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Flushing Meadow, New York

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President: Mr. Nasrollah ENTEZAM (Iran).

Adoption of the agenda: report of the General Committee (A/1386)

[Agenda item 8]

PART I

1. The PRESIDENT (*translated from French*): I trust that all members have had the time to study the General Committee's report (A/1386). As you know, this report consists of three parts, dealing respectively with the adoption of the agenda, the establishment of *ad hoc* committees, and the allocation of agenda items to Committees. We shall first take up part I, namely, the agenda of the fifth session.

2. You will see, at the beginning of that part, that "the General Committee approved the suggestion of the Secretary-General that certain items on the provisional agenda and the supplementary list which relate to the same question should be grouped together or combined under a single item". This recommendation is concerned with form, not substance. I suggest that it should not be discussed immediately, for the following reason: if some delegations object to the inclusion of an item in the agenda, they will raise the same objection if I suggest discussing the manner in which that item should be combined with others. For example, the USSR delegation objects to the inclusion in the agenda of the item, "Interference with radio signals (Economic and Social Council resolution 306 B (XI))". But I am sure that, if the General Assembly were to approve the inclusion of this item in its agenda, the Soviet Union delegation would not object to its being placed under the general heading, "Freedom of information". It would therefore seem preferable not to discuss the manner in which it is proposed that some items should be grouped, but to proceed directly to consider the items themselves.

3. Before doing so, however, I would direct your attention to section 3 of part I of the report, which reads:

"3. The General Committee decided to recommend that item 53 of the provisional agenda, 'Draft declaration on rights and duties of States: report of the

Secretary-General', should be postponed to a future session."

4. The General Committee's reason for making this recommendation is that the text has been submitted to Member States but the replies received so far do not exceed ten in number. The General Committee has therefore considered it advisable to allow the governments of Member States a little more time in which to submit their observations. I should like to know if this procedure meets with the approval of the members.

5. Mr. SIMIC (Yugoslavia) (*translated from French*): The Yugoslav delegation is opposed to the recommendation of the General Committee that the discussion and possible solution of the question of the draft declaration on rights and duties of States should not be included in the agenda of the fifth session of the General Assembly. It is our view that the consideration and possible solution of this question cannot in any way be considered premature. It has already been studied by the International Law Commission, and governments of Member States were invited by General Assembly resolution 375 (IV) to submit their views on the report of that Commission, as well as on the complete documentation transmitted to them. Moreover, the General Committee's recommendation that this question should not be included in the agenda of the present session runs counter to the terms of the resolution by which Member States were invited to be prepared to discuss at this session the question of a declaration on rights and duties of States. Whether Member States have responded to the General Assembly's request to submit their observations in writing by July of this year and to state their views on the principles to be established by this declaration, and to what extent they have done so, cannot, in our opinion, affect the solution of this question or warrant its removal from the agenda. Even less could that be viewed as a reason for contending that the very discussion of this item is premature. If such a view were accepted, a precedent would be created under which any question might be postponed or closed by procedural means, without being considered.

6. Finally, in the opinion of the Yugoslav delegation, the principles which should be included in this declaration would, if adopted, constitute a decisive step towards the establishment of international peace. We are constantly hearing statements about the vital need for the peaceful development of international agreements. We are constantly being told that mutual understanding and the peaceful settlement of disputes, as well as the establishment of a new international order based on freedom and equality of rights between States, large and small, are indispensable. Yet the actual development of international relations is far from confirming that Member States apply only those principles in carrying out their national policies.

7. Peace, as we have so often heard it said, is indivisible and we must fight to achieve it. Yet when a document which, by its contents, would incontestably represent an important contribution to the peaceful development of international relations and the maintenance of peace appears on the agenda, formalistic reasons are often adduced to postpone its adoption.

8. Legality in the international field can rest only upon principles of law and the clear definition of the rights and duties of States. That is the only way in which any act constituting an abuse of rights and a violation of duties in the international field can be determined. That is why, in the opinion of the Yugoslav delegation, it would be most useful, even essential, to begin the discussion of this item so that the declaration on rights and duties of States can be adopted during the present session.

9. Consequently, the Yugoslav delegation insists that the question of the draft declaration on rights and duties of States should be included in the agenda of the fifth session of the General Assembly.

10. Mr. GUTIERREZ (Cuba) (*translated from Spanish*): The Cuban delegation voted in the General Committee against the exclusion of this item from our agenda because, since the San Francisco Conference, it has consistently thought and still thinks, that the United Nations Charter will not be a real Magna Carta of the community of nations without a declaration on rights and duties of the States.

11. The Cuban delegation was, however, the only one to vote in the General Committee against the exclusion of this item. It does not know what will become of the item at the current session of the General Assembly.

12. It is particularly concerned at the text of paragraph 3; according to that paragraph consideration of the question would be postponed to a future session. A future session is a very indefinite term, which may mean the death of the declaration on rights and duties of States. That would, in our opinion, constitute a real failure on the part of the United Nations.

13. The General Assembly at its first session acknowledged the necessity and desirability of supplementing the Charter of the United Nations by the addition of such a declaration [*resolution 38 (I)*]. During the past four years, the Assembly has taken various measures designed to fulfil that intention. As a result of one of them, the International Law Commission prepared a draft declaration which was considered by the Assembly at its fourth session. On that occasion, the General

Assembly, recognizing in resolution 375 (IV) the need for continuing study with regard to this subject, transmitted to Member States, for consideration, the draft declaration, requesting them to furnish their comments and suggestions. The General Assembly thus showed that, in spite of the difficulties which had been encountered in formulating rights and duties of States, it was determined to continue the requisite studies and efforts for the fulfilment of that objective.

14. The Cuban delegation therefore deems it opportune to submit to this Assembly for its consideration a draft resolution which has been distributed as document A/1391 and reads as follows:

"The General Assembly,

"Considering that since its first session it has recognized the need and desirability of supplementing the United Nations Charter by the addition of a declaration on rights and duties of States;

"Considering that the International Law Commission, in implementation of General Assembly resolution 178 (II), has prepared a draft declaration on rights and duties of States which the General Assembly considered at its fourth session;

"Considering that the General Assembly, 'recognizing the need of continuing study with regard to this subject' (resolution 375 (IV)), resolved to transmit the draft declaration concerned to Member States for consideration and to request them to furnish their comments and suggestions in its regard,

"Decides

"1. To take note of the small number of comments and suggestions which Member States have furnished in relation to the draft declaration;

"2. To request the Secretary-General to draw the attention of Member States to the fact that it is desirable that they should submit their comments and suggestions as soon as possible; and

"3. To request the Secretary-General to include this question in the provisional agenda of the sixth session for such action as the General Assembly may deem expedient."

15. This last paragraph is the most important part of the draft resolution. By adopting this resolution, the General Assembly would once again recognize the need, which it has acknowledged since 1946, for the United Nations Charter eventually to be supplemented by a declaration on rights and duties of States.

16. Of course, if the Assembly should be in favour of including this item in the agenda of the present session, the Cuban delegation would have no objection; but should the Assembly not wish to do so, the Cuban delegation favours its inclusion in the agenda of the next session.

