



CONTENTS

	Page
<i>Agenda item 8:</i>	
Adoption of the agenda (<i>continued</i>)	
First report of the General Committee (<i>continued</i>)	553

President: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 8

Adoption of the agenda (*continued*)

**FIRST REPORT OF THE GENERAL COMMITTEE
(A/4520) (*continued*)**

1. The PRESIDENT: Continuing our consideration of the recommendation of the General Committee contained in its first report [A/4520, para. 10] on the representation of China, I call on the representatives who have indicated their desire to explain their positions before the vote or in exercise of the right of reply.

2. I call first on the representative of Yugoslavia in explanation of his vote.

3. Mr. VIDIC (Yugoslavia): The attitude of the Yugoslavian delegation with regard to the question of the representation of China in the United Nations was clearly stated by the President of Yugoslavia in his speech on 22 September this year [868th meeting]. This attitude is also well known to the Members of the United Nations from previous debates on this question.

4. The representative of the United States this morning [894th meeting] quoted President Tito. The words quoted related to another theme which the United States representative connected with the altogether negative attitude of the United States with regard to the question of the representative of China in our Organization. President Tito in his speech before the Assembly, however, said the following about this question:

"We hope that the United Nations will achieve real and complete universality in the near future through the attainment of independence by all the peoples now under colonial rule, as well as through the recognition of the right of the People's Republic of China to be represented in the United Nations." [868th meeting, para. 92.]

5. Therefore, my delegation will vote for the inclusion in the agenda of this session of the item entitled "Representation of China in the United Nations".

6. The PRESIDENT: I call on the representative of India in exercise of his right of reply.

7. Mr. Krishna MENON (India): It had not been my intention to intervene in the debate at this stage, since at a later stage—I would hope very soon—I shall come to the rostrum to seek the President's guidance with regard to the status of the draft resolution now before the Assembly. However, the representative of the United States referred to my previous intervention in his remarks this morning, and, since this is not merely an academic dispute but is of some importance, I am obliged to give an answer. The representative of the United States raised a large number of issues in connexion with the statement of the delegation of India, but I propose to deal with only two.

8. The first issue concerns the General Committee and its relation to the General Assembly. I did say that in adopting this draft resolution the General Committee had usurped the functions of the General Assembly, and I maintain that view. I did not say that the Assembly had been prevented from discussing the question, because it could not be prevented from doing so. But the fact is that the General Committee tried to stop the Assembly from discussing the matter. I would ask representatives to look at the draft resolution. The Assembly will remember that my delegation said that we could not object to paragraph 1 of the draft resolution initiated by the United States. Although the paragraph says in three lines what could have been said in one word, substantively we cannot object to it because it is a mere negative. But paragraph 2 would recommend to the Assembly the procedure which it should follow, and that is contrary to the rules of procedure. The rules of procedure definitely lay down what the General Committee may do. They say that the Committee, among other things, should recommend whether or not an item should be included in the agenda. In rule 41 of the rules of procedure we read—and perhaps this concerns you, Mr. President: "The General Committee . . . shall assist the President and the General Assembly in drawing up the agenda. . .". Now, how can a substantive draft resolution, a draft resolution dealing with what the Assembly should do, assist the President—unless the President vacates the Chair and decides to take his place among the other members of his delegation and participate in the discussion?

9. Rule 41 also says: "The General Committee . . . shall assist the President and the General Assembly . . . in determining the priority of . . . items, and in the co-ordination of the proceedings of all Committees of the General Assembly". I have tried to see whether the present draft resolution relates to priority or to co-ordination, and I cannot see that it relates to either. The rule goes to to say that the General Committee: "shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President"—that is to say, if this part of the rule is accepted, that the President is given greater competence with regard to the Assem-

bly's proceedings. But the rule ends with these words: "[The General Committee] shall not, however, decide any political question". I have already argued this point, and I do not want to repeat what I have already said. The main consideration, as I have said, is that in making this recommendation the General Committee entered into and debated political questions. It did not say, "The Assembly should not consider this item", and leave it at that. It said that the Assembly should not consider the item in a particular manner—that is, that it should not consider the item at its fifteenth regular session and should do nothing to remove the present Chinese representatives or to seat the others. Such a recommendation goes into the merits of the question, and I therefore maintain that in making the recommendation the General Committee usurped the functions of the General Assembly. As I pointed out the other day, the Committee also usurped the functions of the Assembly by anticipating the findings of the Credentials Committee, which was a highly irregular procedure. I shall not go into greater detail on that point.

