chaos arising from frustration.

31. I mentioned earlier a salutary side-effect of this critical situation of imbalance. That salutary effect is the growing awareness and the solidarity of the emerging nations which are struggling with increasing vigour for their economic rights and which produce

documents, within the United Nations, as important as the one we are considering.

32. During the debate in the Second Committee on this draft resolution on permanent sovereignty over natural resources, the representative of Bolivia expressed his firm support for it and, in order to add to its theoretical provisions and arguments a concrete element that would defend the interest of the emerging nations, he suggested an amendment that was approved by 58 votes to 2 and was incorporated in operative paragraph 7 of the draft resolution. The amendment calls upon the industrialized nations "to refrain from placing on the world market non-commercial reserves of primary commodities which may have an adverse effect on the foreign exchange earnings of the developing countries." All delegations voiced sympathy for the idea. The only objection, expressed by a single representative, was that the Bolivian amendment would be more appropriate in the debate on the United Nations Conference on Trade and Development than in the discussion of the present draft resolution.

33. As Bolivian representative, I pointed out at that time and I would reiterate now that the proposed amendment certainly relates directly to the question of sovereignty over national resources. I said in the Second Committee that such sovereignty already exists theoretically under our constitutional laws, but that this is nothing more than a form of words, because in the commodity market, when prices are set, political and economic pressure from powerful nations contravenes and destroys the principle of our sovereignty.

34. My country has long experience of problems and frustrations in this field. The people of Bolivia own the great mining companies. The Bolivian miners work in appalling conditions for wages so low that they should shame the international sense of social justice. Bolivia faces enormous transit and transport problems in exporting its minerals. The deposits are being exhausted and they are not a renewable resource. Every ton of tin, tungsten or other mineral that leaves Bolivia is gone forever, and it should bring the country a return in capital gains, which would allow us to survive as befits a sovereign nation when the minerals have been exhausted.

35. With a small population and one of the most difficult and inaccessible geographical situations, the Bolivian nation works heroically and exports minerals. It exports them at all times—in time of peace to feed the industries of prosperous nations, and in time of war to contribute to the defence of the great causes for which our allies fight. We never quibble over prices; we co-operate with the Governments and international organs that seek to stabilize the market. Despite this attitude, which is, to say the least, self-sacrificing, generous and worthy, we find that, when our minerals reach the market, extremely powerful and prosperous nations, negating the philosophy of free enterprise and the essential principle of mutual respect that should prevail in international life, are dumping non-commercial stockpiles of minerals, controlling the market according to their wishes and provoking, if not a collapse of prices, at least a permanent downward pressure on them.

36. It is this situation that Bolivia wishes for the first time to denounce openly in the General Assembly. The industrialized nations, which deserve our respect for their ideologies and their democratic and Christian aspirations, which offer us so much indispensable assistance at other levels of economic life and which we are always asking for more investment capital and technical assistance and a broader understanding of our problems, cannot persist in the pernicious and petty error of endangering the basic economies of entire peoples on the mercenary basis that there are stockpiles that must be sold and prices that should be lowered.

37. We are not advocating any kind of anarchy on the commodity market. We are old and loyal members of the International Tin Council and the United Nations Committee on Tungsten. A few months ago, we proposed the establishment of another special committee for antimony. In short, we consistently cooperate in serious international efforts, which for us mean sacrifices, to stabilize the prices of minerals for the common benefit of producers and consumers. However, it is quite a different matter when any powerful nation can at any time, of its own accord and without regard for anything but its own interest, sell great tonnages of minerals, thus arbitrarily forcing prices down.

38. The delegation of Bolivia wishes to appeal in the strongest terms to all members of the Assembly to understand that the draft resolution we are discussing, which includes the Bolivian amendment, is a document of far-reaching importance not only for the economies of developing nations but because it will affect the extent to which all of us will be willing to trust the United Nations in future. When this document is approved, there is no doubt that the raw material producing countries, especially the mineral producers, will be able to invoke a legal precedent that may save them from the hazards of a destructive economic dictatorship in international commodity trade.

39. I should like to conclude this statement by reading to the Assembly the statement which I made on behalf of Bolivia at the fifth session of the United Nations Committee on Tungsten, which met in New York from 16 to 19 May 1966:

"Every industrialized nation has the right to establish strategic stockpiles of minerals or other commodities to meet defence needs, but it is clear that the stockpiles should never be used to exert pressure on market prices, since any industrialized nation could in this way unilaterally set in motion a downward trend in prices which would be detrimental to producing countries and contrary to the ethics trade.

"Faithful to its commitments to various economic bodies, Bolivia is not in a position to increase the prices of its minerals by unilateral decision as other nations have recently done. We believe, however, that the industrialized countries should refrain strictly from selling strategic stockpiles without first consulting and obtaining the express consent of the producing countries, because Bolivia would otherwise have to review all aspects of its contri-

bution to the schemes of the International Tin Council and the United Nations Committee on Tungsten.

"The recent sales of tungsten and tin from United States strategic stockpiles frustrate Bolivia's legitimate expectations of obtaining better prices for these minerals and exert a depressing influence on the efforts being made internationally to stabilize commodity prices at new, remunerative levels that would encourage investments, resulting in increased production, which is the only fair economic response to an excess of demand over supply.

"Such sales are moreover plainly inconsistent with the purposes of the United Nations Conference on Trade and Development, whose essential objective is precisely to bring about a fairer and more realistic international trade system in which developing nations would receive greater earnings from their commodity exports, which would enable them to meet their own needs for social welfare and economic development without having to have recourse to international aid programmes, detrimental to their status as sovereign nations.

"For all these reasons and without prejudice to the arguments which may be adduced in the Economic and Social Council, the Conference on Trade and Development and the International Tin Council, the delegation of Bolivia wishes to place on record the grave concern of the Government and people of Bolivia at the sales of tungsten and tin in question."

40. In the interests of the prestige of the General Assembly, the faith that we must place in the United Nations and the pressing requirements of just and speedy economic development for all emerging nations, Bolivia hopes that the draft resolution on permanent sovereignty over natural resources will be adopted by a large, overwhelming majority.

41. Mr. SCHUURMANS (Belgium) (translated from French): The right of a State to permanent sovereignty over its natural riches and resources has already been proclaimed a number of times in General Assembly resolutions. It is, as the representative of Argentina aptly expressed it in the Second Committee (1061st meeting), simply one of the many corollaries of national sovereignty itself. No agreement, action or measure, stemming from either a Government or an individual, should ever lose sight of this essential principle which is no longer contested by anyone.

42. The history of the rights of the individual in the nineteenth century has taught us that political emancipation can only be made complete by the establishment of an economic democracy which allows the individual to fulfil his role as a citizen in full independence.

43. Similarly, today, the newly emergent nations consider that they will not be able to enjoy their political independence to the full until that independence is crowned by the total exercise of their sovereign economic rights.

44. The Belgian Government wishes to express to all States its complete sympathy with this concern and will give its full co-operation in the pursuit of this legitimate objective. The vast movement of international aid which is typical of the world today

is intended to increase the financial, technical and human resources of nations in order to allow them to achieve their full economic independence in the shortest possible time.

45. Belgium, for its part, makes a very large contribution to this movement. By means of financial aid and private investment, it provides co-operation and assistance on a scale which, in relative terms, is equalled by few other countries. And yet the Belgian delegation must regretfully abstain from the various votes on the draft resolution (A/6518, para. 26) which is to be placed before the Assembly. This attitude is dictated by the following considerations.

46. First, we feel that the draft resolution has not been sufficiently thoroughly prepared or studied, particularly with regard to the legal wording of certain paragraphs. For example, operative paragraph 5 reveals some unclear thinking which, in our opinion, could hardly contribute to the realization of the very praiseworthy objectives sought by its sponsors.

47. Our second objection to this text is even more serious. The draft resolution, in the last preambular paragraph and in operative paragraphs 5 and 6, touches several times on problems which seem to us to fall within the exclusive competence of States. It is the prerogative of every Government freely and independently to formulate its own economic policy and to prepare its legislation according to its own ideas and its own judgement of the interests which best serve it. It is quite natural and perfectly legitimate that the developing countries should intend to play an increasingly active part in the industrial enterprises set up in their territory through foreign capital, in order to retain control of their own economic life. The Belgian Government has itself expressed this desire in the negotiations that it is conducting with the enterprises which are springing up on its soil. But certain Governments may prefer not to have such a formulation included in their legislation. Hence, it seems to us wrong that an international organization should descend, as it were, to the negotiating table, as one of the representatives put it, and proclaim the existence of a right which cannot be included in certain national legislations, except in so far as Governments consider it necessary to do so. In our opinion, the role of the Assembly should be confined to confirming the principle of the sovereignty of States at the legal level, without thereby recommending that States should adopt any specific policy.

48. In a matter directly concerned with international co-operation, where the first prerequisite is an atmosphere of mutual confidence, the draft resolution deliberately omits a certain number of general legal principles, common to both domestic and international law, which directly concern the subject before us, namely, respect for freely concluded conventions and respect for acquired rights.

49. A reference to these principles which we wish to invoke not so much for the sake of past investments, as some might think, but more particularly for future investments, would have provided a better-balanced text which would have ensured it wider international support.

50. We believe that in the final analysis this draft resolution, with its imperfections and omissions, adds nothing to the right of States to enjoy full sovereignty over their natural resources, a right already proclaimed by the Assembly, particularly in resolution 1803 (XVII).

51. Mr. MACDONALD (Canada): My delegation supported this draft resolution as a whole in the form in which it now appears before the Assembly [A/6518, para. 26]. We were pleased that the Committee was able to arrive at a form of wording which, on the one hand, recognized the importance of the rights of the host country to foreign investment and, on the other hand, assured to foreign investors the equitable treatment of their investments in accordance with the recognized principles of international law.