17. Faris EL-KHOURI Bey (Syria): Article 13, paragraph 1 a of the Charter reads as follows:

"promoting international co-operation in the political field and encouraging the progressive development of international law and its codification".

18. In accordance with this requirement established by the Charter, the General Assembly constituted the International Law Commission, which was elected at

the third session of the General Assembly in 1948. That Commission met in April 1949 and the report of its work was presented to the fourth as well as to the fifth session of the General Assembly. After a detailed study and thorough examination of the matter, the Commission prepared, as the first step in its work, a draft declaration on rights and duties of States, which it submitted to the last session of the General Assembly. At that time, the draft declaration was distributed to all Member States of the United Nations with a request for their views. Up to the present time, few comments have been received. Therefore, I do not believe that it would be fair or wise to postpone the matter further in order to secure the views of Member States on this draft declaration, which is composed of only a few articles. The States that wished to make comments did so long ago. The fact that some did not do so means that they did not find it necessary to make any observations on the draft.

19. Why should this matter be postponed indefinitely, as the General Committee has decided? It would certainly be unfair to postpone such a matter and to discourage the International Law Commission, which is working hard on the codification of international law. That project is absolutely necessary for the peace of the world; it is one of the principle functions allotted to the General Assembly of the United Nations. What can be gained by postponing the consideration of the matter indefinitely? Even a postponement for another year would be unnecessary. The matter was placed before the Member States long ago and those who wished to present statements have done so. We cannot force States to make comments if they do not wish to.

20. My view in this matter is as follows: all the matters which were discussed in the International Law Commission were forwarded to the Member States. The Commission awaited replies giving the Members' views on the subject, but many States did not answer. It would appear that the Member States have placed their confidence in the General Assembly, in the main Committees and in the International Law Commission. Those who wished to make remarks or oppose certain views submitted to them have done so.

21. I therefore request that item 53 should be included in the agenda of this session of the General Assembly, so that the work may go on. The International Law Commission would then be encouraged to continue its studies further; we should not postpone the examination of its resolutions and declarations indefinitely and fail to give them the consideration they deserve.

22. Mr. SANTA CRUZ (Chile) (*translated from Spanish*): Our delegation fully concurs with the statements of the representatives of Yugoslavia, Cuba and Syria that it is important for the General Assembly to adopt a declaration on the rights and duties of States as soon as possible.

23. We also agree with the Syrian representative's reply to the argument that the discussion should be postponed because few States have replied to the questionnaire submitted to them.

24. I should further like to point out that the General Assembly will in any case have to consider the reasons why the majority of countries have not replied to the questionnaire. It will consequently be obliged to con-

sider whether or not it should call once again upon those States to send in their comments on the text prepared by the International Law Commission. The General Assembly will also have to determine when a final decision should be taken on the question. In short, even if it decides not to discuss the draft declaration at its current session, the General Assembly will have to consider the various aspects of the question, as suggested in the Cuban draft resolution. That can be done only if the item is included in the agenda.

25. For these reasons we support the motion to include the Cuban draft resolution in the agenda without prejudging any decision which the General Assembly or the Committee concerned may subsequently take on the question, whether it be to adopt a declaration or to pass a resolution along the lines suggested by the Cuban delegation.

26. Mr. GONZALEZ (Venezuela) (*translated from Spanish*): It was my delegation which, at the first meeting of this session of the General Committee,¹ suggested that consideration of the item concerning the draft declaration on rights and duties of States should be postponed, not because Venezuela fails to realize the need for such a declaration, but rather because it was aware of the fact that very few replies had been received from Member States to the request made under General Assembly resolution 375(IV).

27. Moreover, that resolution requested the Secretary-General to prepare a document containing the replies transmitted by Member States, but it did not request him to submit that document to the fifth session of the General Assembly; in fact the latter, in plenary meeting,² had rejected a proposal to that effect submitted by the Sixth Committee at the suggestion of the delegation of Lebanon.

28. My delegation attaches such importance to this delicate and complex question that it does not hesitate to support its consideration at a later stage, solely in order to give every State an opportunity to study the replies carefully.

29. As I made clear to the General Committee, it is not a question of rejecting or of deleting the item concerned from the agenda of every session of the General Assembly, but rather of studying it thoroughly and of taking into account the views expressed by every State in order to arrive at an agreement which would reflect those views, or at least take them into consideration. If we are to discuss the text thoroughly, we must have before us the written replies of governments.

30. My delegation therefore warmly supports the draft resolution submitted by the delegation of Cuba calling on the Secretary-General to draw the matter to the attention of governments which have as yet failed to submit their comments and proposing that the item should be included in the agenda of the sixth session of the General Assembly.

31. Mr. SARPER (Turkey): I shall not speak here on the merits of the proposal put forward by the General Committee in the report it has submitted in document A/1386, but the representative of Syria

¹ See *Official Records of the General Assembly, Fifth Session, General Committee, 69th meeting.*

² See *Official Records of the General Assembly, Fourth Session, Plenary Meetings, 270th meeting.*

expressed the view a few moments ago that the fact that several States had not yet answered the questions addressed to them by the Secretary-General could be interpreted as indicating that they had no opinion on the matter. I regret that I cannot share the view of the representative of Syria, and I beg leave to object to his interpretation.

32. It may be that several States are still studying the draft and that, as was said just now by the representative of Venezuela, they might have views to express later on which would contribute greatly to the consideration of the matter. Thus, as I have said, I beg leave to object to the views expressed in that connexion by the representative of Syria.

33. Mr. LACHS (Poland): The item now under discussion occupied the attention of the fourth session of the General Assembly. It was dealt with by the Sixth Committee, and I am surprised that it is provoking such a long discussion here today. In my view the General Committee was very wise when it decided to recommend the deletion of this item from the agenda of the fifth session of the General Assembly.

34. If representatives study the history of this matter, they will find that the fact that it has come up again for our consideration is really due to a mistake on the part of the International Law Commission. Contrary to the statute of that Commission [*General Assembly resolution 174 (II)*], the item was submitted to the fourth session of the General Assembly without having been referred earlier to all Member States, which should have been consulted before the item was submitted to the Assembly.

35. We are still suffering today as a result of this obvious mistake by the International Law Commission. This mistake caused us to have a prolonged discussion during the fourth session of the General Assembly, and we are having another such discussion today. I do not think that it is a good thing to work on the basis of mistakes, and I think that the sooner we drop the issue the better.

36. Therefore, I appeal to the Assembly to approve the recommendation of the General Committee and not consider this matter at the present session, before having the considered views of all the Member States on this issue, which is of such vital importance.

37. I do not believe it is right to say that, if governments have not submitted their views, they have no views. One cannot discredit governments in such a way. Matters concerning the rights and duties of States are, as I have said, of such vital importance that they require serious consideration and time for pondering and decision. Therefore, we shall have to give the Members of the United Nations time to consider these issues, and only after all their opinions and views have been received can it be considered that the matter is ready for discussion by the General Assembly. Therefore, I plead with the Assembly to take the matter off the agenda and not to discuss it at the present session.

38. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): The draft declaration on rights and duties of States constitutes an important international question and requires serious preparation and careful study. To deal hastily with such an important question of international law could

only be prejudicial to its solution. Yet the fact is that at the opening of the fifth session of the General Assembly, recommendations on this important international document, the draft declaration on rights and duties of States, had been received from only ten Member States of the United Nations and not one of these drafts has been considered by the International Law Commission.

39. Articles 21 and 22 of the Commission's statute, however, make it mandatory for the Commission to consider the comments submitted by Member States on the draft declaration.

40. In these circumstances, it would be a violation of these articles of the Commission's statute for the General Assembly to consider the draft declaration at its fifth session. Such action would have no justification whatsoever.

41. If consideration of this question is begun immediately, nearly five-sixths of the Members of the United Nations will be deprived of the opportunity of putting forward their recommendations and conclusions on the draft declaration on rights and duties of States.

42. The USSR delegation therefore supports the General Committee's proposal that consideration of the draft declaration on rights and duties of States should be postponed until a later session. The delegation of the Soviet Union considers that this is a reasonable proposal and vote in favor of it.

43. Mr. AUSTIN (United States of America): The United States delegation supports the report of the General Committee on this matter, although it believes that it is unnecessary to discuss the question of what some future session of the General Assembly may do with the same problem. The parliamentary situation before us relates simply to the question of whether this item ought to be placed on our agenda. By a vote of twelve to one, with one abstention, the General Committee decided that it would be wise not to include the item in the agenda. The question now is whether we support the Committee or wish to overturn the Committee's decision on this point.

44. The United States delegation supports the Committee. The substantial reason for our support of the Committee is that this session of the General Assembly is being held in a period when extremely serious and important questions, dealing with the immediate present, are imminent; those questions are of such great import that we should have all the time and energy necessary to consider them thoroughly and, if we can avoid doing so, we should not introduce a highly debatable matter relating to fundamental principles that extend far into the future.

45. Of course, I assure the General Assembly of the interest that the United States has in the clarification of the principles of international law and the establishment of known laws by which to live. The United States believes that that is necessary in order to maintain good order in society, and that it would tend to obviate recourse to force for the settlement of great political issues.

46. Another reason why the United States delegation favours the General Committee's proposal is that the Sixth Committee, to which this item would naturally be referred, has a very heavy agenda, including such im-

portant questions as the report of the International Law Commission on the formulation of the Nürnberg principles, the question of international criminal jurisdiction, and ways and means for making the evidence of customary international law more readily available.

47. The United States delegation felt that in the long run it was wiser to take the action in this matter that the General Committee did take, and we think it would be wise for the General Assembly to accept the Committee's report.

48. We are not really concerned about the question of when this matter will be put on the agenda of the General Assembly. However, if it would please any substantial number of the members of the General Assembly to adopt the theory of the representative of Cuba, to the effect that we should announce a policy with respect to the inclusion of this item in the agenda of the next session, my delegation would not oppose that. In fact, we would vote for it if it came up in any form in which we could vote for it. However, as the parliamentary situation now stands, we shall vote in support of the Committee's report.

49. The PRESIDENT (*translated from French*): The representatives have heard nine speakers. Does anyone else wish to speak?

50. The discussion is closed.

51. Before putting to the vote the General Committee's recommendation to the effect that discussion of this item should be postponed to a future session of the General Assembly, I wish to ask the representative of Cuba whether he would submit a formal amendment specifying that the discussion should be postponed to the sixth session.

52. Mr. GUTIERREZ (Cuba) (*translated from Spanish*): The Cuban delegation realizes that the correct parliamentary procedure is to proceed to the vote on the report of the General Committee; it has therefore submitted a draft resolution for consideration after that vote, if the report of the General Committee is adopted. The Cuban delegation is, however, quite willing to submit—and it now submits—an amendment to the effect that the text of the report should state that the item should be considered at the next session, if that would help to solve the problem.

53. The PRESIDENT (*translated from French*): In that case, I must now put to the vote the Cuban proposal amending the General Committee's recommendation and stating that the General Committee recommends the Assembly to decide to postpone to the sixth session consideration of item 53 of the provisional agenda.

54. Mr. VILFAN (Yugoslavia): The Yugoslav delegation does not think that the procedure suggested by the President would be correct. The Yugoslav proposal should be put to the vote first. The proposal of the Yugoslav delegation is to delete section 3 from the report of the General Committee and to re-introduce item 53 of the provisional agenda. The Yugoslav delegation believes that the Cuban amendment should be voted upon only if the General Assembly does not agree with the Yugoslav suggestion.

55. The PRESIDENT (*translated from French*): It is not permitted to delete one item from a report of

any committee or commission. The Yugoslav delegation might formulate a proposal as follows:

“... proposes that the General Assembly include this item in its agenda.”

56. If the Yugoslav delegation were to do that, I would put its proposal to the vote first, but I take the liberty of pointing out that it comes to the same thing: those in favour of the inclusion of this item in the agenda will vote against the General Committee's recommendation and those against that recommendation will vote in favour of the Yugoslav proposal. But in order to avoid any discussion, I shall put to the vote the Yugoslav proposal, which recommends that the Assembly should include item 53 in the agenda of this session.

A vote was taken by show of hands.

The proposal was rejected by 41 votes to 11, with 3 abstentions.

57. The PRESIDENT (*translated from French*): We shall now pass to the amendment proposed by the Cuban delegation, to the effect that the Assembly should decide to postpone the study of item 53 of the provisional agenda to its sixth session.

58. I shall put the Cuban amendment to the vote.

That amendment was adopted by 30 votes to 6, with 9 abstentions.

59. The PRESIDENT (*translated from French*): Item 53 of the provisional agenda will therefore be included in the provisional agenda of the sixth session.

60. No decision is required with regard to section 4, part I of document A/1386, as the General Committee has informed us that the question has simply been postponed. It will be in a position to make a positive or negative recommendation to the Assembly at a later date.

61. We shall now return to the items in the agenda of the fifth session. Items 1 to 10 have already been dealt with.

62. I do not think that we need take the items one by one.

Items 11 to 21 inclusive were approved without discussion.

63. The PRESIDENT (*translated from French*): The next item on which the Assembly must vote is number 22: “Threats to the political independence and territorial integrity of Greece”.

64. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation has, in the General Committee, opposed and voted against the inclusion in the agenda of the General Assembly of the item, “Threats to the political independence and territorial integrity of Greece”, since there are absolutely no grounds for placing such an item before the Assembly.

65. The delegation of the Soviet Union has already pointed out that the so-called problem of the political independence and territorial integrity of Greece is really a screen for an attempt by the Anglo-American bloc to distract the attention of world public opinion from the unceasing terrorism to which the authorities in Greece are subjecting the Greek people, and is intended to conceal the measures taken to support that régime. That

and that alone is the real reason why this question has been raised at the fifth session of the General Assembly.

66. By including this item in the agenda of the current session, the reactionary Anglo-American circles are continuing the old policy they adopted on this question at previous sessions: they are trying to shift the responsibility for the situation which has arisen in Greece to that country's northern neighbours.