10. I must also note that the General Committee usurped the functions of the General Assembly by disregarding the definite mandate contained in its resolution 396 (V). In that resolution the Assembly definitely laid down the procedures to be adopted in these matters. I submit that the General Committee's draft resolution disregards and overrules that Assembly decision and does so without having obtained the required two-thirds majority. The Assembly adopted a definite decision at the fifth session: the resolution was not plucked from the air; it was not an *obiter dictum*; it related to this very subject. The procedure laid down by the Assembly definitely requires the discussion of these questions by the Assembly. The present draft resolution is diametrically opposed to that procedure. The General Committee therefore usurped the functions of the General Assembly, not only in general terms but, specifically, in overriding a previous decision taken by the Assembly. Only the Assembly can override one of its previous decisions—and for it to do so a two-thirds majority is required. I shall not labour this point. *

11. I turn now to Mr. Wadsworth's remarks about my lack of knowledge of American history. After all, I am not an American citizen, and it would be excusable if I did not know American history very well. But perhaps it is not nearly so excusable if a distinguished American citizen does not know American history very well.

12. Now, I am not aware that in the whole of American history one can find that the American people ever stood for the doctrine of legitimacy. I would ask Mr. Wadsworth to examine American constitutional law from the time the new American States emerged. He will find that the American States were almost the first to recognize each revolutionary Government, no matter where. In fact, the United States judiciary and the United States political departments have contributed a good deal to the literature on the subject of the recognition of States. The United States has at no time been an advocate of the concept of legitimacy—whether it was a question of the Austro-Hungarian Empire or of Frederick Barbarossa.

13. What I did say was that perhaps there was a thing called the American war of independence. Out of courtesy to my friend Mr. Wadsworth and his countrymen

I did not go into the later conflicts which sought to establish the authority of government over the whole of this continent which is now called the United States. I confined myself to that enviable part of American history where a war of liberation was waged. This Assembly is temperamentally, by tradition and by disposition, fair-minded, and I would like representatives to read and refresh their minds, if they wish to do so, about what has been said.

14. It is quite true that I said that, apart from humble countries like my own and Britain, there are not many régimes that have not been imposed by force. And I still say that there are two types of revolution. One is the revolution that employs peaceful methods—constitutional methods, passive resistance, or whatever it may be. The other is a forcible revolution, the more common kind of revolution. Revolutions of this latter kind impose new régimes in place of old. The new régime conquers the other one, and that is done by force. I am not aware that in wars of independence the people who are the insurgents in the first instance—one of the parties—can do anything else. But this has been said by my distinguished friend—I do not say cleverly, but I mean, perhaps, without looking into the matter, since I do not mistrust his motives—to be a question of governments being imposed upon the people.

15. It may be that a revolutionary régime's government is, in 99 per cent of the cases, accepted by the people. That is why a revolution is successful. But you cannot get away from the fact that a usurper, or an out-of-date or weak régime, is not ousted except by force. The imposition by force is of one régime upon another. The fact that the new régime is accepted, welcomed and acclaimed does not alter this argument.

16. The tone and the kind of approach of the intervention may convey the idea, particularly at this present time, that I was suggesting that the régimes in the United States were imposed upon the people. This has nothing to do with the conventions of Philadelphia, or anything of that kind. They came afterwards. They came after the military victories. They were the implementation of the victory of the winning party. The constitutional processes whereby the consent of the people was obtained came after the assertion of force and the establishment of power.

17. We are not here dealing with those constitutional procedures but with the way that power was distributed and how authority was established. Therefore, I stand by what I said. It is quite possible that, if I had written this out, instead of "imposed" I might have used the word "emerged", but I would not like this Assembly or anyone else to think that we were advocating the goodness, if you like, not the legitimacy, of rule by force as such.

18. The question of rule does not come up, and that is exactly what has happened in China. That is to say, the old régime which was opposed by the new régime—I think we should use the word "opposed"—was defeated and escaped from the country to Formosa and other places, and a new régime was established. Now if the argument is that the new régime has not the support of the people—and I am not called upon to argue whether it has or not—then we move away from this context to something else. In other words, are we going to sit in judgement on the internal character of a Government? That is entirely another chapter.

