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AGENDA ITEM 9

General debate (*continued*)

SPEECHES BY MR. GAMARRA (URUGUAY) AND PRINCE WAN WAITHAYAKON (THAILAND)

1. Mr. GAMARRA (Uruguay) (*translated from Spanish*): It is almost a truism that one of the most fundamental values of history, considered from a scientific point of view, lies in the experience which the past—and even the present—contribute to the development and shaping of future events. Experience is wisdom. History is reality. Thus, wisdom unites with reality to offer its rich fruits to the future. The more complex the problems to be solved or the greater the difficulties to be overcome, the more useful will its contribution be.

2. This is why we need at frequent intervals to go over the path by which we have come, to note the difficulties of the journey and to point out the mistakes that have been made in order to remedy them and prevent their recurrence.

3. The need for such a course, which is always a sign of prudence, becomes much greater as the importance of the undertaking grows and difficulties and responsibilities multiply.

4. There is no need for me to apply the principles I have just set forth to the entire achievement of the organs of the United Nations; however, I can refer to one aspect of this achievement and to do so I shall choose, as an example, one of its finest organs, namely the International Court of Justice, an organization intended to give each one his due in international matters, just as the courts of justice in the various States do within the bounds of their respective sovereignties.

5. In this connexion, I note with regret that, of the sixty States making up the United Nations, only half, approximately, have accepted the compulsory jurisdiction of the Court in accordance with paragraphs 2 to 5 of Article 36 of its Statute, although the desirable, natural and logical thing would have been unanimous acceptance or, at least, a far higher proportion of adherents.

6. Our ideal is that the various organs of the United Nations should act untrammelled in their respective spheres, so that they may devote all their powers to the achievement of their objectives and may carry out to the full, without restriction or curtailment, the functions for which they were set up.

7. Moreover, it is somewhat extraordinary that, of the fifteen judges of the Court, only seven come from countries which have accepted the jurisdiction of the Court (Canada, China, El Salvador, France, Norway, the United Kingdom and Uruguay), while the other eight judges, who constitute the majority, belong to countries which have not accepted the jurisdiction of the bench on which they serve—a paradoxical situation in which certain States consider themselves entitled to judge the problems of other States, but would not submit their own problems to the judgment of the latter.

8. I should like to emphasize this point particularly, because my country has a long tradition—of which it is proud—of having been and of continuing to be the most fervent champion of legal methods for the pacific settlement of international disputes, to such an extent, indeed, that it has embodied this policy in an explicit provision of its Constitution, which, thus vested with the super-legality referred to by Hauriou, is ineluctably binding on all its Governments.

9. To these points, which I regard as highly significant, I can add others no less revealing. Of the States which have not made known any decision on this matter, not one has abandoned this negative position during the last year, while, on the other hand, one which had recognized the Court's jurisdiction has resolved not to renew its undertaking as its term expired, which means that not only have we made no advance in this respect but we have in fact regressed.

10. During the same period, one Government (Honduras) renewed its acceptance and another (Turkey) prolonged its undertaking for a further five years, but three other States have not renewed their undertakings so far, despite the fact that the term of their acceptance has expired.

11. Nevertheless, against these rather discouraging facts we may note that two States which are not Members of the United Nations (Japan and San Marino) have become parties to the Statute of the Court, in accordance with Article 93, paragraph 2, of the Charter, and that a number of treaties registered with the United Nations Secretariat contain clauses conferring jurisdiction on the International Court in certain cases, while certain agreements, also registered with the Secretariat, contain clauses giving the President of the Court the power to appoint members of the boards of arbitration envisaged in the agreements.

12. I note these encouraging facts with pleasure, just as I noted the others with distress. But be that as it may, when the final balance-sheet is drawn up, it gives

no room for optimism; indeed, we feel obliged to draw attention to these facts in the hope that, in the future, they will receive the attention they deserve, both in themselves and as unmistakable symptoms of this lack of balance between political and legal matters which is constantly appearing in international problems.