67. The real issue is not threats to the political independence and territorial integrity of Greece on the part of her northern neighbours, but the need to put an end to foreign interference in the internal affairs of Greece and to withdraw foreign armies and missions from the country.

68. If the situation in Greece is to return to normal, an end must be put to the savage terrorism practised by the Greek Government which, with the assistance of United Kingdom and United States armed forces, has resorted to mass punishments and other forms of repression to quell the liberation movement of the Greek patriots; a general amnesty must be proclaimed; elections must be held on the basis of proportional representation, and other measures must be taken to establish and secure a democratic régime in Greece.

69. Consequently, the question which has been raised has no relation whatsoever to the principles and purposes of the United Nations. The delegation of the Soviet Union is therefore opposed to the inclusion in the agenda of the item, "Threats to the political independence and territorial integrity of Greece".

70. Mr. KANELLOPOULOS (Greece) (*translated from French*): The USSR delegation has just objected to the inclusion in the agenda of the present session of the General Assembly of the item entitled "Threats to the political independence and territorial integrity of Greece".

71. The significance of its objection is obvious. In the first place, the intention is to induce the General Assembly to repudiate its own work, that is, to induce it not to take cognizance of, and draw the necessary conclusions from, the report submitted to it annually by the United Nations Special Committee on the Balkans.

72. Then an attempt is being made to persuade the General Assembly to take no further interest in a problem which is distressing the Greek people and is a disgrace to all mankind by preventing it from discussing the measures to be taken in connexion with the report which the Secretary-General will submit to us shortly on the question of the repatriation of Greek children kidnapped by communist guerrillas.

73. The members of the USSR delegation, who are very intelligent and gifted men, know full well that they are wrong. The head of the Soviet Union delegation, in particular, is fully aware that in attacking Greece he is attacking a victim, a procedure to which he has been accustomed since the time when he occupied the responsible position of Attorney General of his country. I am sorry to have to remind him of this sad page in his life, or rather this record of death.

74. The members of the Soviet Union delegation know full well that not a single execution has taken place in Greece since October 1949, that is, after the two decisive victories of the Greek army against the communists at Vitzi and Gramos.

75. How then, on what moral and logical grounds, without even a blush, can they speak officially of executions in Greece? Every one is well aware of all that is going on in Greece; every one knows full well that there is no reign of terror there; every one knows Greece because that country, like the heart of its people, is open for all the world to see.

76. Let our colleagues from the Soviet Union also open wide the doors of their country. Only when they have done so will they have the moral right to speak about Greece. But today they do not have the moral right because they lack the courage to open the doors of their country.

77. There is no terror in Greece; no one has been executed there since October 1949. Prior to October 1949, we were obliged to execute traitors who sabotaged the magnificent work of our country during a war in which the Greek nation made tremendous sacrifices. As soon as the war ended, however, Greek democracy, which is generous and self-confident, rejected all measures which went beyond mere imprisonment.

78. The members of the USSR delegation are well informed of the true state of affairs. They know that the Greek Government has adopted a policy of clemency toward criminals and has intervened in their behalf despite the justified opposition of thousands of victims. The USSR delegation is not unmindful of the fact that Greece represents a rare if not unique case since it persists in following a policy of mercy toward the fifth column, which did not hesitate to carry out its threats of rebellion, despite the fact that that policy seriously endangers its security.

79. The members of the Soviet Union delegation know full well that they are shedding crocodile tears when they express pity at the fate of their criminal protégés. If that were not the case, the Soviet Union delegation would not have denied its benevolent interest to the seventeen thousand Greeks from the Caucasus who were driven without reason from their homes one year ago and transferred to Kazakhstan under conditions which I should rather not describe. The charitable intentions of the representatives, or rather of the Government of the Soviet Union, would have been put to a better use in supporting the repatriation of the twenty-eight thousand Greek children kidnapped and held by communist guerrillas in countries over which Moscow exercises its paternal authority in disregard of the resolutions adopted by the General Assembly at its third and fourth sessions [*resolutions 193 C (III) and 288 B (IV)*] and despite the untiring efforts of the Secretary-General and the International Red Cross organizations, for which I am glad to express the gratitude of the Greek people and the Greek Government from this rostrum.

80. The good offices of the Soviet Union might also have proved useful in the case of the 1,316 members of the Greek armed forces who were taken prisoner by the guerrillas and transported in 1946 to the territory of the northern neighbours of Greece, where they are living in really shocking conditions.

81. The USSR delegation is aware of all this, just as it is aware that recently Greece held elections which, though they did not yield the familiar results of 99 per cent characteristic of elections in totalitarian countries, nevertheless enabled deputies of the extreme left to pre-

sent the arguments of Moscow from the parliamentary rostrum of the city of Athens.

82. I think that it would be completely useless for me to refer to the statements of the USSR representative relating to foreign troops stationed in Greece. The entire world knows, and the USSR delegation knows as well as anyone else, that the last of the British soldiers who came to Greece to liberate that country from occupation and to help it to protect its independence which was threatened by the communists, left the territory of Greece many months ago.

83. Greece is a small country. The Soviet Union is a very large country, I might even say, too large a country. The fact that Greece is small while the Soviet Union is a vast country, a veritable colossus, does not mean that the Greeks should feel intimidated. The fact that Greece is small does not prevent it from being deeply proud of the truth which it personifies.

84. The PRESIDENT (*translated from French*): Before calling on the representative of Czechoslovakia, I should like to draw attention to the fact that, for the time being, we are discussing whether or not this item should be included in the agenda. The First Committee, to which this item will be referred if the Assembly agrees, will have ample time to go into the details of the question.

85. Mr. HOFFMEISTER (Czechoslovakia): Because this is the first time in this session that a personal attack has been launched in the general debate, the more regrettable is this premeditated offence directed against a prominent lawyer and statesman who is one of the greatest defenders of and fighters for peace.

86. At previous sessions of the General Assembly, it has been repeatedly pointed out that the declarations about the threats to the political independence and territorial integrity of Greece by its northern neighbours were entirely unfounded and unreal. Nevertheless, since 1947, again and again, this item has been forced on to the agenda for discussion in an entirely mechanical manner by the mechanical majority, in order to strengthen the voice of monarcho-fascist propaganda by means of the loud-speaker of the United Nations Special Committee on the Balkans, so that the honest last words of those who face the firing squad and of those who are suffering in concentration camps and on Makronisos may not be heard. That was and is the purpose of re-introducing the Greek question again, under that rather over-sized title, into the debate of the General Assembly. The members are invited to speak from this rostrum about all sorts of non-existent threats to Greek independence—already dependent on the occupation forces—so that the voices of an enslaved people protesting against the dragging of the nation into the services of an imperialist policy and foreign interest may remain unheard.

87. I agree with one point made by the Greek representative. It is true that the last British soldier has left; but only when an American soldier took his place. The members of the General Assembly are requested to listen to these speeches so that the authority of our Organization might cover up the non-existence of these threats, the gross military interference in the internal affairs of Greece and the attacks on peace-loving and democratic States, such as Albania and Bulgaria. I doubt

whether all the representatives in the General Assembly would be willing to lend their ears and raise their hands once again for these theatricals. This puppet comedy is to be forced on to our programme while our interest is focused on the great tragedy of the Greek people.