19. The establishment of the present Peiping régime was an assertion of force, no doubt, not only over one year but over twenty-five or thirty years, and that force established one side as against the other. The one side displaced the other. That does not mean necessarily that the imposition of that régime is on the people. The moral objection can be if a régime is imposed upon a people, but when a régime has to overthrow something else there can be no moral objection to it. Otherwise there would be no revolutionary governments in the world.

20. I do not think that democratic opinion—civilized societies, people who believe in human liberty—can ever rule this out. And it is written down in the United States Constitution—I have forgotten the words—that when the people are dissatisfied with a régime, whatever it may be, they have an inherent right to overthrow that régime. And, with my very small knowledge of American history, I invite my colleague to read the Declaration of Independence all over again. It says in express terms that the people have the God-given right of removing these governments.

21. And again, my lack of desire to enter into more difficult periods prevents me from quoting the later examples relating to the unity of the country, except in the case of the purchases of Alaska, Florida, Louisiana and Rhode Island, where there was no question of force by one side against the other. There is nothing in this which advocates a kind of storm-troop philosophy of the strongest man winning, but it certainly is an argument which does not prompt for legitimacy. If we were all for legitimist governments, what would we find at this session of the General Assembly, with so many Presidents turning up here in ordinary lounge suits and conducted in an unceremonial way, and with large numbers of crowned heads—some of them wearing two crowns instead of one. Legitimism cannot be defended, and if you object to revolutionary governments then you simply argue against the whole of progress.

22. In the great continent of America large numbers of governments in South America are the product of revolution. In fact, I think it was Lord Bryce who wrote, some thirty or forty years ago, that revolution was the normal mechanism of government in South America at that time, because after the defeat of the Spaniards and the formation of these smaller States, and the newer boundaries and so on, there were so many claimants and one was in conflict with the other. But that does not mean that once a revolutionary régime has come into power it follows the same path. It is just like saying that if two countries are engaged in war and one is defeated then, naturally, there is a triumph of force. But after that comes peaceful settlement. You cannot say that peaceful settlement—unless it is a dictated peace, which has unfortunately been the case in many instances—is the result of force.

23. Therefore, while I stand corrected in my lack of extreme care, in that I could perhaps have used the word "emerged" instead of the word "imposed", I think the word "imposed" entirely correct with regard to the imposition of one régime over another. If a régime is defeated, what else could it be? Therefore, I still suggest to my good friend that American boys in schools would do well to read both the speeches in question, and what I have said just now, and remind themselves of the fact that, except for the four pur-

chases of territory to which I referred a while ago, the rest of the unification of America was, just as in other countries, quite rightly assured by the triumph of one idea over the other, of one camp over the other, and so on, except that when that victory was assured it became permanent by the various processes that went on, prompted by the founding fathers as they are called, and the enunciation of the constitution, and everything else. I am very sorry to see that objection has been taken to that.

24. I would conclude by saying that I was rather pained to hear Mr. Wadsworth, of all people, the distinguished representative of the United States of America, speaking about his recoiling from this because it came from a friendly country. My country is a friendly country to the United States, and we have always taken it that the United States is a friendly country to us, but we have never excluded from our friendship adherence to facts. We have never construed friendship as meaning conformity. We have never meant by friendship the exclusion of frankness where it is required. In this particular case there was no reflection whatever on the United States—merely historic example to show that you cannot argue in this Assembly that some country, some State or some government is not admissible because its régime was established by revolution. That was the point of the case.

25. The PRESIDENT: I call on the Minister of Foreign Affairs of the Soviet Union in the exercise of the right of reply.

26. Mr. GROMYKO (Union of Soviet Socialist Republics) (translated from Russian): While the Soviet delegation has deemed it advisable to take the floor again in the exercise of its right of reply, it certainly has not done so because the opponents of allowing the People's Republic of China to take its rightful seat in the United Nations have brought forward any important new arguments. After listening attentively to their statements, and of course to the statements of the representatives of those States which uphold the legitimate rights of People's China, we concluded that the foes of People's China, who oppose a just settlement of the question in the United Nations, had not produced any new reasons but had merely repeated old arguments reeking of moth-balls.

27. The Soviet delegation has deemed it advisable to make this further statement only in order to direct the General Assembly's attention once more to the absurd and two-faced policy of the United States Government on the question of the admission of the People's Republic of China to the United Nations, as reflected in the statements made in the course of this debate.