52. We must, however, reserve our position on two aspects of the draft resolution. The first relates to the final clause of the last preambular paragraph, which was amended at the instance of the delegation of the Byelorussian Soviet Socialist Republic, by the addition of the following wording: "... provided that there is government supervision of the activity of foreign capital to ensure that it is used in the interests of national development." My delegation did not consider that this addition would be in the interest either of foreign investors or of developing countries, and we opposed it with our vote. We continue to be of that view, and therefore we shall withhold our support from that portion of the draft resolution.

53. We also did not support the amendment to operative paragraph 7—that is, the addition, at the instance of the delegation of Bolivia, of the reference to placing on the world market non-commercial reserves of primary commodities. We remain sympathetic to the experience which has caused the delegation of Bolivia to add that consideration to the draft resolution, but we feel that the thought which has been added by the amendment raises questions of a fundamental nature going both beyond the Committee's discussion of the question of permanent sovereignty and beyond the terms of that agenda item.

Mr. Pazhwak (Afghanistan) took the Chair.

54. Our support of the draft resolution as a whole, therefore, would be subject to a reservation of judgement on that question.

55. With these reservations in mind, my delegation is pleased to support the draft resolution as a whole.

56. Mr. INGRAM (Australia): The Australian delegation abstained from voting on this draft resolution when it was considered in the Second Committee. However, it gives my delegation great pleasure to announce that it will cast an affirmative vote today.

57. In explaining its vote in the Second Committee [1061st meeting], the Australian delegation recognized that the debate had shown a lively recognition of the need to take account of two economic facts. The first of these was that developing countries have sometimes been in an unequal bargaining position vis-à-vis foreign enterprises active in the exploitation of their natural resources and that they have not always shared sufficiently in the profits and management of such enterprises.

58. On the other hand, it was also recognized by the Committee that foreign capital and foreign "know-how" are frequently necessary for the exploitation of natural resources and that, in consequence, the General Assembly should not take any action which will make private capital shy of investing in developing countries.

59. However, we had doubts about the draft resolution because we were not sure that, in its wording, it struck a proper balance between these two considerations that I have just outlined. But on reflection, and in the light of a more careful examination of the text than was possible during the last stages of its consideration by the Second Committee, my delegation has come to the conclusion that, considered in toto, the text does strike such a balance. We have therefore no hesitation in voting for the draft resolution today.

60. I might add that if a separate vote is requested with respect to any one of its paragraphs, the Australian delegation will vote for all paragraphs.

61. Mr. DELEAU (France) (translated from French): The French delegation will vote unreservedly in favour of the draft resolution submitted by the Second Committee (A/6518, para. 26). The text of the draft strikes a reasonable and realistic balance between the various views expressed in the Committee.

62. This balance was further improved by the fact that the sponsors agreed to include certain amendments in the original document. All in all, it reflects the ideas which France has been trying to put into practice in the new links which it is forging with the developing countries. Recent agreements provide cogent evidence of this trend.

63. Whenever the occasion presents itself, France tries to ensure the acceptance of terms of association enabling the countries with which it deals to be directly concerned with the rational and systematic exploitation of their natural resources for the general welfare of their own economy and that of France. In so doing, its purpose is to achieve a truly joint administration of the economic and technical assistance which it provides to those countries.

64. In that connexion, attention should be drawn to certain provisions in the draft resolution, especially operative paragraphs 6 and 7. In these provisions there is an interesting idea which opens up new vistas in the relationship between foreign investors and the recipient countries.

65. In addition to provisions on sharing in the exploitation of resources, contracts could usefully include items associating foreign investors more closely with the general development of the economy of the recipient countries, whether in training specialized personnel or creating processing industries from natural resources when such industry seems economically viable.

66. These are the reasons why the French delegation will vote in favour of the draft resolution concerning permanent sovereignty over natural resources.

67. Mr. GROS ESPIELL (Uruguay) (translated from Spanish): My delegation wishes briefly to explain its affirmative vote on this draft resolution (A/6518, para. 26).

68. In conformity with ideas that are very deeply-rooted in my country, the position of Uruguay is, of course, one of support for the draft resolution now under consideration. One of the forerunners of this draft resolution, cited in the text—resolution 626 (VII) of 21 December 1952—was in fact based upon an initiative by Uruguay. When the General Assembly considered and adopted that resolution on 21 December 1952, the representative of Uruguay, Mr. Angel Maria Cusano, said that, by increasing understanding of the needs of peoples, it would strengthen the very existence of the United Nations.

69. The draft resolution now before us, which we support without reservations and on which I shall comment, is simply an application and updating of the original decision of the General Assembly to which I referred earlier. It is intended to ensure that all States will be able to exercise their sovereign rights over their natural resources, and is particularly important to developing countries such as Uruguay.

70. But the draft resolution does not imply a hostile position on the investment of foreign capital. On the contrary, it admits and accepts such investment, but regulates it with one regard for the sovereignty of the State and the right of peoples to self-determination.

71. Uruguay has always affirmed and defended its sovereign right over its own land and water, natural resources, but, in dealing with foreign capital invested in the Republic, it has always acted fairly and even-handedly, avoiding injustice and illegality. It will therefore be pleased to vote for the draft resolution.

72. Sir Edward WARNER (United Kingdom): My delegation will abstain on the draft resolution before the Assembly in order to place on record the reservations it expressed in explanation of vote in the Second Committee. There are passages in this draft resolution, notably in the sixth preambular paragraph and in operative paragraphs 3, 4 and 5, which appear prejudicial to the principles set out in operative paragraph 8 of resolution 1803 (XVII), to which principles the United Kingdom will continue to adhere.

73. I must emphasize that we do not regard the present draft resolution as in any way affecting existing commitments and the relevant principles of international law.

74. We have been glad to note the statements by a number of developing countries in the debates of the Second Committee that they have no desire to discourage foreign private investment, and indeed greatly welcome it. For there is no question of multilateral aid being able to replace the present volume of foreign private investment. It is therefore essential that the investment of risk-bearing capital in the natural resources of developing countries should not be discouraged as a result of the dubious wording of the present draft resolution.

75. Mr. MITRA (Philippines): My delegation did not intervene at length in the debate on this item in the Second Committee. This was not due to lack of interest in the item but rather to the belief that the joint draft resolution conformed as a whole to the position which the Philippine Government has adopted on this extremely important question ever since the General

Assembly has been seized of it. The Philippine approach to the problem of safeguarding the permanent sovereignty of States over their natural resources was fully elaborated in the Commission on Permanent Sovereignty over Natural Resources, over which the Philippine representative had the honour of presiding; in various other United Nations bodies, in connexion with the formulation of the international covenants on human rights; and in the General Assembly itself when the report of the Commission on Permanent Sovereignty over Natural Resources was submitted and considered during the seventeenth session in 1962.

76. During the debate in the Second Committee on the present resolution, my delegation felt obliged to abstain on only one proposed amendment, which was adopted despite the abstention of forty-seven delegations, and which now appears as the second part of operative paragraph 7 in the following words:

"Calls upon the developed countries . . . to refrain from placing on the world market non-commercial reserves of primary commodities which may have an adverse effect on the foreign exchange earnings of the developing countries."

77. Our reservation with respect to this amendment was based not so much on principle but on the belief, shared by a number of other delegations, that this suggestion would be more appropriate in a resolution dealing with trade matters. Notwithstanding our reservation on this point, however, my delegation had no difficulty in supporting the resolution as a whole.

78. My delegation shares the view of the great majority of those who voted in favour of the resolution that it is both useful and timely that the Assembly at this stage should take positive steps towards ensuring international respect for the right of States to permanent sovereignty over their natural resources. The United Nations is moving into a period of more extensive international co-operation in the field of economic and social development. The goals of the United Nations Development Decade, which the United Nations is determined to achieve, cannot be attained without greatly expanded economic co-operation between developed and developing countries. And co-operation on that massive scale, in order to be effective and to yield the desired results, must be undertaken in strict consonance with the provisions of the Charter, particularly those pertaining to the equality of States and mutual respect for one another's sovereignty.

79. As we move, decisively we hope, into the second and perhaps crucial half of the Development Decade, every effort should be made to forestall possible violations or disregard of the right of States to permanent sovereignty over their natural resources. While it is true and is generally accepted that a fair balance should be worked out between the requirements of the developing countries for international assistance and their natural desire to protect their sovereignty over their natural resources, it should be clearly established that, in any conflict between the two, consideration for the integrity of the sovereign right should be paramount. In other words, the acceleration of economic development should not be achieved at the expense of unjustified infringements of sovereignty. We believe that the present resolution reflects this essential principle.

80. The emphasis in the present resolution on the rights and interests of the developing countries is appropriate in the light of past experience and in view of the great disparity in the relative economic strength of developing and developed countries. To say that the developing countries constitute the weaker and more vulnerable side is simply to state an undeniable fact. The proper concern for their situation expressed in the resolution is based on this fact.

81. During the consideration of this item in the Second Committee, my delegation had occasion to point out [1053rd meeting] the need for more effective co-ordination in United Nations efforts in this field. That is in line with the consistent Philippine position that the task of strengthening the safeguards for the permanent sovereignty of States over natural resources should be undertaken at all levels, within the United Nations as well as in parallel efforts outside its normal scope. The Philippine Government is prepared to extend its full co-operation in all such efforts, in accordance not only with the present draft resolution but also with the declaration containing the eight basic principles formulated by the United Nations Commission on Permanent Sovereignty over Natural Resources and adopted by the General Assembly [resolution 1803 (XVII)].

82. The last three of those principles are particularly appropriate to our present deliberations, and are worth recalling at this time. They are contained in operative paragraphs 6, 7 and 8 of General Assembly resolution 1803 (XVII) as follows:

"International co-operation for the economic development of developing countries . . . shall be such as to further their independent national development and . . . their sovereignty over their natural wealth and resources;

"Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the . . . Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace;

"... States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the [United Nations] Charter . . ."