88. I invite the General Assembly to vote for the elimination of item 22 from the proposed agenda of the General Assembly; the Czechoslovak delegation emphatically supports the Soviet Union representative's proposal to that effect.

89. Mr. KATZ-SUCHY (Poland): It was not my intention to speak at this time on the point now under discussion, but the statement which we heard from the representative of Greece was too much to be listened to in silence in this General Assembly. It was an unheard of and rare show of hypocrisy, covering up of lack of argument by oratory, personal attacks and geographical references. It was a sad spectacle to see a person who claims to represent a country come to this rostrum and try to sell the sufferings and tears of his country—the sufferings and tears of his people in the period of joint American and fascist occupation, one of the saddest periods in its history.

90. We understand that the representative of Greece dislikes the fact that the Soviet Union is too great and too big and speaks of a small Greece. We know the designs of Greece towards Bulgaria and Albania. We know that the Greek Government would like to extend its territories at the cost of its neighbours. We have discussed that, and we had ample opportunities for so doing. But why bring into this debate the fate of Greek children and the sufferings which the Greek Government itself day by day and night by night, is inflicting upon the Greek people? We have mentioned several times that the most appalling sight is that of a politician trying to gain applause by exploiting suffering, and especially the suffering of children.

91. The representative of Greece referred to the open door of his country. I wonder whether that open door also covers the famous concentration camp of Makronisos, run under joint American and Greek management, where thousands of innocent people—without trial and subjected to tortures invented by the German Gestapo and improved by the Greek Government—have passed the period between their capture and the present? I wonder whether that open door covers the many persons, the hundreds and hundreds of fighters for independence—men who helped the Allied cause and who expelled the Germans from Greece before any British soldier arrived—who are suffering under the threat of death?

92. All of us know that, under the influence of the General Assembly and because of the pressure which the Assembly brought to bear upon the Greek Government as a result of the great humanitarian action begun on the initiative of the representatives of the Soviet Union, many death sentences have not been carried out. But perhaps we could be told here how many hundreds of Greeks, Greek fighters for independence and Greek trade union and political leaders, are today in Greek prisons under the suspense of the threat of death, while their families are uncertain as to their fate and their children have not seen their fathers for years. The representative of Greece slanders the USSR, but hundreds of citizens of Greece, as their last

hope, appeal to Generalissimo Stalin to act to save their lives, seeking support from him and help in obtaining at least some knowledge of the fate of their dear ones.

93. I do not intend to enter into detail. At the moment, I am speaking against the inclusion of this item in the agenda because it has been submitted for no other purpose than to drag the Assembly into the continuation of the present state of affairs in Greece. Through several resolutions, the Assembly is already an accomplice. Today is the time to put a stop to that. We know that the item, which has been nobly called "Threats to the political independence and territorial integrity of Greece" has been submitted for the purpose of justifying an American intervention into the internal affairs of Greece, in the political, military and economic fields.

94. Therefore, as this item serves no other purpose than to drag the General Assembly into an affair which has caused so much suffering for the Greek people, my delegation will support the motion of the representative of the USSR to delete this point from the agenda of the fifth session.

95. Mr. PRICA (Yugoslavia): On behalf of the Yugoslavia delegation I should like to propose that a separate vote be taken on sub-items (a) and (b) of the item entitled "Threats to the political independence and territorial integrity of Greece". The Yugoslav delegation holds different views concerning those two questions.

96. As regards sub-item (b), "Repatriation of Greek children: report of the Secretary-General", the Yugoslav delegation agrees with the decision of the General Committee that this item should be placed on the agenda of the General Assembly. Moreover, the Yugoslav delegation is very satisfied with this recommendation of the General Committee, because it is of the opinion that examination of this problem will not only contribute to its correct solution, but will also be in the interest of Yugoslavia.

97. In the first place, I wish to emphasize that the Yugoslav Government has accepted the obligations proceeding from General Assembly resolution 288 (IV) of 1949, and it has undertaken all the measures necessary to carry out these obligations. However, a whole series of false accusations has been raised against my country recently in connexion with that problem. The question has thus assumed a special international character, because various quarters are trying to use it as a weapon to disturb international relations. The Yugoslav delegation considers that placing this item on the agenda will make it possible to clear up the matter and to wrest the weapon from the hands of those who are misusing the question, either in their aggressive campaign against my country and my Government or to prevent the re-establishment of good neighbourly relations.

98. However, sub-item (a), "Report of the United Nations Special Committee on the Balkans", is, in the opinion of my delegation, a matter of very different character. Owing to the developments which have taken place in the course of the last two years, the question which was to have formed the subject matter of the report of the Special Committee has lost its former significance and has, in fact, become an internal affair of Greece.

99. Therefore, I propose that a separate vote should be taken on sub-items (a) and (b).

100. The PRESIDENT (*translated from French*): We shall now vote on item 22 of the agenda as proposed in the General Committee's report (A/1386).

101. The representative of Yugoslavia has asked for a separate vote on each part of the item. This is in order. I shall therefore put to the vote item 22 (a): "Threats to the political independence and territorial integrity of Greece: (a) Report of the United Nations Special Committee on the Balkans".

A vote was taken by show of hands.

Item 22 (a) was approved by 25 votes to 6.

102. The PRESIDENT (*translated from French*): We shall now vote on item 22 (b): "Repatriation of Greek children: report of the Secretary-General".

A vote was taken by show of hands.

Item 22 (b) was approved by 56 votes to 1.

103. The PRESIDENT (*translated from French*): We shall now pass to item 23: "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations: report of the Interim Committee of the General Assembly".

104. Before calling upon the representatives who wish to speak on this item, I wish to draw your attention to rule 23 of the rules of procedure of the General Assembly. I did not do so up to now because I thought that we should have less than six speakers on each question. Rule 23 reads:

"Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the General Committee, shall be limited to three speakers in favour of and three against the inclusion. The President may limit the time to be allowed to speakers under this rule."

105. I do not wish to avail myself of the right to limit the time allotted to each speaker. However, since not more than three representatives may speak in favour and three against, I shall have to ask each representative who requests the floor, to state whether he is for or against, so that the number of three speakers is not exceeded. Are there any comments in connexion with item 23?

106. Mr. TAJIBAEV (Union of Soviet Socialist Republics) (*translated from Russian*): In the General Committee, during the preliminary discussion of the agenda of the fifth session of the General Assembly, the USSR delegation opposed and voted against the inclusion of item 23. Now that the General Committee's report is under consideration the USSR delegation wishes to register a strong objection to the inclusion in the agenda of the item entitled "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 . . .".

107. The USSR delegation makes this objection because the Central People's Government of the People's Republic of China is the only lawful government of

China which rules *de jure* and *de facto* and represents China and its vast population of 475 million. Only this government is entitled to represent China and the Chinese people through its accredited representatives, and to make proposals to the United Nations on China's behalf.