28. It is argued that the People's Republic of China "behaves badly", and that its conduct over the past several years has not been such as to justify the adoption of the proposal that it should be seated in the United Nations. But what, actually, is this "bad conduct" of the People's Republic of China? Has the People's Republic of China sent its armies to the borders of the United States of America? Has the People's Republic of China occupied any United States islands? Do the aircraft of the People's Republic of China regularly fly over the territory of the United States of America? No; we know full well that nothing of the sort has happened.

29. The contrary is the case: the United States of America committed aggression against the Republic of China by occupying the Chinese island of Taiwan and a number of other Chinese offshore islands. The United States undertook aggression on Korean soil and sent its troops to the borders of the People's Republic. The military aircraft of the United States of America regularly invade the air space of the People's Republic of China.

30. A mere reference to these indisputable facts, well known to every literate person, is sufficient to demonstrate that all the arguments to the effect that the People's Republic of China may not occupy its lawful seat in the United Nations because of its conduct are utterly unfounded and absurd.

31. The United States representative said in this forum that the People's Republic of China had sent nearly one million soldiers to Korea, where they fought against United States troops. True, China sent quite a few volunteers into North Korea during the Korean war. Why did it do so? Because the United States had embarked on aggression which constituted a direct threat to the People's Republic of China. It was not China which sent its troops several thousand kilometres to the shores of the North American continent, but rather the United States which sent its troops to the borders of China. And the responsibility for the numerous crosses which mark the graves of United States soldiers in Korea rests not with China but with the Government and ruling circles of the United States, which undertook aggression against the People's Republic of China.

32. Incidentally, one fact, which the opponents of the seating of the People's Republic of China in the United Nations do not for some reason like to talk about, should be kept in mind: at present, there is not one Chinese soldier or volunteer on Korean soil, but there are United States bases and thousands of United States officers and men in South Korea. Are they in South Korea to further peace, by any chance? No, they are there to maintain tension in the Far East and to maintain the area in a fever of fear; and the United States keeps them there even while many speakers, including those who oppose the seating of the People's Republic of China in the United Nations, are making statements in the General Assembly concerning the necessity of consolidating peace and lessening international tension.

33. I would remind the opponents of the seating of the People's Republic of China in the United Nations of the part it played in terminating the war in Indo-China. It is well known that the United States of America was essentially opposed to an agreement on the cessation of hostilities in Indo-China. The People's Republic of China, on the other hand, took part directly in the discussion of this question (incidentally, at the same table with the United States representatives), and made a most important contribution to the stopping of the war in Indo-China. It will be generally agreed, I assume, that the hostilities in Indo-China resulted in a highly explosive situation and constituted a threat to peace far beyond the borders of the Indo-Chinese peninsula.

34. The United States representative repeated in this forum the false statements which we have often heard from United States foreign policy makers and statesmen, to the effect that the People's Republic of China must not be let into the United Nations because it

threatens to use force with respect to the island of Taiwan. But does that island belong to the United States? No, it is a Chinese island!

35. I should like once more to draw the General Assembly's attention to the statement by Mr. Khrushchev, Head of the Soviet Government, in which he said that the astonishing thing was not that the leaders of China were demanding the recognition of their lawful right to Taiwan but rather that the Government of the People's Republic of China and the Chinese people were showing such restraint and forbearance with regard to the activities of the United States in the island of Taiwan, where the Chiang Kai-shek clique, defeated but not yet dealt the final blow, had taken shelter under its wing.

36. In the General Assembly and elsewhere, the United States of America repeatedly pointed out that no definitive disarmament agreement could be reached unless China assumed the proper obligations. But which of the delegations seated in the General Assembly is authorized by the People's Republic of China to assume such obligations for it? No delegation has been or could have been empowered to make such undertakings, and the United States Government is well aware of that fact. It knows full well that no one, other than the People's Republic of China itself, can assume any obligations for that Government. Yet the United States of America pursues a policy in the United Nations which prevents People's China from taking part in the consideration of disarmament and other international problems. The United States follows this policy because it is a stratagem for creating one more impediment to a disarmament agreement. If you consider the United States position on the disarmament question, you will realize that it explains, to a considerable extent, the United States opposition to the seating of the People's Republic of China in the United Nations: this opposition is dictated largely by the wish to put one more obstacle in the way of an agreement on the disarmament question. Here again, the hypocrisy of the policy of the United States ruling circles on the seating of People's China in the United Nations becomes apparent.