83. Mr. VARELA (Panama) (translated from Spanish): My delegation is deeply gratified that this afternoon this plenary meeting of the Assembly is considering the draft resolution approved in the Second Committee (A/6518, para. 26). The resolution not only stirs patriotic feelings in all developing countries, but has the support of industrialized countries which believe in the rule of law and not that might makes right.

84. The draft resolution before us received the support of the greatest majority ever in the Second Committee: there were 99 votes in favour and only 8 abstentions. If we add to this the favourable vote of Australia, which was made known a moment ago, and the vote of Uruguay, whose representative was not present when the vote was taken, the great majority I mentioned becomes an overwhelming majority.

85. The Foreign Minister of Panama, in a speech before the Assembly, said, referring to General Assembly resolution 1803 (XVII):

"... Panama hopes to see the provisions of the above-mentioned United Nations resolution on natural resources put into effect. ... It is the intention of Panama to achieve the effective exercise of its sovereign rights over the strip of its territory at present known as the Panama Canal Zone, and to derive from the operation of the Canal the benefits to which it is in all justice and equity entitled." (1423rd meeting, para. 171)

86. On this basis, I had the honour, with the assistance and generous co-operation of many other delegations, to participate in the tenacious struggle to secure the approval by the Second Committee this year, after some three years of consideration, of a draft resolution (A/6518, para. 26) which develops in more specific and precise terms the postulates already established in resolution 1803 (XVII). I said on that occasion, if I may quote a few brief paragraphs, that we firmly believed that such sovereignty was a basic element of the right of self-determination of peoples, a right so frequently cited as justification for a bloody armed struggle. I went on to say that theoretically it was true, as I had heard it said in the Second Committee, that permanent sovereignty was an inalienable right of peoples, exercised over their natural resources, that could not be impaired by acts of a foreign Power or by failure to act on the part of a national Government. But, unfortunately, there are rights that peoples do not fully exercise for various reasons, in particular because mankind has not yet had the good fortune to live under the rule of law but, on the contrary, has all too often suffered from the rule of force, which is exercised irrationally and consequently has resulted in grave calamities for the world and it will continue to threaten the dignity of peoples, to provoke strong and just protests, to discourage the rule of justice, to tarnish the honour of nations and to encourage violence. I also said that I entertained—as I still do—the firm hope that the draft resolution will receive the unanimous support of the representatives of developing countries. What other position could they take? No one can deny the merit and the propriety of reaffirming and strengthening such high and important principles, so that the political independence of the countries of the Third World can be strengthened with economic independence, as part of the greater goal of giving full effect to the self-determination of all peoples.

87. With some regret—since I should have preferred not to do so because of my great personal regard for him—I shall comment on the suggestion which Mr. Roosevelt, representative of the United States, made indirectly to the Assembly for a new wording ...

88. The PRESIDENT: May I respectfully request the speaker to confine himself to an explanation of vote at this stage. If he wishes to make any other kind of statement, he will be granted the floor to do so, in accordance with the rules and the understanding we have reached in the Assembly.

89. Mr. VARELA (Panama) (translated from Spanish): As I have never been a diplomat—this is the first

time I have taken part in a meeting of this kind—I did not know that I could not express my views on the draft resolution before casting my vote. But if that is your ruling, Sir, I can only yield to it and hold my statement in abeyance.

90. Mr. BRADLEY (Argentina) (translated from Spanish): In the general debate in the Second Committee (1037th meeting), when we were dealing with this item, my delegation explained the Argentine Government's views concerning sovereignty and said that we could not agree that, under the pretext of regulating or recommending the manner in which natural resources in developing countries should be exploited, rules should be laid down as to how sovereignty should be exercised.

91. We believe that sovereignty is an absolute concept with regard to which no one, other than ourselves, can take decisions, not even this Assembly. We explained our vote in the Second Committee in these terms, and we do so again here: we will abstain, and for the same reasons.

92. The PRESIDENT: I shall now put to the vote the draft resolution recommended by the Second Committee [A/6518, para. 26].

The draft resolution was adopted by 104 votes to none, with 6 abstentions.

AGENDA ITEM 90

Restoration of the lawful rights of the People's Republic of China in the United Nations (continued)

93. Mr. DJERMAKOYE (Niger) (translated from French): The question of giving to so-called People's China the right to sit in the United Nations is, as we know, submitted every year to our Assembly for its consideration. A great deal has been said this year, as in all our previous sessions, concerning rights and legality. But reference has rarely, if ever, been made to China's duty towards the United Nations, as if rights and duties were not the fundamental conditions which the United Nations Charter requires of all countries, great or small, for membership in our Organization. My argument is based on the second part of the preamble to the Charter, which is familiar to us all, but which is nevertheless worth recalling because it seems to have been neglected:

"To practise tolerance and live together in peace with one another as good neighbours, and

"To unite our strength to maintain international peace and security."

94. The obligations of each State under the Charter can be found in Articles 1 and 2. Yet what do we see happening more or less everywhere in the world? I shall take the single example of what my country has had to endure as a result of Peking's policy of expansion and badly understood Leninist principles.

95. On three occasions, Niger has been the victim of subversive activities perpetrated, equipped, trained and financed by Peking. Taking advantage of the credulity of some and the misguided ambitions of others, the Peking Government trained hundreds of young Niger nationals for the purpose of armed subversion, so that they might return to their own country

to massacre their fathers, mothers, brothers and sisters. Doctrine was all that mattered in their eyes. This doctrine was all the more distressing, disquieting, dangerous and inhuman in that it was badly digested and put into practice by novices eager to prove their fidelity to what they had been taught in Peking and Nanking for two years. The result was a revulsion of the national conscience, ranged solidly behind its leader, President Diori Hamani, who was able to quell the subversion without appealing to outside forces, after first establishing the guilt of so-called People's China by exposing to the whole world irrefutable documents seized from subversive agents in the bay of Peking.

96. President Diori Hamani, who is well known for his wisdom and enlightenment, has stated in this connexion:

"Africans were taken to Communist China to be taught the doctrines of Marx and Lenin and to receive military training. They then returned to Africa and tried to teach the new doctrines with the aid of machine-guns."

97. This policy of expansion and of brutal world hegemony is contrary both to the spirit and the letter of our Organization. It was in reference to this that Abdou Sidikou, Secretary-General for Foreign Affairs, declared during the general debate at the present session:

"... in the name of the universality of our Organization, we are continuing to support the legitimate rights of the Republic of China, known as Formosa China, to sit with us as long as its foreign policy continues to be based on the sacred principles of international co-operation and scrupulous respect for the United Nations Charter.

"Let our Assembly take care not to let itself be inveigled by the bias of formal juridical concepts on to the slippery slope of proclaiming a debatable principle, 'one country, one seat', a principle which would not only deprive us of the effective co-operation of the Republic of China, to the advantage of countries, which, unfortunately, do not hesitate to raise subversion, naked interference in the internal affairs of other countries and lordly contempt for small nations to the level of political dogma ..." [1434th meeting, paragraphs 80 and 81.]

98. Some delegations, which, incidentally, we greatly respect, take the view that the problem now before us of the admission of so-called People's China to this Organization should be regarded as a question of only relative importance to be decided by a simple majority vote of the members of our Assembly.

99. If it is true that we cannot allow the iniquitous Government of Ian Smith deliberately to take charge of the destinies of 5 million Africans, then it follows that we cannot, if we are to remain faithful to the principles of self-determination and the maintenance of peace which are so dear to us, deliver up 12 million people living in Formosa to the fury and the hatred of the increasingly fanatical and menacing Red Guards in Peking.

100. Faced with this problem, for the reasons I have given, it is our duty to contest the entry of so-called

People's China to the United Nations by a simple majority vote. My delegation considers that this is an important question and that the application of Article 18 is fully justified.

101. Draft resolution A/L.494 and Add.1, submitted by Madagascar, Gabon and several other countries, agrees in most respects with our view of the matter, and my delegation will therefore vote in favour of this draft resolution and against all others.

102. Mr. TARCICI (Yemen) (translated from French): My delegation believes that the lawful rights of the People's Republic of China in the United Nations must be restored if this lofty Organization is to achieve universality.

103. My delegation also feels that the refusal to restore immediately its lawful seat to the great People's Republic of China is a defiance of reality and an inexplicable denial of justice which is a direct violation of the principles of the United Nations Charter. What is more, to continue to keep this great Power out of the United Nations Organization, or even to go on delaying its effective participation in the solution of international problems within this Organization, a delay which has already lasted for too long, can only further weaken the authority of this high international body.

104. The cause of world peace and security is in no way served by perpetuating the weakened state of our Organization resulting from the absence of 700 million energetic and capable Chinese, who are engaged in the most sophisticated scientific research and are endowed with considerable economic and social experience. It goes without saying that such a real force must have the right to voice its opinions, in the most effective way, within this Organization and not outside it. Need I recall that the roar of guns can be heard near this great Power and that the aircraft of another great Power are striking targets close to the southern borders of this awakening Chinese giant?

105. It is high time that we took a decision here in the interest of law and peace, without any delay or prevarication. Moreover, some great Powers have already clearly demonstrated a broad-minded approach, thus giving cause for optimism.

106. I take pleasure in mentioning here that for quite some time my country has maintained very close diplomatic, economic, and cultural ties with the People's Republic of China. As part of this fruitful co-operation, that country has provided us with much useful technical and economic assistance.

107. In conclusion, we would say "better late than never"; but, unfortunately, something may happen too late, and that is what must be prevented. We think it is high time to restore the rights of the People's Republic of China, without further complications, and to invite it forthwith to take its important place in this great Organization.

108. Mr. KEITA (Mali) (translated from French): Once again we have before us the question of the restoration of the lawful rights of the People's Republic of China in the United Nations. This is the seventeenth consecutive year that this question has been on the Assembly's agenda. Far from waning in

importance with the passage of time, it is today more urgent than ever. That should not be surprising, for a mere glance at the general world situation is enough to reveal the true place this question occupies in the political situation of today.