108. On 26 August of this year, that government informed the Secretary-General of the United Nations that it had appointed a delegation, headed by Mr. Chang Wen Tien, to the fifth session of the General Assembly. The United States, however, used every means at its disposal and, in spite of the fact that its policy towards China is unwise and endangers peace, continues to exert pressure on a number of Members of the United Nations with a view to depriving the Chinese people of its legal prerogative of sending its lawful representatives to the United Nations and of thus exercising its sovereign right to take its seat in the General Assembly, in the Security Council and in other highly important organs of the United Nations.

109. As a result of a great injustice, the seats of the delegation of the Chinese people to the United Nations are now occupied not by this people's genuine representatives but by agents of the Kuomintang, who represent neither the government nor the people of China. They are a group of private persons who have been repudiated by the Chinese people and who have no right to speak or act on behalf of the Chinese Government, and consequently have no right to propose any question for the consideration of the General Assembly.

110. The General Committee should not have recommended this question for inclusion in the agenda of the General Assembly, since it has been proposed by impostors who illegally occupy China's place here. The allegation of the Kuomintang agents that there is a "dispute" between China and the Soviet Union is arrant nonsense. Everyone knows that the Soviet Government is not involved in any dispute with the Chinese Government, for the Central People's Government of the People's Republic of China, with which the Soviet Union has the friendliest relations, is the only sovereign and legitimate government of that country.

111. Moreover, there is not the slightest basis for a dispute, since first, the Kuomintang clique has forfeited the right to call itself the Government of China and to represent that country; and, secondly, the very treaty of 14 August 1945 to which the Kuomintang allegation refers no longer exists. It has lost its force and meaning; and it has been superseded by a mutual agreement between the USSR Government on the one hand and the Central People's Government of the People's Republic of China on the other, which was officially announced by both those parties.

112. At the present time, relations between China and the Soviet Union are governed by a treaty signed in Moscow on 14 February 1950. It is therefore obvious that the above-mentioned item, which the Kuomintang clique has illegally asked to be placed on the agenda of the General Assembly under the aforesaid tendentious and slanderous heading, has absolutely no foundation. Its inclusion in the agenda of the fifth session of the General Assembly would not only lower the prestige of the United Nations throughout the world but would put the General Assembly in an absurd position by forcing it to give consideration to the

allegation of a group of political bankrupts repudiated by the Chinese people that a non-existent treaty has been violated.

113. No fair-minded and impartial person can have any doubt that this allegation not only is no concern of the United Nations but is entirely unfounded and invalid both legally and politically.

114. For all those reasons, the USSR delegation opposes the inclusion of item 23 in the agenda of the fifth session of the General Assembly.

115. Mr. TSIANG (China): Much of the argumentation expounded by the representative of the Soviet Union is entirely beside the point under discussion. I am sure that the President would wish us, at this moment at least, to confine our remarks to this particular issue: whether or not the item should be included in the agenda.

116. This item was put on the agenda of the fourth session of the General Assembly. It was referred to the First Committee, where an important discussion took place. The discussion was not conclusive, and the Committee therefore referred the item to the Interim Committee of the Assembly. In that Committee, another discussion took place, which again was inconclusive. The Interim Committee has reported this item back to the Assembly. It is obvious that, no matter how individual delegations may feel about it, it must remain on the agenda of the General Assembly during its fifth session.

117. I do not care to go into the substance of this question; there will be time for that. I should, however, like to call the attention of the Assembly to one argument used by the preceding speaker. He said that the treaty upon the basis of which the complaint is made has been abrogated, and there is therefore nothing to talk about. The complaint we make relates to the period when the treaty was in effect. Subsequent abrogation does not absolve violators of the treaty. Furthermore, the Assembly could not accept any unilateral abrogation of treaties; it could not approve such a principle.

118. I therefore urge that this item should be kept on the agenda of the fifth session of the General Assembly.

119. Mr. PISEK (Czechoslovakia) (*translated from Russian*): the Czechoslovak delegation supports the proposal of the USSR delegation regarding item 23. It, too, objects to the inclusion of item 23 in the agenda of the fifth session of the General Assembly. The complaint against the imaginary "threats to the political independence and territorial integrity of China and to the peace of the Far East" is illegal, as it was submitted, not by the representative of the legitimate Chinese Government, but by a group of Kuomintang members who have no right whatever to represent China or the Chinese people.

120. When this question was illegally included in the agenda of the fourth session of the General Assembly, the illegality of the Kuomintang group was already apparent. The only legal representative of the People's Republic of China and of its people is the Central People's Government of the People's Republic of China which was formed on 1 October 1949. The reactionary government of the Kuomintang has lost all right to

represent the Chinese people *de jure* or *de facto*. The authority of this session would be undermined if it had to consider, as an item on its agenda, a complaint submitted by the Kuomintang group, which, at the beginning of this session, was suitably described in a passage in a White Paper of the United States Department of State. While the spokesman of the Kuomintang group has endeavoured to describe the so-called Kuomintang government as a democratic coalition government, I am able to quote the following passage about Chiang Kai-shek, the head of the Kuomintang, from General Stilwell's papers published in the aforesaid White Paper:^a

"I believe", the General writes about Chiang Kai-shek, "he will only continue his policy and delay, while grabbing for loans and post-war aid, for the purpose of maintaining his present position, based on one-party government, a reactionary policy, or the suppression of democratic ideas with the active aid of his Gestapo".

121. The Czechoslovak delegation is also unable to agree to the inclusion in the agenda of the fifth session of the General Assembly of the question which was illegally referred to the so-called Interim Committee, a body whose legality the Czechoslovak delegation, together with other delegations, contests and does not recognize.

122. Lastly, it is clear that the complaint is without foundation. The Soviet Union is maintaining very friendly relations with the Central People's Government, the only lawful government of China, and that government has never raised the question of the violation of the independence and territorial integrity of China by the Soviet Union. The newly established relations between the Soviet Union and China have invalidated the agreement of 14 August 1945 to which the complaint refers, and consequently there would be no point in discussing that complaint.

123. The General Assembly must, of course, deal with the question of the "threat to the political independence and territorial integrity of China and to the peace in the Far East", in other words, with the question of United States aggression against China and of its naval blockade of the island of Formosa, which is an integral part of the territory of China. The invasion of this island by United States forces is a direct attack upon the independence and territorial integrity of China in violation of the United Nations Charter. The bombings and strafing of Chinese territory and of the peace-loving Chinese population by United States air forces are further acts of aggression by the United States. It is here that lies the real threat to the independence and territorial integrity of China and to the peace in the Far East.

124. The trumped-up complaint of the Kuomintang group is part and parcel of the policy of hostility and intrigues against the Soviet Union and against its policy of peace, and is designed to divert the attention of the General Assembly from the fundamental questions which it must solve in the interests of peace and of peaceful relations among nations.

^a See *United States Relations with China, with special reference to the period 1944-1949*, Department of State Publication 3573, page 68.

125. The Czechoslovak delegation appeals to the General Assembly to recognize the importance of the present international situation and of its responsibilities and to refuse to include in its agenda the illegal complaint of an illegal plaintiff.