37. At this morning's meeting, the United States representative asked what would have happened if the delegation of People's China had been present at this session of the General Assembly during the discussion of the Congo situation. This question can be easily answered. If People's China had been represented at this Assembly, had taken part in the consideration of the Congo question and had expounded its position on the question from this rostrum, the Assembly would have heard another powerful and convincing statement in support of the Congolese people and the independence of the Republic of the Congo and in condemnation of the aggressive policy which some imperialist Powers are carrying out, both covertly and overtly, with respect to the Congo. We have before us two rows of empty seats set aside for the representatives of the legitimate Government of the Republic of the Congo. These seats have not yet been occupied, because, we are sorry to say, the United States Government has been successful so far in getting some States to follow it.

38. The United States representative and other opponents of the People's Republic of China referred again to several questions which were clearly domestic matters, of concern only to China. Apparently, the United States Government is not pleased with some

internal events in the People's Republic of China, such as the form taken by the development of the Chinese economy and the ways in which Chinese industry and agriculture are being operated. But, it may be asked, who authorized the United States Government and its representatives in the United Nations to sit in judgement on People's China and to prescribe how it should settle its domestic problems? The People's Republic of China certainly is not obliged to settle the problems of its economic and other development according to the prescriptions of the United States imperialist monopolies, the White House or the State Department. It settles these problems as it sees fit.

39. The United States representatives and those who make common cause with them are now attacking the principles of the universality of the United Nations in every possible way. Whenever representatives of the Soviet Union and other socialist States as well as representatives of many neutralist countries say that the admission of the People's Republic of China would give reality to the principle of the universality of the United Nations, the United States and the States that follow its lead on this question attack and criticize this principle from every angle. I should like to remind the representatives of these States of two facts. If they read the statements of their own delegations made fifteen years ago at the San Francisco Conference when the foundations of the United Nations were laid down, they will find that those delegations were then among the most zealous advocates of the principle of universality. Yet now they themselves denigrate this principle.

40. One other fact must be brought to the Assembly's attention. It came to mind during the discussion of this question, particularly while I was listening to the statements of several delegations against the principle of the universality of the United Nations. Some years ago, certain representatives declared that the right of the veto, that is, the principle of the unanimity of the permanent members of the Security Council, a principle supported by the Soviet Union and a number of other States, was no good. They said very harsh things about the veto, as bitter as and perhaps even more bitter than those which are now being said about the principle of universality. They called the veto abominable and hateful. In reply to those representatives we said: "Don't foul the well, you may want to drink from it". And it turned out that frequently thereafter the States, which in their time had fiercely attacked this principle, turned to the Kremlin to obtain support from the Soviet Union for their just claims, in the Security Council and elsewhere. The same thing may happen in connexion with the principle of universality. Those who criticize it now may turn for help to the Soviet Union which has always defended and will continue to defend just causes and the rights of peoples; they may even ask, from the rostrum of the United Nations and elsewhere, for the assistance of People's China.

41. We are approaching the fateful moment when a decision must be taken on the proposal introduced by the Soviet Government. Those States which are dragged along in the wake of the present aggressive United States foreign policy will assume a heavy burden of responsibility if they vote against the seating of People's China in the United Nations and the restoration of its legitimate rights. On the other hand, the representatives of the Soviet Union and other socialist States, and the representatives of all the countries

which speak in defence of the legitimate rights of the People's Republic of China, should feel nothing but pride in their position, which recognizes the lawful rights of the Chinese people and conforms to the purposes and principles of the United Nations. They may take pride in not trading these purposes and principles on the market of international imperialism, as some delegations seek to do, and in genuinely defending these principles in accordance with the rights of peoples and the interests of peace.

42. The PRESIDENT: There being no further speakers, the Assembly is now in a position to vote. The first point to decide in this connexion is in what order the Assembly will vote on the various proposals before it. May I remind the Assembly again what those proposals are.

43. First, there is the draft resolution recommended by the General Committee in paragraph 10 of its first report [A/4520]. Secondly, there are the two amendments submitted by Nepal [A/L.314]. Thirdly, there is the amendment to the second of Nepal's two amendments proposed by the delegation of Guinea [A/L.315/Rev.1].