109. The Republic of Mali, which was one of the States that signed the explanatory memorandum accompanying the request for inclusion of this question on the current session's agenda (see A/6391), is deeply committed to the principles and noble ideals of the United Nations Charter.

110. The people and the Government of the Republic of Mali sincerely wish to co-operate with all peace-loving States to strengthen this Organization, which President Modibo Keita called the indispensable instrument for the rapprochement of peoples and for international co-operation, and the basic edifice for safeguarding peace; we must breathe new life into this Organization if it is to face more effectively its various obligations under the Charter, particularly those of peace-keeping and the defence of human rights and oppressed peoples.

111. In taking part in this debate, my delegation will seek above all to view the problem before the Assembly outside the partisan, and sometimes impassioned, atmosphere in which it has so often been discussed.

112. Far from being unaware of the true aims of those so violently opposed to the presence of the People's Republic of China in the United Nations, we know that their effort is part of a vast scheme, the real purpose of which is to impose on the world the permanent threat of war and insecurity, whereas there is no doubt whatever that the main reason why the main questions of our time remain unsettled is the absence of the People's Republic of China from the world political arena.

113. Thus, we do not have to challenge the status of the People's Republic of China as a sovereign State, or even to question whether the Peking Government represents the Chinese people. Our real problem is to reassess from now on the basic facts of a world whose structures no longer correspond to the realities of our time. The outstanding characteristic of the current international scene is China itself. Some may find this simple fact intolerable; however, it in no way alters reality. To continue to deny this fact is to make a terrible mistake which for too long has kept the world in a state of tension that more than once has brought us to the brink of a general confrontation. China will continue to be present in our minds, if not in our hearts. Its presence is felt down to the faintest stirrings that move our world, for the country inhabited by one fourth of mankind, whether we wish it or not, is an integral part of this world. China is therefore just as concerned with the world's future as the world is concerned with what that nation will become.

114. My delegation therefore thinks that the United Nations should take full account of this fact if it is to adopt a truly objective new approach to the great problems which thus far have remained unsolved because the international community needed a new order, which only the entry of the People's Republic

of China in this forum could help to bring about. We are now being called upon to make good that gap.

115. We are beginning to discuss disarmament here today because all mankind is now aware of the ruin and misery that evil has wrought across the centuries, and because it is horrified by the ghastly toll wars have taken throughout human history—wars that have devastated the world, often within a single generation.

116. It is this same fear that gave rise to the idea of the United Nations twenty years ago at Yalta. Disarmament is thus rightly the legitimate concern of all peoples of the earth. The prospect of an international conference on that subject therefore aroused considerable hope in the world, particularly in the Third World countries, for everyone is aware of what the stakes of such an undertaking are. Even the preparations for the Conference must be carefully made and no discussions of certain aspects of the questions based on preconceived notions must imperil them at the outset.

117. The preparatory phase of this conference requires patient negotiations and unrestricted consultations, taking into account the various currents of opinion in a world characterized above all by its diversity. Hence the great difficulty already present at this stage of the preliminary investigations, when the actual prospects for the Conference are still barely discernible. As everyone knows, this difficulty is due to the fact that the People's Republic of China, because it is not a Member of the Organization, cannot be bound by any recommendations we might make on such questions as the aims and objectives of the Conference, participation procedures, etc.

118. We should like to ask those who, through pressure and various manoeuvres, are still preventing the restoration of the lawful rights of the People's Republic of China in the United Nations, whether they would allow the vital interests of their peoples to be discussed in their absence, particularly since a new factor has now made the position of the People's Republic of China stronger and has at the same time reinforced the camp of peace.

119. The People's Republic of China, whose lawful rights are still frustrated in violation of the Charter's principle of universality, has succeeded, through the creative genius and hard work of its citizens, in crossing the hitherto inviolable barrier of the "atomic club", at the very time when it was thought that the rest of the world could be made to accept absurd claims such as the one that knowledge and discovery were the prerogatives of one group of races or nations. Fortunately, great China's success has proved that a people and a nation which do not conform to the arbitrary standards imposed by a minority on the entire world are quite capable of rising to the level of those who regard themselves as the earth's favoured ones by conquering the atom and acquiring perfect control of the phenomena of the structure of the element.

120. An obsolete and backward view of the world has thus been debunked. It is a victory for the entire Third World; the curse that always lay on those who were denied even their basic right to dignity and freedom has been lifted once and for all.

121. President Modibo Keita hailed the first Chinese atomic test as the "peace bomb". That event fulfils the high hopes of all peace-loving peoples who sincerely wish to take part in the search for a new balance of the forces confronting one another in the world so as to save the human race from the permanent threat the imperialist forces have held over mankind, because until now they thought they alone could determine the fate of the world.

122. The atomic magnates can still lock themselves up in their tower of super-Powers and discuss disarmament, non-proliferation of nuclear weapons, control of outer space—all of which were until now the preserves of the gods, beyond the reach of ordinary mortals. Unfortunately for them, the inescapable fact that man inevitably advances towards full development has sounded the final death-knell of the myth of a certain type of super-Power and has broken the atomic monopoly; for both partners and enemies of the People's Republic of China must now acknowledge its presence among the nuclear Powers. This fact confirms, if proof were needed, how futile are the efforts still being made this year to prevent the restoration of that country's rights in the United Nations.

123. Thus far we have only adduced arguments supporting the theory that China is the outstanding reality of the modern world. Consequently, it would be amiss of me not to mention in this debate the particularly precarious situation of peace in Asia.

124. The barbarous war of extermination which colonialist and imperialist forces have been waging for several years against the heroic people of Viet-Nam is the most glaring and tragic illustration of the tremendous moral harm which the absence of the People's Republic of China from the United Nations inflicts on the cause of international peace and security. The savage aggression being perpetrated against a small, peaceful and defenceless country and the numerous atrocities committed daily in the name of blind force certainly could not have occurred, nor would they be going on with impunity now, if the People's Republic of China occupied its rightful place in this Organization and in the Security Council, the highest peace-keeping body. China would have been on the side of peace to defend the weak and oppressed from the aggressor. But instead, China's absence confronts us with the mournful picture of an impotent United Nations face to face with the destructive madness of unjust and brutal force.

125. The United Nations is still bogged down in lethargy, unable even to consider the means of halting the martyrdom of a people which has fallen victim to the absurd condition of a world which is itself founded on the law of the jungle and on arbitrary standards.

126. The tragedy in Viet-Nam is typical of the injustice which is proving a severe test for the United Nations, where some publicly display their complicity, while others look on helplessly at what is nothing but a systematic effort to destroy and completely wipe out a peaceful people.

127. The other peace- and justice-loving States in this hall sorely need China's voice to denounce crime and genocide. The United Nations and all its organs

need that voice to force the outlaws and exiles of world society to obey mankind's eternal laws: freedom, dignity and respect for the human person.

128. The international community must thus note its paralysis in the face of this war, which is regarded as the most blatant violation of the Charter in United Nations history. In arousing unanimous indignation, this unjust war has succeeded in shaking the very foundations of the Organization itself. Now more than ever the United Nations urgently needs to restore the balance in favour of the forces that support law and justice. This must be done if world peace and stability are at stake, and those who oppose the restoration of the lawful rights of the People's Republic of China in the United Nations are, on the contrary, we believe, the real enemies of the peace to which the peoples of the world have always aspired.

129. Those who decry the People's Republic of China accuse that peaceful State—which is building a new society—of instigating subversion, maintaining hotbeds of terrorism and committing various other crimes against so-called democratic Governments. The delegation of the Republic of Mali emphatically repudiates those allegations and calls the attention of the Third World to the deceitful tactics of some great Powers which maintain these delusions solely in order to retain their influence over small States that have only just gained their national sovereignty.

130. Indeed, since the historic Bandung Conference, in which China actively participated, imperialism has continued to suffer serious setbacks. Belgrade in 1961 and Addis Ababa in 1963 gave new impetus to the struggle of peoples to achieve their sacred right to self-determination and demonstrated their determination to put an end to injustice and arbitrary rule. This new doctrine, which henceforth was to govern the relations between States with different social systems, was opposed by retrograde forces. These secret Powers needed a pretext, a guinea pig, and the great country of China was the obvious choice.

131. China was isolated and ostracized by the imperialist Powers after its successful revolution in 1949. The methodically planted lackeys or puppets in the countries bordering on China provide a legal camouflage for the criminal action they planned to initiate against it. Thus, a chain of military bases was drawn all around Chinese national territory. The peaceful inhabitants of Viet-Nam and Korea are suffering bloody repression in the name of the democracy espoused by the great monopolies, yet subversion is alleged the moment the People's Republic of China, like other peace-loving States, denounces this gun-boat policy of the imperialist Powers.

132. However, it is recognized that it is not easy to invade the Chinese continent, where 700 million people under the control of a truly popular and democratic Government are successfully pursuing their march towards progress.

133. A while ago the delegation of Mali alluded to the Organization of African Unity, a group working to bring independent African States closer together. OAU's intention was to promote effective co-operation in Africa's struggle against imperialism. But hardly had it been set up when it suffered a series of coups

d'état which brought tragic death to some chiefs of State who had sworn to combat despotism and injustice; those who escaped are languishing in prison while the imperialist forces, their work done, have joined with their lackeys in accusing the People's Republic of China of causing the upheavals and insecurity in Africa. We scornfully reject this accusation and challenge anyone to prove that he has been the object of subversion on the part of the People's Republic of China.

134. We, for our part, recognize in this connexion that the People's Republic of China, which maintains friendly and co-operative relations with most States in the international community, is scrupulously respecting the independence and sovereignty of other countries. The people of Mali can provide any one interested with a record of China's contribution to the great economic and social revolution upon which my country freely and irrevocably embarked when it became independent.