126. Mr. KISELEV (Byelorussian Soviet Socialist Republic) (*translated from Russian*): The delegation of the Byelorussian SSR supports the objections raised by the delegation of the Soviet Union to the inclusion of the tendentious complaint of the Kuomintang in the agenda. This complaint is allegedly submitted in the name of the Chinese Government. In actual fact, however, it is being submitted on behalf of the Kuomintang group which has absolutely no legal or moral right to speak for the Chinese people.

127. The Chiang Kai-shek group represents the remnants of a régime which has been overthrown and expelled by the Chinese people and, consequently, the Chinese people could not and did not empower that group to submit any complaints whatsoever or to represent its interests in the United Nations.

128. The march of historical events is inexorable and it is vain for the bankrupt Kuomintang group to attempt to turn back the wheel of history. Last year, at the fourth session of the General Assembly, we witnessed a provocative attempt by the representative of the Kuomintang group, Mr. Tsiang—who has today repeated his last year's themes like an old gramophone record—to involve the General Assembly in the discussion of some non-existent quarrel between the "Chinese Government" and the Government of the Soviet Union. As we all know, however, he failed in that attempt. The Kuomintang group was unable to achieve its ends.

129. The whole world knows that the only authorized and sovereign government of China is the Central People's Government of the People's Republic of China. That government alone constitutes a genuine national government enjoying the full confidence of the Chinese people.

130. The people of China won their right to such a government in their long and bitter struggle for freedom and national independence. The Soviet Union and a number of other States maintain friendly relations with that government. That government alone would be entitled to raise a question in the Assembly. No other group, no group of political renegades has any such moral or political right. It is therefore inadmissible that the statements and allegations of the Kuomintang group should be included in the agenda.

131. The delegation of the Byelorussian Soviet Socialist Republic supports the objections of the delegation of the Soviet Union and insists that item 23 should be deleted from the agenda of the present session of the General Assembly.

132. The PRESIDENT (*translated from French*): Three speakers have already spoken against the inclusion of item 23 in the agenda; only one speaker has spoken in support of the inclusion of this item. I shall call upon the representative of Syria if it is his intention to speak in favour of the inclusion of the item.

133. Faris EL-KHOURI Bey (Syria): It is rather a point of order which I wish to raise, but it will indirectly result in my speaking in favour of the inclusion of item 23 in the agenda of the General Assembly.

134. I notice that this item was placed on the provisional agenda by the Interim Committee of the General Assembly because it is that Committee's report. I know, as does everybody, that the Interim Committee, by its terms of reference, is required to present to the General Assembly reports on the subjects which it studies. In this case, the Interim Committee, which is an organ of the General Assembly, is presenting its report. The General Assembly is obliged to accept it, to read it and to study it. The acceptance of the report does not mean that the General Assembly accepts the principles which are included in it. It can be compared with a judgment from a court of the first instance which is submitted to a court of appeals. We cannot now say that the claimant in the first instance has no right to make such a claim. That will be done after the matter is studied and a decision arrived at.

135. The General Assembly is discussing the report of the Interim Committee. If it is included in the agenda, it does not mean that the General Assembly accepts the principles contained in it. It does not mean that at all. The report should go on the agenda because it is from the Interim Committee, and all such reports should be studied by the General Assembly after receiving the views of all delegations.

136. The PRESIDENT (*translated from French*): The representative of Syria did not speak on a point of order, but what he said was quite in order.

The inclusion of item 23 in the agenda was approved by 44 votes to 6, with 7 abstentions.

Item 24 was approved without comment.

137. The PRESIDENT (*translated from French*): We now come to item 25 of the agenda: "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: advisory opinion of the International Court of Justice".

138. Mr. DROHOJOWSKI (Poland): In the course of the two previous sessions of the General Assembly, during the discussion both on the inclusion in the agenda as well as on the substance of the item called "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms", my delegation has amply proved that this item has been introduced solely for the purpose of creating hostile feelings against certain countries because of their economic and social programmes. However, the item has been included by the majority in violation of the principles of our Charter.

139. In order to find legal support for their purposes, the United States delegation and other delegations did not hesitate to misuse even the prestige of the International Court of Justice. My delegation opposed the resolution [294 (IV)] which requested the advisory opinion of the International Court of Justice. We were and are of the opinion that the International Court of Justice should not have been brought into this matter; but the United States delegation, and several delegations voting along with that delegation, have decided otherwise. Now we are asked to expose further the prestige of the International Court of Justice.

140. What is the purpose of such manoeuvring by the United States? Let us be candid, sincere and frank. The United States has passed from the stage of propaganda for intervention to intervention itself, armed

and otherwise. In the first stage the United States delegation spared no effort to use this item for the purpose of slandering the governments of the people's democracies, and especially the Governments of Bulgaria, Hungary and Romania. The achievements of these countries, especially in the social and economic fields, did not follow the lines of the wishful thinking of the United States, the United Kingdom and their dependents, and therefore they did not hesitate to trump up charges of alleged violations of treaties. Now that the United States has adopted the method of direct intervention, this item becomes an instrument of that new method.

141. If this session of the General Assembly will not voice its disapproval of such a method of intervention, it is to be feared that another highly dangerous situation may result. There is no doubt at all that the countries of the people's democracies will not change their programmes of social and economic progress. The problem before you, then, is whether to assist intervention in the internal affairs of States in contradiction to the explicit stipulations of our Charter, or whether to uphold the Charter and the prestige of our Organization and its organs, and especially of the International Court of Justice.

142. For these reasons, the Polish delegation will vote against the inclusion of the item before us in the agenda of the fifth session.

143. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) (*translated from Russian*): The provisional agenda of the present session of the General Assembly, as it has just been presented by the General Committee, includes the so-called question of the "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms . . .". I refer to item 25 of the agenda.

144. Like the Polish delegation, which we fully support in this matter, the Soviet Union delegation proposes that this item should be excluded from the agenda of this session of the General Assembly, since there are no grounds, either juridical or factual, for its inclusion.

145. This question is one of those matters which are essentially within the domestic jurisdiction of States. The United Nations Charter, as paragraph 7 of Article 2 makes clear, in no way empowers the United Nations to intervene in such matters. Consequently, to discuss the question here would be to flout the provisions of the Charter, and would be an intervention in the domestic affairs of Bulgaria, Hungary and Romania and a gross violation of Article 2, paragraph 7 of the Charter. It goes without saying that such a course would also be a flagrant violation of the fundamental principles of international law, as the USSR delegation and several other delegations have already pointed out on repeated occasions. And we are obliged to draw attention to this fact once more, in order to prevent a violation of the Charter.

146. Certain delegations have endeavoured to justify the discussion of a similar question at previous sessions by reference to Article 55 of the Charter. But that Article provides no justification of such a course. Apart from the fact that Article 55 in no way modifies the provisions of Article 2, paragraph 7, it should not be forgotten that at the San Francisco Conference it was

agreed and included in the records of Committee II/3 that nothing contained in Chapter IX, of which Article 55 is an integral part, should be construed as giving authority to the Organization to intervene in the domestic affairs of Member States.⁴

147. It is not without interest to recall that this interpretation of Article 55 was recorded at the insistence of the delegation of the United States of America.