13. I fully realize that the United Nations must be the achievement of perseverance and time, but we must try to speed its progress, to establish confidence and to act disinterestedly. In this way, its benefits will be greater and its final success will be much more speedy and worthy of respect. If we are trying to organize "a system of true and universal international co-operation" we cannot refuse our own support to the work which we are trying to do.

14. The Uruguayan delegation would also like to express its point of view briefly with regard to certain other matters.

15. In connexion with the case of Guatemala, I should like to draw special attention to, and to support, a point of view which the Secretary-General put forward in his report to the Assembly [A/2663, p. xi], where he says that "a policy giving full scope to the proper role of regional agencies can and should at the same time fully preserve the right of a Member nation to a hearing under the Charter".

16. My country combines membership in the United Nations with membership in the Organization of American States, in the belief that the principles of the regional system and the safeguards which it offers cannot be invoked in order to prevent States from having direct and immediate access to the jurisdiction of the United Nations or to deprive them, no matter how temporarily, of the protection of the agencies of the world community. The legal protection afforded by both systems should be combined, never substituted for one another.

17. The negative decision adopted by the Security Council constitutes a very serious precedent for the countries of America since its result must be to diminish or delay, so far as they are concerned, the respective application of the juridical safeguards against aggression established in the Charter of the United Nations and in subsequent resolutions, such as the 1950 resolution on "Uniting for peace" [377 (V)].

18. In the face of the Security Council's unlawful refusal to act, recourse was had to the Inter-American Peace Committee. This agency, which lacks the power to intervene in cases of aggression and to stop them, could provide no solution to the problem.

19. Without prejudice to an examination of other aspects of this matter in due course, the delegation of Uruguay considers that any protest to the United Nations against aggression is entitled at least to a hearing.

20. Another matter of immense importance and far-reaching implications is the problem of disarmament, on which great efforts have been spent without, unfortunately for the peace of the world and the progress of mankind, any agreement having been reached on specific formulae which would lessen the tremendous waste of a suicidal armaments race now crushing the nations under a burden of expenditure which, if it were directed to purposes of culture, health and productivity, would make an invaluable contribution to human welfare and happiness.

21. In this connexion, the statement made at the eighth session of the General Assembly on 8 Decem-

ber 1953 [470th meeting] by the President of the United States of America, calling attention to the perils of atomic warfare and proposing gradual solutions to diminish these grave risks, together with the preparation of plans of international co-operation to facilitate the employment of atomic power for peaceful purposes, is, we consider, of the highest importance.

22. My country will follow any progress which may be achieved in this direction with the greatest goodwill, in the hope that the power which now terrorizes mankind through its immeasurable potential for destruction may be transformed into a splendid instrument to promote the well-being of mankind.

23. I should like to say also a few words on the subject of colonialism. As descendants of the former Spanish colonies in America, now free and independent thanks to the heroic efforts of our ancestors, we have always regarded with the liveliest sympathy the struggles of other nations in any part of the world for their own freedom and independence.

24. Inspired by such considerations, Uruguay will support any suggestions and resolutions which may help, in a practical way and by means of peaceful settlements between the parties, to solve the disputes which the desire for self-government and independence of peoples not yet enjoying this natural right submit to world opinion.

25. We consider that, in this respect, United Nations action can render effective service in legitimate causes submitted to the study and consideration of the General Assembly. Provided that there is serenity of judgment, without either ill-advised haste or prejudicial delay, we are confident that the United Nations can find satisfactory solutions for these problems, which are of the liveliest interest to all because of their human importance, through the peaceful paths of understanding and co-operation, which—and in particular the principle of equality of rights and the self-determination of peoples—are sources of justice and international progress. These principles take on a special significance for us when they touch upon such situations on the American continent.

26. As the Secretary-General says [A/2663, p. xii]: "The many issues in this sphere which regularly confront the United Nations call for a balance between vision and restraint, recognizing the fundamental right to self-determination as well as the fact that the exercise of self-determination may be self-defeating if not wisely and carefully prepared. The manner in which such issues are dealt with will have a serious bearing also upon the future course of world events."