44. In determining the order in which we vote on these four proposals, regard must be had to the terms of the second sentence of rule 92 of the rules of procedure which provides: "When two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal". That amendment furthest removed in substance from the original proposal will be taken first.

45. Bearing that principle in mind, I would put the four proposals to the Assembly in the following order: first, the first of the two amendments proposed by Nepal, that is, the amendment to substitute the words "accede to" for the word "reject" in the draft resolution proposed by the General Committee; secondly, the amendment to the second of the two amendments of Nepal, which was proposed by the delegation of Guinea; thirdly, depending on the result of the second vote, the second of Nepal's two amendments; fourthly, the draft resolution proposed by the General Committee.

46. I call on the representative of India on a point of order.

47. Mr. Krishna MENON (India): I had already indicated to the President, a while ago that I desired to seek his guidance with regard to the status of the draft resolution. The intention of my delegation at first was to have these amendments disposed of one way or another, but it strikes us that that would be regarded as raising a point of order in the middle of the voting—and that is why I am here today.

48. The arguments I have adduced have been adduced more than once from this platform. When I spoke earlier on this draft resolution, I had no knowledge that the President had not given a ruling on this question in the General Committee. I was not present in the General Committee as a visitor, and I later learned that the status of the draft resolution was not questioned and that therefore the President had not given a ruling. No previous President can bind a succeeding President on the part of error, in my opinion. I said the other day that an error committed is no less an error because it is an error repeated. Therefore, each time that this comes to us *de novo*—even codes of law, precedents long established are upset and

overturned by later knowledge and experience. In this particular case, I submit that this draft resolution is not competent, that is to say, it is out of order, and I seek the President's guidance on this matter. It is out of order for these reasons: it is not the practice of the Assembly—for a very good reason which I will not go into now—to submit any resolutions. I should like the Secretariat to advise the President whether in the history of the United Nations in the last fifteen years, at any time, a resolution has come from the General Committee. The General Committee tells us that an item should or should not be included in the agenda and to what Committee it should be referred. Even the question of priorities by practice has nowadays been left to the other Committees, but I do not labour that point. It may also suggest whether it should be discussed in plenary or in Committee, and so on. I said a while ago that its competence is confined to these purely procedural matters or the arrangement of the agenda.

49. The General Committee is a steering committee, it is not a "deciding" committee. I do not object to the word "decide" because it can decide for or against. I do not, I cannot object, as I said a while ago, even though I think the first part of the draft resolution is unnecessary, but if the General Committee wants to use more words than necessary I have no quarrel with it. However, with regard to seating, it is a political decision which anticipates the functions of the Credentials Committee, because the issue here is not the admission of China, it is not even the correction of representation; it is to discuss the problem of representation or the doubts that have arisen, which have been the subject of examination by the Assembly in previous years and of a great deal of study whereby the Assembly in its wisdom, in a resolution [396 (V)] had analysed the problem and laid down directives as to how to deal with this matter. It definitely laid down that when there is a dispute between two parties or when there are two contestants to a seat, it is necessary to discuss them. It lays down express terms. Therefore, the General Committee's recommendation is not only out of order in that it should not make a decision or that it does not usually submit a recommendation, but is in violation of the decisions of this Assembly.

50. There was a second mistake. The General Committee, which is the creature of this Assembly, has no right to over-ride the established decisions of the Assembly which have not been rescinded by a two-thirds majority over a period of five years. Secondly, it makes a mockery of the Credentials Committee. The Credentials Committee is supposed to examine whether the gentleman sitting in a particular seat has the credentials from his Government or whether that Government is entitled to issue credentials and whether the person carrying the credentials is the person to whom it is supposed to be issued. These are its main functions, and we are told that they should examine it and report at the earliest possible moment to the General Assembly.

51. According to this draft resolution, one of the parties or contestants should be provided with a seat and the other should not and furthermore, the matter should not be raised in the fifteenth session. Now if it cannot be raised in the fifteenth session, let us suppose that in the present circumstances of the world this Assembly had to meet again in the next twelve months because the condition of the world was that

there was a large amount of destructive armaments poised one against the other, tension mounts and various points of explosion exist in the world. It is likely—in fact it would be competent—for the Assembly to want to meet at any time to consider these matters. Are we to pass a self-denying ordinance? Then, in those circumstances, those parties that may be required to be here may not be here at this session to bind future sessions during the calendar year in that way. If it is argued that the emergency session does not come into the fifteenth session, then the whole of that problem will have to be argued again in the special sessions that may be convened.