135. This has been the result of loyal co-operation founded on mutual friendship and respect. However, on the other hand we find daily that Third World countries are learning bitter lessons from other forms of aid and assistance of which the least that can be said is that they constitute serious mortgages on these countries' political independence and provide sure ways of encroaching on their internal affairs.

136. The Charter recognizes that each people has the right freely to choose the form of government best suited to it and to build a society which will fulfil its aspirations. What are the imperialists doing with these essential provisions of the Charter? Who is flouting the Charter? Is it China, who has been denied the right to take its seat because its people chose not to live as beggars?

137. The Third World, which now lives in fear of what tomorrow will bring, must fully realize that its survival depends on the role the People's Republic of China will be assigned in settling the great questions that are now pending. We must not be guilty of allowing negative attitudes to crystallize for they would prevent the People's Republic of China from taking its rightful place.

138. In the light of all these considerations, my delegation denounces draft resolution A/L.400, which is really nothing but a dangerous attempt to cloud a simple and direct question. We do not need an ad hoc committee to ascertain facts of which we are all aware, and no committee can make us admit conclusions that contradict our sense of reality. Our purpose is not to examine all aspects of the question of China's admission in order to formulate recommendations to the General Assembly; that is not the question before us. Attempts to approach the question as if it involved the admission of a new State are as dangerous as they are wrong. My delegation thinks that the problem can be reduced to a simple matter of credentials. We have merely to determine, on the basis of objective criteria, which Government is the true representative of the great Chinese people. This Assembly must unequivocally decide on this fundamental issue, bearing in mind only the interests of this Organization.

139. The Chinese State is a founding Member of the United Nations; we must determine here which Government is legally qualified to occupy its rightful seat both in the General Assembly and in the Security Council.

140. While the two Chinas concept may seem attractive to some, it is nonetheless an absurdity and a dilatory tactic, for both the Government of the People's Republic of China and the supposed Formosan authorities have often stated and reaffirmed that there is only one China and only one Chinese people.

141. The problem should therefore be considered essentially on the basis of this constant affirmation of the unity of that great people and of the territorial integrity of China, of which Formosa is an integral part. There is only one China, and its true Government is in Peking.

142. Thus, I need hardly say that my delegation will vote against the above-mentioned draft resolution and against the one in document A/L.494 and Add.1, which would make the restoration of the lawful rights of the People's Republic of China in the United Nations an important question within the meaning of Article 18 of the Charter. The question is merely procedural, requiring a simple majority.

143. Mr. DE BEUS (Netherlands): Year after year the problem of Chinese representation in the United Nations is discussed in the General Assembly to the accompaniment of the discordant sounds of recrimination and vituperation. Each time, at the end of the debate on this issue, we are a little sadder but none the wiser. That being so, it is fitting that we should ask ourselves what the nature of our problem is, why a solution acceptable to the large majority of the Assembly has so persistently escaped us and, finally, whether the moment has not come to make a new attempt to break the stalemate that has for so many years lamed the United Nations in this regard.

144. What is our problem? It is not whether China is or should be a Member of the United Nations. No doubts can be entertained on that score. China is a founding Member of the United Nations and a permanent member of the Security Council, and ever since the birth of our Organization the seat of China has been occupied in conformity with the rules of procedure.

145. Why, then, do we have a problem at all? It is caused by the conflicting claims to the Chinese seat. The vote on this matter at the twentieth session of the Assembly [1380th meeting] proved that each of those claims was supported by an equal number of Members. This unsatisfactory state of affairs is aggravated by widespread uneasiness about the fact that the present occupants of the Chinese seat do not represent a Government exercising power over the main body of China, with the result that roughly one fourth of the earth's population is not represented here by those who in fact govern it.

146. Our next question should be why we have so far been unable to find an equitable solution capable of winning the support of the large majority of this Assembly. I would submit that it is largely because not all positions with regard to Chinese representa-

tion are based on the facts as they are; some are based rather on what the facts should be according to the views of the different Governments. Some of us hold that only the Chinese People's Republic has a right to be seated here and would disregard the fact that there exists in Taiwan a separate community of some 12 million people who are entitled to be masters of their own fate and over whom the Peking Government has no control. Others would deny to the People's Republic of China the legal and moral right to represent the Chinese people, irrespective of the fact that its authority over China has now been in existence for over seventeen years.

147. The root of our difficulties lies in that dissociation of attitudes from facts. My delegation firmly believes that unless we start looking for a solution based on the facts as they are, however unpalatable they may be to some of us, the problem of Chinese representation will continue to bedevil us and live on as a perpetual source of discord in our midst. Neither legal hair-splitting nor moralizing will get us any further.

148. Is it, then, necessary to get any further to bring about a change in the present state of affairs? The delegation of the Kingdom of the Netherlands would reply to that question definitely in the affirmative. It is convinced that it is in the interest of peace and progress that the Chinese People's Republic be given the opportunity to take part in the work of our Organization. If the Chinese People's Republic wishes to seize that opportunity and to contribute to our joint efforts in a constructive spirit, my delegation will regard such a move as a major victory for the common cause of the community of nations. If, for the time being, it does not wish to join this body, my delegation will regret such a decision but still believes that the offer should be kept open until such time as the Government of the People's Republic of China is prepared to avail itself of it. Having recognized the Government in Peking as the Chinese Government, the Kingdom of the Netherlands would wish to see the representatives of the People's Republic of China occupy the Chinese seat in our Organization. Does this, then, mean that my delegation would wish to see the present occupants of that seat barred from being among us? Our answer to that question is a clear negative, partly because by doing so we would reintroduce the very aspect of unreality we want to eliminate, and partly because we do not wish to deny to the people of Taiwan the right to be represented in the United Nations. We should wish to see their representatives seated among us in the capacity they can claim on the basis of the factual situation. For these reasons, the draft resolution sponsored by Albania and ten other countries [A/L.496 and Add.1] does not, in our eyes, fulfil the requirements we regard as basic, and therefore it cannot have our support.

149. My delegation is well aware of the numerous obstacles standing in the way of a just and, above all, realistic solution to the problem of Chinese representation, but it continues to believe that, with a modicum of goodwill and understanding, it may yet be possible to do away with some of those obstacles and to circumvent others. That this will tax our faculties to the limit and will require thorough and

profound study is obvious. Therefore we welcome the initiative taken by the delegation of Italy [A/L.500] to have the General Assembly appoint a committee with the mandate of exploring all aspects of the question. We know very well that the mere act of appointing one more committee does not solve a problem, but we can be equally certain that, unless we now make a serious effort, the equitable and practical solution we seek will continue to elude us. By making such an effort we, the Members of the United Nations, would, at least for our part, take our responsibility and might come up with a constructive solution to this problem which has all too long envenomed and frustrated the United Nations.

150. Mr. EL KONY (United Arab Republic): It is significant to note that this year, more than ever before, the world has felt so deeply and persistently the absolute necessity for the participation of the People's Republic of China in the activities of this world Organization. Voices everywhere are growing louder and more insistent in demanding the ending of the sterile policy of preventing the great country of China from occupying its lawful place in the United Nations. It is indeed high time the world community shook off the dangerous influence upon it and acted independently according to the principles of the Charter and in the interest of world peace and co-operation among nations. All peoples, not excluding the United States people, are growing impatient with the United States policy. They are calling for the only sensible and constructive solution: to restore the lawful rights of China in the United Nations.

151. In taking the floor at the final stage of the debate on this item, I wish to express my appreciation to the speakers before me who have so ably and convincingly pointed out the rights of the People's Republic of China in the United Nations and the necessity of respecting those rights. I hardly need reiterate what has been said, but it might be useful to stress, first, that this is not a question of the admission of a new State but simply a matter of representation in the United Nations.

152. It is a simple question of credentials. There is no point in arguing about whether the Chinese Government is peace-loving or not, or whether it is able and willing to discharge the obligations contained in the Charter. It is ironical that the Government which is doubting the peaceful intentions of China is itself breaking the peace in many parts of the world. China is not only a Member State, it is a founding Member, a permanent member of the Security Council and the only one of the "big five" missing from the United Nations.

153. Secondly, the world, and most of all the United Nations, cannot and should not ignore a great country populated by one fourth of the human race. The People's Republic of China, whether recognized or not, does exist in the thoughts and calculations of all Governments. The representatives of the United States have found it necessary to continue to meet with their colleagues of the People's Republic of China in Warsaw and elsewhere. Moreover, about fifty countries maintain diplomatic and consular relations with it.

154. Thirdly, it has been found time and again that no major world problem, such as disarmament, can

be solved without the participation of China. Peace in Asia depends in no small measure on the co-operation of China. The contribution of China to world peace would be considerable through the United Nations.

155. Fourthly, the United Nations cannot work effectively without the participation of the People's Republic of China. We feel that all the more now in all our deliberations.

156. It is a fact that this world Organization is going through a crisis. The first blow was dealt to it when the People's Republic of China was prevented from occupying its lawful place in the United Nations. The second blow was dealt when the nineteenth session of the General Assembly was paralysed. The third blow was dealt when military interventions and aggressions took place in Africa, Latin America and South-East Asia.

157. The restoration of the lawful rights of the People's Republic of China in the United Nations now, during this session, would be the first major step in restoring the universal, dynamic and effective role of the United Nations.

158. Having said that, my delegation will vote for the draft resolution contained in document A/L.496 and Add.1, and will vote against the two other draft resolutions contained in documents A/L.494 and Add.1 and A/L.500.

159. Mr. NABWERA (Kenya): Mr. President, permit me to add the support of my delegation to the many pleas that have already been made on this important question of the restoration of the lawful rights of the People's Republic of China in the United Nations. My Government has for the last three years supported the seating of the People's Republic of China in the United Nations. We have done so because we believe, after careful study of the facts of the situation, that this is the right thing to do. I shall proceed to state why my country supports the seating of the Government in Peking in the United Nations instead of the Government on the Island of Formosa.