27. In the last resort, we consider that the problem is, generally speaking, one of timing and procedure.

28. We are in sympathy with the item [55] proposed by Saudi Arabia, Egypt, Iraq, Lebanon and Yemen in connexion with the translation of certain official documents of the General Assembly into the Arabic language and we hope that this language, as well as others which serve vast areas of the world and peoples and cultures of long tradition and history, can be given the place it deserves in the activities of the international Organization; these views have already been upheld by Uruguay when dealing with the question of the adoption of Spanish as a working language, in which we had the support of the Arab countries.

29. Among the economic and social problems dealt with by the United Nations, Uruguay has devoted spe-

cial attention to the activities and services of the United Nations Children's Fund (UNICEF). The Government of Uruguay has co-operated to the full with the Fund since its inception, when it made a contribution of one million dollars.

30. Uruguay has been a devoted member of the Fund's Executive Board. This body reflects in the United Nations the policy that has been carried on in Uruguay since soon after the beginning of this century and that has characterized all my country's activities, especially in the economic and social fields. This policy is firmly rooted in the redressing of social wrongs and could be defined as economic democracy in modern times. It has had immediate repercussions on the statistical indices of Uruguay. Infant mortality has been considerably reduced, as can be seen from the place held by Uruguay in world demographic statistics, and it is still the lively concern of the Government and people. The improvement of family economic conditions, through the implementation of the rights of the workers, has also made it possible so to deal with problems relating to public education and social culture that statistics of illiteracy have been substantially reduced throughout the country.

31. Following the same policy externally, in the form of our activities within the United Nations, my Government considers that the most important duty of our Organization is to bestow upon all children who are victims of the results of a bad economic situation in any part of the world the care which we give to our own children in our own country. My delegation therefore considers that among the economic and social problems for which this Organization has assumed responsibility, in accordance with the Charter, the activities of UNICEF should continue unabated.

32. We hold exactly the same views in regard to two other items to which my country has given special attention: I refer to the item on technical assistance and the item concerning aid to the economically underdeveloped countries. In both cases, the United Nations seeks to encourage progress, work and production, and to secure, first and foremost, an improvement in the standard of living in those countries, in order wherever possible to abolish poverty which constitutes an anti-social ferment with the gravest repercussions on the problems of our times.

33. These are the ideas and aims of Uruguay in regard to certain of the items on the agenda of the United Nations General Assembly. Both in the General Assembly itself and in its Committees we shall work faithfully along lines traditionally followed by Uruguay, in favour of peace, democracy and the rule of law.

34. Prince WAN WAITHAYAKON (Thailand): May I, first of all, join with previous speakers in offering to Mr. van Kleffens my sincere congratulations on his election to the presidency of this high Assembly. His is an arduous task, for the problem of peace is intricate and complex, and, as he has so well said, "we are seated no longer on a mere keg of powder, but on a thermo-nuclear bomb" [473rd meeting]. The conciliatory atmosphere infused into our proceedings by the Secretary of State of the United States is, however, a good augury for our deliberations.

35. There is no war in the world today. That is fortunate and gratifying. But neither is there peace. Even in Korea and Indo-China there are only armistice agreements.

36. Peace to the people of Thailand is not a mere cessation of hostilities; it must be a positive state of welfare. We call it *santisukh*, which means, "happiness in tranquillity", because peace to us must be peace with freedom and justice, leading to prosperity. It is, in fact, peace in the sense of the Charter of the United Nations, that is to say, peace as a state of security, free from war, in which freedom and justice prevail so that the economic and social advancement of all peoples may be promoted.

37. The activities of the United Nations are, therefore, manifold, as is indicated by the sixty-seven items on the agenda of the present session of the General Assembly. They are all calculated to strengthen the fabric of peace in the comprehensive way contemplated by the Charter.

38. So far as Thailand is concerned, however, our preoccupation has necessarily, in view of the situation obtaining in that part of the world, to be concentrated on the problem of the maintenance of international peace and security.

39. Thailand yields to none in its devotion to peace, its dedication to the purposes and principles of the United Nations and its scrupulous observance of its obligations under the Charter. It has no aggressive designs of any kind. It wishes only to be left alone to promote social progress and better standards of life in greater freedom, in co-operation with other like-minded nations, whether within or without the United Nations.