52. But my main submission is this, that this resolution is not admissible. It is entirely competent for the General Committee to recommend that this item should not be included in the agenda. We understand that. We would vote either for it or against it. It is not for the Assembly to say that it should not be included, or that it should not be included in a particular way, or that it should not be included for such-and-such a period of time.

53. I request the President to look at any of these items—the promotion of technical aid, or the development of undeveloped resources, or something apparently innocuous from the Second Committee. Now, suppose a resolution was tacked onto it to the effect that we should not interfere with the mineral rights of X, Y and Z, as was tried in the Second Committee two or three years ago. Are we to entertain that? Or in the question of Algeria, suppose we tacked on something that said "without prejudice to the existing legal rights of the present Members of the United Nations" as decided by the Paris Convention or The Hague Convention, or whatever it was. Would the Assembly be competent to do that?

54. That is to say, these items are vague items—"The question of so-and-so". What people concerned are going to say we do not know. What decision the Assembly would make we may guess, but no one knows; and therefore it is not right to condition the Assembly in this way. It is not correct to say that the General Committee has made no decision. The General Committee has made no decision which can replace the decision of the Assembly if the Assembly decides otherwise. The General Committee has decided to make a recommendation based upon political considerations which it is incompetent to make, and therefore I submit these considerations to you, as far more is involved in this matter than this particular item.

55. We are entering a period when more and more nations are coming in and when the General Assembly is taken more and more seriously each year. Questions of great detail and importance, not of general principles, are coming into this place, and this instance is setting a very bad precedent; we have one of those classic instances where hard cases make bad law.

56. I do not wish to diverge from what I am talking about, but if I wanted to do so I could cite other instances where it is possible to hoist other people by their own petards. But we will see when the time comes.

57. At the present moment, therefore, I request that you rule, that you give us guidance as to the status of this draft resolution, whether you rule that it is in order or not. I think that both you, Sir, and the General Assembly are entitled to ask me why it was that

the question of the legitimacy of the status of this draft resolution was not raised from the beginning. There are three reasons. The first is that I was totally unaware at that time that you had not give a ruling. I learned it afterwards from those who had been present. Therefore, you have in this matter a clean hand. Secondly, what is being discussed, so far as we are concerned, is not merely the draft resolution, but the item. And thirdly, my delegation does not want for any procedural reason to shut out discussion. Therefore, let the discussion go on. The debate will go on in any case.

58. Finally, I submit that if the purpose of this draft resolution is to prevent this controversial matter from being mentioned in this place, then the very fact that approximately thirty-four speakers have participated in the debate—we have had one night meeting and two day meetings on this and there has been generated a considerable degree of heat and some light on this matter—and the fact that it is still not known how the Assembly will vote this year—all these things make it so important for the Assembly to have a free hand in expressing approval or disapproval.

59. Now then, we come from the procedural legalities to the actual, factual position. Suppose the Assembly rejected this draft resolution: then the item would be included in the agenda. On the other hand, if it did adopt the draft, the item would be rejected. The result would be the same even if this new idea were not introduced in this way. I submit this because this creates an extremely bad precedent, and since you have not given a ruling before, it is not right for delegations like mine who have strong views on this question—not on the question of China in this particular context, but in the distortion—not deliberate, but in effect—of procedures which tend to direct decisions in a particular way. This is very much a conditioning, which is not in the spirit of the Charter nor in the spirit of the rules of procedure nor in conformity with good rules of debate. I therefore seek the President's guidance.

60. The PRESIDENT: The procedural considerations urged by the representative of India will not be new to delegates. They have been frequently argued in the Assembly, and by nobody so forcefully and so eloquently as by the representative of India. He has argued that the General Committee has exceeded its powers in making the recommendation contained in paragraph 10 of its report and, by doing so, has usurped the functions of the Assembly. He has also argued that it has usurped the functions of the Credentials Committee, and that its recommendation is contrary to a previous Assembly resolution. As delegates will be aware, however, these matters have been before the Assembly at previous sessions and they have been fully considered and fully debated before votes were taken. The Chair feels that it must follow the same procedure as was adopted by its predecessors at previous sessions. It does not feel that it has the power to give any ruling which would suggest that the procedure followed by previous Presidents was wrong. The Chair therefore intends to proceed in accordance with the procedure adopted at recent sessions of the Assembly.