160. First, there is only one China in the world. That is the State of China which has a population of more than 700 million people. The Government in Peking exercises sovereignty over that vast country. Nobody can deny this. We do not know of any other entity that can claim sovereignty over China. We know that there is no other legitimate Government that can claim to speak for the 700 million Chinese. We cannot, as a country, support the claim of Taiwan, which is an artificial creation sustained by external military and economic assistance off the mainland of China.

Mr. Liatis (Greece), Vice-President, took the Chair.

161. Secondly, the history of China shows very clearly that mainland China and Formosa are one and the same country. Whoever exercises effective control over the mainland must therefore claim control over Formosa and several other islands in the area. Until 1895 the Island of Taiwan belonged to China. Between that year and 1945 the Japanese were in control. But, as has been pointed out by representatives who have spoken before me, at the Cairo Conference in 1943 it was decided that, at the end of the war, Formosa

and other islands would become part of the Republic of China. This stipulation was put into effect by the Cairo Declaration of 1 December 1943, signed by President Roosevelt for the United States, Generalissimo Chiang Kai-shek for China, and Prime Minister Churchill for Great Britain, which stipulated that Formosa and the islands would be restored to the Republic of China. This was formally done on 25 October 1945.

162. The opponents of the Peking Government have tried to argue that the two million Chinese who were driven from the mainland in 1949 and who are now entrenched in Formosa should be allowed to represent China. My delegation finds this difficult to understand. This is the first time—and let us hope the last time—that a defeated leader has been helped to maintain the fiction of exercising authority over territory that he does not control. If this precedent were to be allowed to continue, then we would be bound to witness too many pretenders to other countries and imposters.

163. The third reason why my delegation supports the seating of the People's Republic of China in the United Nations is political reality. Kenya does not see how the dynamic and virile Government and people that we have on the mainland of China can be excluded from the affairs of the United Nations. It is the belief of my delegation that this Organization will become truly a "United Nations" only when more States are represented. We do not accept the principle that membership of the United Nations should be based on the economic and social system of a given country. If this were to be done, then we would rob this Organization of its true character, that of bringing together States with different economic and social systems.

164. It is important for the General Assembly to bear in mind that the present ideological disputes and conflicts are very similar to the religious convulsions that took place during the period of the Reformation. Then people fought and slaughtered one another because of religious differences. Today we are all witnesses to the slaughter of innocent people through the use of the most dangerous weapons by ideological protagonists because the victims are supposed to be communists. We must lead mankind to rise above this kind of unseemly behaviour.

165. The proposals submitted by the delegation of Italy [A/L.500] suggesting that a committee should be set up to study the question of Chinese representation and to report to the twenty-second session of the Assembly has no merit. At best it can be described as another tactic to postpone a decision on the issue.

166. The representative of Burma has already pointed out [1472nd meeting] that a special committee was appointed in December 1950 for the same purpose. The life of that committee was only one day, and its results were nil.

167. What is there to study? We have the facts. We know that the Government of the People's Republic of China has effective control over the Republic. We know that the resources of that great country are being exploited by the Government in control for the benefit of the 700 million inhabitants. We know that the People's Republic of China is a nuclear Power, which maintains diplomatic and consular relations

with nearly fifty countries, cultural relations with 115 countries, and trade agreements with at least 120 countries. We also know that the Government of the People's Republic of China has conducted talks with the Government of the United States over the last decade. We know that China is a founding Member of the United Nations and a permanent member of the Security Council. We must be honest with ourselves and admit openly that it is impossible to keep ignoring 700 million Chinese whose role in world affairs, and particularly the issues of war and peace, is indisputable.

168. No committee will serve any useful purpose when this issue is so clear and, therefore, my delegation opposes the establishment of the committee as proposed by the delegation of Italy. Hence my delegation rejects the Italian proposal [A/L.500] and will vote against the draft resolution.

169. The draft resolution co-sponsored by the United States and other delegations [A/L.494 and Add.1], proposing that the vote be by a two-thirds majority, is based on false premises and is aimed at distorting the issue. The question is not one of admitting a new Member, in which case the matter would be regarded as substantive, or important, and requiring a two-thirds majority. The question is one of determining the credentials of the Government to represent China and, therefore, it is a procedural matter which must be decided by a simple majority. My delegation would like to emphasize this point. This is the accepted norm which has been applied time and again, irrespective of whether a change of government in a given country has been brought about by the ballot or the gun. My delegation will therefore vote against the United States draft resolution.

170. Before I conclude I should like to say that, as the representative of a small nation, I cannot in any way assume the role of adviser to the Government of the United States. But the occasion obliges me to venture to appeal, as my delegation has done before, to that Government to give serious consideration to relaxing its rigid attitude and its intense hostility to the People's Republic of China. The continued non-recognition of China by the United States and its opposition to that country's representation in this Organization will progressively diminish United States international status and prestige, while the Chinese image is bound to increase and respect for China is also bound to rise, especially among the non-white populations of the world.

171. Looking back in recent history, it will be remembered that following the revolution which took place in the Soviet Union in 1917, the then United States Government refused to recognize the resulting socialist order for seventeen years. This did not hinder the consolidation and development of the Soviet revolution. Another seventeen years have gone by since the Chinese revolution, without the United States recognizing China. But China marches on. The presence of the People's Republic of China in this Organization will not hurt the interests of the United States; moreover, it will bring the world body a large step nearer to the realization of the concept of universality.

172. My delegation believes that the decision to be taken will have far-reaching results in the interests

of world peace and of this Organization. We should like to see every delegation consider this question on its own merits and come to a decision which will be reflected in the vote.

173. As far as the delegation of Kenya is concerned, we shall vote in favour of the draft resolution, calling for the restoration of the lawful rights of the People's Republic of China in the United Nations [A/L.496 and Add.1]. We believe that this is the right thing to do and we look forward, in the not too distant future, to the occasion when representatives of the Government of the People's Republic of China will assume their rightful seat and participate in the deliberations of this Assembly.

174. Mr. TINOCO (Costa Rica) (translated from Spanish): The eleven-Power draft resolution (A/L.496 and Add.1) bears a title which does not accurately reflect its content; it cannot be considered as referring to a simple question of the credentials of a delegation accredited to the General Assembly of the United Nations. The results of a vote in this supreme organ of the community of sovereign States might have consequences reaching far beyond the confines of our Organization, affecting the destiny of men and of peoples to whose fate we cannot be indifferent. It also involves questions of the interpretation of the Charter and of the basic principles of international law. For these reasons, my delegation is compelled to state its position in this debate; on earlier occasions we had confined ourselves to casting our vote against proposals similar to that now before us.

175. The General Assembly is being asked in effect to disown as representatives of the Republic of China—which signed the Charter first at San Francisco on 25 April 1945—those who are now duly accredited as such, and to declare that in future recognition will only be accorded to those presenting credentials extended by the Government of the so-called People's Republic of China.

176. The problem is not a simple question of credentials. It is a problem of principle and substance. In fact, we are being asked to deny recognition to a Government as representative of a Member State, or, if you wish, in the words of the draft resolution, "to expell" it from all organs of the United Nations, which is tantamount to expelling it from membership in this international organization.

177. The only reason advanced to justify this action by the General Assembly is that the Government that signed the Charter today exercises authority over only a small part of the country, whereas the Government of the People's Republic of China holds sway over the greater part of the territory and the immense majority of its inhabitants. This situation, which is de facto rather than de jure, leads us to consider important aspects of international law which events in the last war compelled us to study in greater depth than previously.

178. I refer to the question of the requirements which a State or a Government must possess if it is to continue to be considered as a person under international law, as an entity with rights and obligations in international relations, as a legal person with the right of active and passive representation. The draft

resolution (A/L.496 and Add.1) could only be approved by this Assembly if the required majority considered that the Government in Taipei no longer possesses the requirements necessary for it to be considered as an entity with the right to accredit delegates or representatives to other Governments or to this Organization.

179. Could we do that? Obviously we could not. The Government which transferred its capital to Taipei when the revolutionary forces forced it to leave mainland China has not ceased to possess the qualifications necessary for it to be considered today, as it was formerly, capable of possessing rights and undertaking obligations in the community of sovereign States. It possesses a jus imperium over a given territory, it fulfils all the duties and meets all the requirements characteristic of a juridically organized nation; to the extent that it is able to do so, it complies with the purposes and principles of the United Nations Charter and maintains formal diplomatic relations with more than half the Members of this Organization.

180. It is true that after our Charter came into force the Government which had signed it on behalf of the Republic of China lost control over the greater part of its territory and the ability to govern the majority of the population. No one is in a position to say today whether this is a definitive, permanent situation or a provisional, temporary one. It is hard to know what is happening behind the Great Wall. No one can assess the feelings of the people who today are living behind the Wall. Appearances are often deceptive and, not once but often, we have witnessed the dramatic but encouraging spectacle of a people that recovers its freedom and continues its advance along the road of recognition and respect for human rights following a period of oppression and dictatorship. The peace that reigned in Warsaw, according to an eighteenth or nineteenth century official, certainly did not indicate that the people were in agreement with the partition of that great country or with the government that had imposed it by force of arms. We cannot assert—at least, for my part, I cannot agree to do so—that the immense majority of the Chinese people, with their age-old traditions, their centuries-old culture and their characteristic family life, have willingly accepted and are in agreement with doctrines which are foreign to their modes of thought and action, and which have been imposed upon them by the force of circumstances.

181. But leaving these considerations aside, we must recognize that the de facto situation presents us with a Government that has been reduced to exercising its sovereignty over a territorial population representing only a small part of the nation. That is a fact, but it does not oblige us to change our attitude, our position, with respect to that Government.