40. My country is as eager as any other country to see the world enjoy peaceful coexistence. Thailand has never been a closed country; it has readily welcomed relations with foreign nations, whether of Asia and Africa or of Europe and America. Its religion, Buddhism, is well known for its tolerance, and foreign missionaries have received from the Government of Thailand not only facilities for the propagation of their faith but even lands for their churches, schools, hospitals and other institutions of humanitarian work. Economic and cultural relations have also been welcomed while, in the political field, Thailand has stood and still stands for international co-operation and for the conciliatory settlement of disputes by peaceful means.

41. My country, like other Asian countries, felt the impact of imperialism during the colonial period, but, through territorial cessions and extra-territorial concessions, we managed to preserve our independence and finally, after long and laborious negotiations, we managed to recover our full sovereign rights.

42. The great lesson that we have learnt from our experience in international relations is the inestimable value of tolerance, which is a disposition, if need be, to agree to differ or a willingness to let live or let alone.

43. The Charter of the United Nations, in all its wisdom, has laid down the true condition for peaceful coexistence. "To practice tolerance and live together in peace with one another as good neighbours" says the Charter.

44. The Thai people are lovers of freedom. The name "Thai" means "free". Their free way of life is akin to the democratic way, into which it is being developed, and is repugnant to the communistic way. There are very few Thai Communists. In a population of 18 million, however, there are some 3 million Chinese, who form an industrious community engaged in trade, business and commerce. Fortunately, they are now loyal to the Nationalist Government, but there have been and

there are infiltrations of Communist agents among them. There are also about 50,000 Viet-Nameese refugees in the Thai border provinces along the Mekong, and here, too, there have been and still are infiltrations of Communist agents among them.

45. The Thai Government, therefore, has had to watch closely for any movement of Communist expansion in the Far East.

46. In the case of Communist aggression in Korea, Thailand, as a firm supporter of the United Nations, was among the first to respond to the United Nations appeal and to furnish both economic and military assistance to the Republic of Korea in order to help repel the armed attack upon it and to restore international peace and security in the area. The people of Thailand realize the true significance of the United Nations principle of collective security; the United Nations, they know, will come to the help of any nation, great or small, which is the victim of an armed attack constituting a breach of the peace.

47. This principle of collective security is considered by my Government to be a fundamental one, and I had occasion to emphasize its importance at the Geneva Conference. I also upheld the role of the United Nations in the supervision of genuinely free elections, which were considered indispensable for the establishment of a unified, independent and democratic Korea.

48. The Government of Thailand considers that, as peace is world-wide and hence one and indivisible, every problem of peace should be a United Nations problem or, at any rate, a problem which can be raised at any time in the United Nations. In this connexion I wholeheartedly agree with the wise observations made by the Secretary-General in the introduction to his annual report [A/2663]. If I think that the United Nations should be kept in the picture in connexion with every problem of peace, it is because of the lesson to be derived from the failure of the League of Nations. By acting outside the League of Nations, the great Powers weakened both the League and themselves, so that when the crisis came the League was impotent and the great Powers were powerless to stop the Second World War. If the great Powers act within our world Organization, they will have the support of the small Powers and also the force of world public opinion behind them. The General Assembly is not a debating society, as is sometimes asserted, but a form of world public opinion.

49. At any rate, so far as Thailand is concerned, we shall rely on the United Nations for any problem of peace which we may have. It is the determined policy of Thailand to promote and strengthen peace in its part of the world. My Government, besides developing friendly relations with countries in South-East Asia generally, has attached the greatest importance to the development of close co-operation for peace with its immediate neighbours. A border police arrangement, therefore, exists with Malaya. When Burma was faced with the problem of the existence of irregular Chinese troops within its borders, my Government readily helped in the evacuation of such troops.

50. With regard to Thailand's immediate neighbours to the east, namely, Laos and Cambodia, they are so closely bound to my country by traditional ties, not alone of friendship but also of affinity and kinship, that it is only natural for my Government to develop the closest co-operation with them. A similar policy on the part of my Government applies to Viet-Nam.