148. It is therefore clear that there are no rightful grounds for including this question in the agenda of the present session.

149. Moreover, there are absolutely no grounds for a discussion of this question even as regards substance since, as was abundantly proved at the second part of the third session of the General Assembly, and again subsequently at the fourth session of the Assembly, the accusations made against Bulgaria, Hungary and Romania have no basis in fact. Bulgaria, Hungary and Romania are conscientiously complying with their obligations under the peace treaties. All accusations that they have violated the peace treaties are completely devoid of substance.

150. With regard to the advisory opinion of the International Court of Justice, it must be remembered—as the representative of Poland has convincingly shown—that the International Court of Justice has no jurisdiction to consider questions of this nature, since this again would constitute interference in the domestic affairs of sovereign States. Consequently, the advisory opinion of the International Court of Justice on this question likewise cannot be a matter for discussion at this session of the General Assembly.

151. The claim that by discussing a question of this nature at the General Assembly we are defending human rights is incorrect and will not bear criticism. The reference of a question of this kind to the General Assembly has nothing in common with the genuine defence of human rights. In fact, the endeavours now being made to place the question of alleged violation of human rights in Bulgaria, Hungary and Romania on our agenda are based on motives entirely unconnected with the problem of the defence of human rights and with the general tasks of the United Nations.

152. For the foregoing reasons the delegation of the Soviet Union proposes that the so-called question of the "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms" should not be placed on the agenda of the fifth session of the General Assembly.

153. Mr. BARANOVSKY (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The question on which the representative of the Soviet Union has just spoken is not a new one. At the third session of the General Assembly, and subsequently at its fourth session, the delegation of the Ukrainian Soviet Socialist Republic had occasion to point out that the reference to the General Assembly of the question now bearing the title "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms" had nothing to do with the defence of human rights and fundamental freedoms proclaimed in the United

Nations Charter, but that it constituted, on the contrary, a flagrant interference in the domestic affairs of three sovereign States, and thereby a gross violation of Article 2, paragraph 7 of the Charter.

154. A monstrous accusation is now being levelled against Bulgaria, Hungary and Romania, the accusation that in these countries religious rights are being violated; yet it is universally known that freedom of religion and belief is guaranteed in these countries by their constitutions and consistently respected in practice.

155. The same applies to the other accusations, every one of which is clearly malicious and slanderous, and designed to represent the struggle of the governments of the people's democracies against the fascist elements organizing conspiracy, diversion and provocation against the people's democratic system as a violation of the peace treaties. The contrary is the truth: by prohibiting the activities of fascist elements in their countries, the Governments of Hungary, Romania and Bulgaria have in fact acted in strict accordance with the peace treaties, under which they are required not to permit the existence and activities of organizations of a fascist type which have as their aim denial to the people of their democratic rights.

156. Moreover, the completely unwarranted nature of such accusations has been convincingly demonstrated at previous sessions.

157. For these reasons the delegation of the Ukrainian SSR emphatically opposes the inclusion in the agenda of the item bearing the title "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms". To place it on our agenda would, I repeat, be a gross violation of the Charter of the United Nations.

158. The PRESIDENT (*translated from French*): Three members have already spoken against the inclusion of this item in the agenda. Only speakers wishing to support the inclusion of the item may speak.

159. Mr. AUSTIN (United States of America): It is probably correct parliamentary procedure to raise a question of jurisdiction with regard to the issue before us as an argument against the report of the General Committee. But that question has become ancient history. It was settled at the third and fourth sessions of the General Assembly. The same point on the same subject was argued and decided. Therefore, it is not necessary on this occasion to argue that human rights in Bulgaria, Hungary and Romania affect friendly relations among nations—indeed, they affect the peace of the world—and, from this argument, arrive at the conclusion that they are not covered by paragraph 7 of Article 2 of the Charter. The incident has been closed by previous decisions taken, after very thorough and careful consideration, by both the Committee and the plenary meeting.

160. It seems to me that we are bound morally, if not legally, by what occurred on 22 October 1949. On that day, the General Assembly in plenary meeting decided [*resolution 294 (IV)*]:

"To retain on the agenda of the fifth regular session of the General Assembly"—which this is—"the question of the observance of human rights and

⁴ See *Documents of the United Nations Conference on International Organisation*, document 567, II/3/27, 11th meeting of Committee II/3.

fundamental freedoms in Bulgaria, Hungary and Romania, with a view to ensuring that the charges are appropriately examined and dealt with”.

161. In the same resolution, the General Assembly requested an advisory opinion from the International Court of Justice on certain legal questions related to the interpretation of the provisions for the settlement of disputes contained in the treaties of peace with Bulgaria, Hungary and Romania. The International Court of Justice has now given its opinions in response to that request. To argue now that the item should not be placed on the agenda of the fifth session is to argue that the General Assembly should disregard its own decision, in its resolution of 22 October of last year, to continue its consideration of this matter at the fifth session. Moreover, a refusal to place this item on the agenda of the present session would mean a refusal to consider the advisory opinions of the principal judicial organ of the United Nations, rendered in response to a request by the General Assembly itself. Would this not be an absurd position to take?

162. I feel that actually we are legally bound to put this item on the agenda of the present session. In any event, we are bound in honour and good sense to put it on the agenda.

163. Mr. ANZE MATIENZO (Bolivia) (*translated from Spanish*): I should like to say a few words on behalf of my delegation in support of the eloquent statement made by the representative of the United States in defence of the inclusion of item 25 in our agenda. The attitude of my country in this matter is well known to the Assembly, which is well aware that Bolivia has had the honour of associating itself with the United States in defence of human rights and in the vigilance which the world as a whole must exercise to see that they are respected.

164. We have at all times maintained that collective action in support of the provisions of the Charter with regard to respect for human rights is a moral necessity, because human rights are the guarantee of peace and democracy. But above all, I wish to lay particular emphasis on one fact, namely, that in each of the two proposals on this subject which were submitted to and approved by two successive sessions of the General Assembly [*resolutions 272 (III) and 294 (IV)*] there was a final paragraph recommending that this item should be included in the agenda of the subsequent session. That means that the General Assembly, by voting in favour of those proposals and by failing to make any reservations in regard to the final paragraph—particularly at the 1949 session—included the item in the agenda in advance. Consequently, it would be illogical for the Assembly, having once decided upon its inclusion, to decide afterwards to remove it.

165. Finally, at the fourth session of the General Assembly [*201st plenary meeting*], my delegation supported the inclusion of this item in the agenda. In 1948 the vote in favour of its inclusion in the agenda for that session was cast by a majority of more than two-thirds of the Assembly. There is before us, therefore, a resolution already adopted by the Assembly; consequently, the only thing to do is to be consistent with our previous action and with the vote already cast on the point at issue.

166. The PRESIDENT (*translated from French*): I shall put to the vote the inclusion of item 25 in the agenda of the present session.

The inclusion of item 25 was approved by 51 votes to 6, with 1 abstention.

The meeting rose at 1.20 p.m.