182. In 1940 and 1941 many European States were in a similar, if not identical, situation when their territory was occupied by foreign enemy forces and they were governed by officials imposed upon or accepted by them. In some cases it could be said that the essential elements of sovereignty had disappeared; nevertheless, the nations which struggled against the Axis Powers did not hesitate to recognize the

governments organized in exile as the legitimate governments of those States, although effective control of their peoples and territories had passed into other hands. The provisional Government of Czechoslovakia, established in London under the presidency of Mr. Benes, was recognized as such a government on 18 July 1941, in spite of the fact that a decree dated 18 May 1939 had ordered the dissolution of the Republic of Czechoslovakia and its division into the Protectorates of Bohemia and Moldavia and the State of Slovakia; the Government of Belgium functioned in St. Adresse, France, for some time, and later on in London; the Government of Serbia went to Corfu, in Greece, and that of the Philippines went to Washington. The capital of Great Britain was transformed into a Europe in miniature with the establishment in London of the seats of the Governments of Greece, Luxembourg, Netherlands, Norway, Poland, Yugoslavia, Belgium and Czechoslovakia, as well as the French National Committee presided over by General de Gaulle. Although most of them had no territory over which to exercise their sovereignty, although almost all their territories were administered either by Quislings or gauleiters, the Governments of those countries maintained diplomatic relations with the States that promoted the creation of the United Nations and were called upon by them to sign the Declaration of 1 January 1942^{2/} which was a prelude to the birth of this Organization.

183. During the two world wars, especially during the second, the effective exercise of sovereignty over a given territory as an essential requirement for the recognition or maintenance of recognition of Governments as representative of sovereign States assumed a different character the aspects and dimensions of which had not previously been defined. Thus, in application of this modality and its philosophical or juridical basis, the Government of Mexico continued to maintain diplomatic relations with the Government of the Republic of Spain, in exercise of its sovereignty, even after the Government of the Republic of Spain had lost all control over the national territory.

184. The case of the Republic of China does not give rise to the doubts which might arise in cases where a Government has completely lost control over its national territory and no longer has even a vestige of its effective sovereignty, of real jusi imperii. The Government that signed the Charter of the United Nations and the Declarations which preceded it in the name of the Republic of China maintains control and exercises sovereignty over a part of the national territory and with respect to a part of the population; it retains all the attributes of its legal personality, and has given constant proof of its respect for the purposes and principles of the United Nations Charter. In conformity with the most rudimentary rules of equity and law, we cannot deprive it of the privileges which it enjoys as a Member of this Organization.

185. The second problem arising out of the proposal under discussion concerns the admission of representatives accredited by the Government of Peking, who would be regarded as representatives of China in all organs of the United Nations.

^{2/} Declaration by United Nations, signed at Washington 1 January 1942.

186. The delegation of Costa Rica is not aware that any request has been made by that Government indicating its intention to fulfil the ideals of the United Nations and the objectives of the San Francisco Charter, or a desire to become a member of the Organization. It did so in 1949 or 1950. But it has not been done since then. On the contrary, its foreign policy, the statements of its leaders, the publications in its official Press all reflect an attitude of contempt for our work, our goals and our Organization. It has even tried to lay down a line of conduct for the United Nations, posing conditions for its eventual entry into the Organization, demanding the revocation of certain decisions of this Assembly, vetoing in advance the possibility, mentioned by some representatives, of considering the territory of Taiwan, which has a Government, an organization and its own ideals, as a Member State, distinct from that which today has a seat in the Security Council. We could not, in these circumstances, agree to the proposal that we should invite it to participate in the United Nations with the fullest honours and privileges by invoking an exceptional procedure, hitherto unknown in the practices of the Organization.

187. The problem is of far-reaching importance and will always be with us until we find a solution. In one way or another, year after year, proposals will be submitted to the General Assembly to give a privileged seat to the Peking Government. This will be so because admission to the United Nations has assumed a political and psychological importance that cannot be denied. Entry into the United Nations constitutes a symbol, recognition of a special character, which increases in importance if admission is accompanied by the right to a permanent seat in the Security Council. For millions of persons the admission of the Peking Government as the legitimate occupant of the place assigned to China under the United Nations Charter would constitute a resounding victory, a victory that would have serious consequences in the undeclared war which Peking is waging against the whole world, including the socialist countries with the exception of Albania and some other new States. It would be a grievous psychological blow to those who are struggling in Asia and Africa to resist the expansion of doctrines promoted by the politicians of Peking. It would be a grievous blow to this Organization and its ideals.

188. The delegation of Costa Rica does not see why we should concede this victory, this psychological triumph to those who have neither promised nor demonstrated in any way a desire to co-operate with other nations of the world in the great purpose of delivering mankind from the sufferings and horror of modern war and offering men the possibility of living happier and less trying lives.

189. The question is important, vital. It is as important and vital as the most crucial questions that have ever been before previous sessions of the Assembly. It is without doubt a question of the kind contemplated in Article 18, paragraph 2, of the Charter, as the General Assembly recognized in resolution 1668 (XVI) and confirmed in resolution 2025 (XX). These resolutions, which correctly interpret the San Francisco Charter, are in a sense binding upon the Assembly

since it would be illogical and contrary to the best interests of the Organization if we were to say today that what was white yesterday is now black.

190. The General Assembly of the United Nations is the legislative body par excellence in the difficult field of international law and in the interests of its own prestige it must be consistent in its proceedings and in its findings.

191. For the reasons that I have stated so briefly, the delegation of Costa Rica will vote in favour of draft resolution A/L.494 and Add.1 submitted by fifteen Member States, which reaffirms the position of previous sessions of the Assembly in this matter, and will vote against draft resolution A/L.496 and Add.1.

192. Mr. LOPEZ (Philippines): We participate in this debate, as in a long-established ritual, wondering whether the delegations that have requested the inscription of the present item on our agenda have heeded well the wise counsel of Ecclesiastes, the Preacher, who said: "To every thing there is a season, and a time to every purpose under the heaven: . . . a time to rend and a time to sew; a time to keep silence, and a time to speak . . ." ["Ecclesiastes" III.7].

193. We would suggest to those who brought this item before the Assembly that perhaps this season of particularly violent attacks against the United Nations by Peking is hardly the season to invite that régime to occupy the seat of China in the United Nations, and that the year of the marauding Red Guards is distinctly not the year to become lyrical about the superlative achievements which entitle People's China to be welcomed into the United Nations.

194. One is moved to conclude that the main justification for the exercise this year is that it would provide a test for the conscience of honest men as well as a test for the good sense of reasonable men.

195. We are told that it is particularly urgent to consider this year the admission of the Peking régime into the United Nations because none of the grave problems confronting mankind, such as disarmament, can be solved without the co-operation of that régime. But the attitude of Peking belies this claim: not only does Peking reject the very idea of joining the United Nations but it has repeatedly stated that it will not co-operate in carrying out the purposes and principles of the United Nations. In short, this cannot be an urgent question, since Peking evidently does not consider it urgently necessary to join, and since the United Nations can hardly be said to be in urgent need of the co-operation of an unwilling and hostile Government.

196. One could wish it were true that admission to membership in the United Nations is an act of spiritual conversion which automatically transforms any State or Government into a loyal supporter of those principles and purposes. Experience, unfortunately, completely disproves the assumption. Thus, a State can be a Member, even a respected founding Member of the United Nations, and yet, for reasons which it deems sufficient unto itself, continue to disregard the nuclear test ban Treaty, for instance, which we regard as the first important step in the field of disarmament to be taken under the auspices of the United Nations. Another

Member State can swear full faith and allegiance to the Charter and yet continue to base its entire national life on the practice of racial discrimination which that Charter explicitly condemns. Yet still another Member is determined to defend its anachronistic colonial policies in the face of the clear injunctions of the Charter and the irreversible process of decolonization which the General Assembly has set in motion.

197. Membership in the United Nations or participation in the work of the United Nations confers no magical virtue either on the Member State concerned or on the United Nations. Each Member after all brings to the United Nations nothing more and nothing less than itself, together with its own traditions, aspirations and interests. It well may be that the purposes and principles of the United Nations, which are so eloquently proclaimed in the Charter, have the power ultimately to transform and improve the quality of life in Member States. But this would be a very slow process at best, and it cannot be advanced as an argument that gives this question the character of urgent necessity.

198. Meanwhile, there are Member States, as I have said, which wanted and asked to become Members of the Organization, which solemnly pledged to uphold the Charter, and were admitted to membership on that basis. These States, nevertheless, have failed to comply either with the principles of the Charter or to carry out the recommendations and decisions of the various organs of the United Nations. What reason then have we to assume that the participation of Peking in the work of the United Nations would contribute to the success of United Nations efforts in disarmament and in other fields, when that régime has itself shown no desire to join the United Nations and has indeed expressed nothing but contempt for the Organization? What indefeasible necessity requires that such a régime be invited to join us against its will and in the face of its avowed hostility?

199. An invitation to Peking in present circumstances would be tantamount to a surrender in the face of its crude attacks against the United Nations. It would surely be interpreted by that régime as proof that its policy of truculence and scorn towards our Organization is paying off and that what Peking needs is more of the same policy towards virtually the whole of mankind.

200. The so-called principle of universality has been invoked. But no such principle is stated or even suggested in the Charter of the United Nations. On the contrary, the Charter explicitly requires as a condition for membership that States be peace-loving and that they accept the obligations contained in the Charter and, in the judgement of the Organization, are able and willing to carry out these obligations. Moreover, membership in the United Nations is a privilege and not a right; and if it were a right, one still cannot compel anybody to exercise a right that it prefers to ignore.

201. It is strange that the so-called principle of universality should be invoked in favour of seating the Peking régime in the United Nations, while nothing, on the other hand, is said about the need to observe the same principle in connexion with another very

important country, Germany, which until now also remains outside the United Nations. Mainland China is certainly a vast and populous country; yet it can hardly be argued that Germany is, by comparison, a small and insignificant one. The fact is that the German problem is as crucially important to the destiny of Europe as the Chinese question is to the destiny of Asia. In the disarmament field, for example, and particularly in the matter of nuclear-weapon capability, it would be true to say that the impact of German industrial power and technology is at least as great as, if not greater than, that of mainland China. Now, since a proposal has been presented for the admission of East Germany into the United Nations, one wonders whether, on the analogy of the Albanian draft resolution, we should accede to this proposal to admit East Germany, or whether we should proceed to admit the two Germanys as two separate Member States, on the analogy of the Italian draft resolution. The analogy would then become even more perfect if a number of Asian and Pacific countries ten thousand miles away from Europe, such as Japan, Australia, Thailand and the Philippines, were to submit a draft resolution along these lines concerning Germany.