51. Viet-Minh activities, however, not merely by means of subversion but even by the actual invasion of Laos and Cambodia with material and political support from outside Indo-China, created a situation which constituted a threat to the security of Thailand, the continuance of which was likely to endanger the maintenance of international peace and security. Large-scale fighting had repeatedly taken place in the immediate vicinity of Thai territory; there was, in the view of my Government, a possibility of direct incursions of foreign troops into its territory. The whole world was well aware of the tension in the area and of its dangerous potentialities, which required precautionary measures for protection against war. Therefore, in the opinion of the Thai Government, it was essential for the United Nations to have authentic and objective observation and reports, and my Government accordingly brought the situation to the attention of the Security Council in a letter dated 29 May 1954 [S/3220], and requested that the Security Council provide for observation under the Peace Observation Commission.

52. After considering the matter, the Security Council voted [674th meeting] upon the draft resolution submitted by the representative of Thailand [S/3229] with the following result: nine votes in favour, one against and one abstention. As the one negative vote was that of a permanent member of the Security Council, action by the Security Council was thus frustrated.

53. In a letter dated 7 July 1954 [A/2665], my Government then proposed for inclusion in the agenda of the eighth session of the General Assembly an additional item entitled "Request of Thailand for observation under the Peace Observation Commission". After the conclusion of the armistice agreements for Indo-China, however, my Government did not press for a resumed session but, in a letter dated 20 August 1954 [A/2708], reserved its right to raise the question, if need be, during the ninth session. It still reserves this right.

54. The armistice agreements for Indo-China provide for a cessation of hostilities. We may congratulate ourselves on that provision and on the actual cessation of hostilities; my Government's only wish is that the armistice agreements will function smoothly.

55. One happy result of the agreements is that Laos and Cambodia are now sovereign and independent and, as they are peace-loving States which accept the obligations contained in the Charter and are able and willing to carry out these obligations, Thailand wholeheartedly supports their admission to membership in the United Nations.

56. With regard, however, to the general situation in the area in so far as the international security of Thailand is concerned, I am obliged, on behalf of my Government, to express our grave concern. My Government has reason to believe that preparations are being made for large-scale Communist infiltrations from Yunnan through Viet-Minh into Thailand in order to subvert the Government of my country.

57. The question of aggression already has the attention of the United Nations but not yet the question of subversion, which constitutes a real danger for my country and for other countries. The question of subversion in all its aspects should, therefore, be studied so that it may be considered by the General Assembly at a later session.

58. In view of the danger of Communist expansion to which Thailand is exposed, the Thai Government

has long been interested in a peace or security arrangement for South-East Asia. I say "a peace or security arrangement", because what South-East Asia needs is more than a mere common defence arrangement; it needs an arrangement for peace with freedom and with economic and social well-being.

59. Thailand has arrived at this conclusion because it has previously tried other forms of peace pacts, such as non-aggression treaties, which, however, did not work in the Second World War.

60. The defensive character of the South-East Asia Collective Defence Treaty, signed at Manila in September 1954, is made plain by its provisions. It is a regional arrangement for common defence within the framework of the Charter of the United Nations and subject to the ultimate responsibility of the United Nations. What is worthy of notice is that the Treaty deals not only with the danger of aggression but also with the danger of subversion.

61. The positive aspects of the promotion of freedom and of economic and social well-being are made even clearer in the Pacific Charter, which is due to the happy initiative of the Philippines. Therein the principle of self-determination, self-government and independence is upheld in unequivocal terms, as well as the principle of co-operation in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in the region.

62. The Manila Treaty is indeed an instrument of peace with freedom and economic and social well-being, but it does not supplant the machinery of the United Nations for the maintenance of international peace and security; it is complementary and subsidiary thereto.

63. The Government of Thailand regards the United Nations not merely as the best hope for peace but as the only hope for peace and, in its hour of need, it is to the United Nations that Thailand will turn.

The meeting rose at 11.35 a.m.