202. The stock answer to this argument, of course, is that Germany is not China. With this we cannot agree more. But the truth is that it would be most unwise for the United Nations to attempt to solve the German question, for the simple reason that the United Nations has neither the right nor the authority to divide or to unify any country, or to determine whether a country should have one or two representations in the Organization. That right pertains exclusively to the countries themselves and to their peoples.

203. On this vital point, the statement of Mr. Paul Martin, the Minister for External Affairs of Canada, made last Wednesday, is most pertinent, and I quote him:

"I want to make it clear . . . that the solution my Government envisages is in no way intended to imply the existence of two Chinas. Both the Government of the People's Republic of China and the Government of the Republic of China firmly adhere to the concept of one China, and it is not for the United Nations to propound concepts which are at variance with the hopes and aspirations of the people of a Member State. That is an internal matter which is for the Chinese people to resolve and from which the United Nations, in accordance with the clear dispositions of the Charter, is bound to stand aside." [1475th meeting, para. 25.]

204. From this cogent statement, however, Mr. Martin drew certain conclusions which we are unable to accept. Our own conclusions from that correct and unambiguous statement are two in number: first, that we cannot offer the seat of China in the United Nations to a Government or régime that does not want it and, indeed, has not asked for it; and secondly, that we cannot offer two separate seats in the United Nations to two Governments that do not wish to be divided or to remain divided.

205. I would recall that when two of our Member States, Egypt and Syria, decided in 1958 to form one State and so informed the United Nations, we agreed

without hesitation to give them only one seat. Three years later, when they decided to dissolve their union and to become two separate States again, we did not inquire into their motives or even into the facts of the case; we simply took them at their word and gave them the two separate seats they asked.

206. When Indonesia left the United Nations two years ago, we merely took note of the fact; and when Indonesia decided to return, we also noted the fact and welcomed it back with open arms.

207. In these cases, the United Nations indulged in no interminable debates and created no study committees. We simply acquiesced in the express wish of the countries and peoples concerned.

208. To repeat: we have received no request from the People's Republic of China to be represented in the United Nations or to occupy the seat of China in the United Nations. And we have no indication—but rather the contrary—that the Governments in Peking and Taipeh want to have two separate seats in the United Nations. In this situation the only logical course is for the General Assembly to postpone any decision on the question of the representation of China until the people of China themselves shall have decided the issue. Although some have said that this question involves a simple matter of credentials, the simple truth of the matter is that one cannot even examine and pass upon the credentials of representatives who are not here or who refuse to come here.

209. We would respectfully urge the delegations that have presented the draft resolutions in documents A/L.496 and Add.1 and A/L.500 to help the General Assembly by satisfying this elementary need to ascertain and to heed the wishes of the two Governments directly involved in this most important question. Only when this has been done can we really undertake a meaningful discussion and take realistic and practical action to resolve the issue. Until this is done, our debate will remain an exercise in illogic and futility.

210. In accordance with these views, my delegation will vote against both the Albanian draft resolution and the Italian proposal. Since this is certainly an important question within the meaning of Article 18 (3) of the Charter, we trust that the draft resolution co-sponsored by my delegation [A/L.494 and Add.1] which reaffirms the two-thirds rule for the approval of any resolution to change the representation of China, will receive the support of a substantial majority of the Assembly.

211. Mr. BUSNIAK (Czechoslovak Socialist Republic): The delegation of the Czechoslovak Socialist Republic has taken the floor in order to present its views on the restoration of the lawful rights of the Chinese People's Republic in the United Nations.

212. An impossible and intolerable situation has arisen in our Organization. Under it, for seventeen years, contrary to the United Nations Charter, the legal Government of one of the founding Member States and a permanent member of the Security Council has been prevented from taking its rightful place in the United Nations. The responsibility for this position is borne primarily by the United States of America.

213. Many delegates have already spoken most convincingly on the error and harmfulness of United States policy in this matter. Indeed as a result of the position of the United States, the representatives of more than 700 million Chinese are refused the right to participate in the activities of this Organization.

214. In the opinion of the Czechoslovak delegation, the twenty-first session of the General Assembly must put an end to this policy, which apart from anything else seriously weakens the prestige and authority of the United Nations.

215. Most of the delegations to the present session of the General Assembly have stressed in the general debate the need to make the Organization's work more effective. Emphasis has been placed on the need to restore the lawful rights of the Chinese People's Republic in the United Nations, as one of the important conditions for the attainment of that end.

216. The delegation of the Czechoslovak Socialist Republic is convinced that the need to solve the problem of restoring its lawful rights to the Chinese People's Republic in our Organization has become increasingly urgent in recent years, and can no longer be postponed.

217. However, the policy of the United States of America tends in exactly the opposite direction. Its aim is to isolate the People's Republic of China by every means possible and to prevent it from playing an active part in the work of the United Nations and in solving the major international problems.

218. The insistence of the United States of America on its negative position with regard to the lawful representation of the Chinese People's Republic in this Organization results from its unwillingness to accept the fact that as a result of the liberation of China from imperialist domination, it has lost its strategic and economic positions on Chinese territory, with the exception of Taiwan.

219. The United States, together with fourteen other countries, has again this year submitted a draft resolution [A/L.494 and Add.1] which repeats the old trick used in previous years, the aim of which is to make it impossible for the lawful rights of the Chinese People's Republic in the United Nations to be restored. This draft states that "any proposal involving a change in the representation of China in the United Nations is an important item," requiring a two-thirds voting majority.

220. It is quite clear from the present discussion, as it was in previous years, that the question of restoring the legal rights of the Chinese People's Republic in the United Nations is not subject to the provisions of Article 18 of the Charter, since, as has been repeatedly pointed out here, the issue is not one of admitting a new Member State, but of restoring the rights in our Organization of the sole representative of the Chinese people, which for the past seventeen years has been the Government of the Chinese People's Republic. For these reasons the Czechoslovak delegation will vote against the draft resolution contained in the document referred to.

221. As for the six-Power draft resolution contained in document A/L.500, not only do we not regard it as a feasible way out of the position which the problem of the restoration of the lawful rights of the People's Republic of China in the United Nations has reached —through the fault of the United States—but we also share the opinion expressed by a number of delegations in the present discussion that it is yet another way of complicating and delaying a solution to the problem.

222. According to that draft resolution, a committee would be set up to study all aspects of the situation with regard to the representation of China in the United Nations. Since there is nothing to study, it being perfectly clear who for the past seventeen years has been the sole legal representative of the Chinese people, we not only regard this procedure as superfluous, but also as offensive to the Chinese People's Republic, as indeed it would be to any other State.

223. Throughout the history of the United Nations, there has been no case in which any State was subjected by the Organization to such a humiliating procedure. The establishment of the proposed committee will not lead to a solution of the problem, but only to further complications and to a repeated use of the delaying tactics practised by the United States for a number of years. For all these reasons, my delegation will vote against this draft resolution.

224. In the course of the discussion of this item, some delegations have favoured solving the problem of restoring the legal rights of the Chinese People's Republic in the United Nations on the basis of the so-called "two Chinas" concept. These delegations know that the United States and its allies are finding it increasingly difficult to defend the representatives of the Chiang Kai-shek clique as representatives of the Chinese people in the United Nations. The "two Chinas" theory is meant to give the impression of a new approach to the problem, but in essence the aim of such recommendations and draft proposals is to ensure that the "representatives" of the Chiang Kai-shek clique, which represents nobody, should remain in the United Nations and that the military occupation of Taiwan by the United States is continued. This "two Chinas theory" is doomed to failure.

225. The Czechoslovak delegation has always firmly rejected, and continues to reject, this so-called "two

Chinas" theory, since Taiwan is an inseparable constituent part of China. This is demonstrated on the one hand by the historical facts, and on the other by the decisions of the Cairo Conference in 1943 which restored Taiwan to China. It is well known that Chiang Kai-shek's puppet Government is maintained in Taiwan only by the military assistance of the United States. The "two Chinas" theory is therefore illegal and unacceptable.

226. Draft resolution A/L.496 and Add.1, submitted by eleven delegations, proposes that the twenty-first session of the General Assembly take a decision to restore the legal rights of the Chinese People's Republic in the United Nations and in all its organs. A logical and integral part of this decision is also the demand that the representatives of the Chiang Kai-shek clique be expelled from our Organization. We fully support that draft resolution, and will vote for it.

227. Permit me now to say a few words in exercise of my right of reply to the statement by the representative of Costa Rica on the question of restoring the legal rights of the Chinese People's Republic in the United Nations. If I understood him correctly, he said that the Czechoslovak Government under the leadership of President Benes was re-established during the Second World War, although in 1939 it had declared itself dissolved and consented to the establishment of the so-called Slovakian State.

228. I should like to stress that this statement of the problem is a gross distortion of historical fact. Everyone today knows that in 1938-1939 Czechoslovakia was forcibly liquidated by Hitler's Germany on the basis of the so-called "Munich Agreement", which for us in Czechoslovakia was not an agreement but something imposed on us, since Czechoslovakia did not participate in and never agreed to it. The remnants of Czechoslovak territory which were left after the Munich Agreement were liquidated in 1939 as a result of military occupation by Hitler's Germany. The so-called Slovak Fascist Government headed by the Reverend Tiso arose out of this occupation on the instigation of Hitler's Germany, against the will of the Czechoslovak Government. These are the historical facts of the incidents which occurred in Czechoslovakia in 1939, to which the representative of Costa Rica referred in his statement.

The meeting rose at 6.25 p.m.