61. I call on the representative of India on a point of order.

62. Mr. Krishna MENON (India): I submitted a while ago that hard cases make bad law. Now, Mr. Presi-

dent, what you have said is that there have been previous rulings and therefore your hands are tied. Now, I would like to see anything on the conduct of meetings anywhere in our rules of procedure indicating that a previous ruling has a binding force on the Assembly.

63. We are entitled to ask you to give a direct answer as to whether you rule this motion in order or not. If you rule it in order, so far as my delegation is concerned, we will submit to it. But I do not think it right and I submit that it is not satisfactory for you simply to say that the mischief has been done before and that therefore you have to follow the path of error. That would be a very bad precedent to set. I submit that there is no force of precedent in a ruling. Each Chairman of a Committee, each President of the Assembly, gives a different ruling. Even in the course of a session you will find that the Chairman of the Committee X gave a ruling rather different from that of the Chairman of Committee Y, perhaps not directly opposite, but varying from it.

64. My delegation therefore is rather nonplussed to find that your ruling is based on the force of precedent—that is to say that there is some sort of statute of mortmain, a "dead hand", as it were, over it. I therefore seek clarification and hope that you will be pleased to give us a ruling on whether it is in order or not.

65. The PRESIDENT: The Chair would feel that it was exceeding its duty if it were to attempt to set its judgement up against the judgement of its predecessors and against the decisions of previous Assemblies as expressed in their votes. The considerations which have been advanced in favour of the Chair giving a ruling on this matter were before previous Assemblies. Having considered them, previous Assemblies followed the course of procedure which the Chair intends to follow now. The Chair is not prepared to cast any doubt on the propriety and the juridical soundness of the course of procedure adopted by previous Assemblies by majority votes.

66. The Chair will now proceed to put the proposals before the Assembly to vote in the order I indicated. In each case, roll-call votes have been requested. I now put to the vote the first of the two amendments proposed by Nepal [A/L.314] to substitute the words "accede to" for the word "reject" in paragraph 1 of the draft resolution recommended by the General Committee in paragraph 10 of its first report [A/4520].

A vote was taken by roll-call.

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

In favour: Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia.

Against: Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Netherlands, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland,

United States of America, Uruguay, Argentina, Australia, Belgium, Bolivia, Brazil.

Abstaining: Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Ecuador, Federation of Malaya, Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Mexico, New Zealand, Niger, Portugal, Saudi Arabia, Somalia, Togo, Tunisia, Upper Volta, Venezuela, Austria, Cameroun.

The amendment was rejected by 38 votes to 34, with 26 abstentions.

67. The PRESIDENT: I now put to the vote the amendment to the second of Nepal's two amendments, which was submitted by Guinea [A/L.315/Rev.1], which would have the effect of replacing paragraph 2 of the draft resolution by the following:

"Decides to consider at its fifteenth session any proposal to seat representatives of the People's Republic of China."

A vote was taken by roll-call.

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

In favour: Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia.

Against: Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil.

Abstaining: Cameroun, Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Federation of Malaya, Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Niger, Portugal, Saudi Arabia, Somalia, Togo, Tunisia, Upper Volta, Austria.

The amendment was rejected by 42 votes to 34, with 22 abstentions.

68. The PRESIDENT: The Assembly will now vote on the second of the two amendments proposed by Nepal [A/L.314]. This amendment is a proposal to delete paragraph 2 of the draft resolution proposed by the General Committee.

A vote was taken by roll-call.

The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the President, was called upon to vote first.

In favour: Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Pakistan, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa.

Abstaining: Upper Volta, Austria, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Federation of Malaya, Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Mexico, Niger, Panama, Portugal, Saudi Arabia, Somalia, Togo, Tunisia.

The amendment was rejected by 40 votes to 34, with 24 abstentions.

69. The PRESIDENT: I now ask the Assembly to vote on the draft resolution recommended by the General Committee in paragraph 10 of its first report [A/4520]. I propose that the Assembly should vote first on paragraph 1, then on paragraph 2 and then on the draft resolution as a whole.

70. I now put to the vote paragraph 1 of the draft resolution.

A vote was taken by roll-call.

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

In favour: Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Netherlands, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Spain.

Against: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden.

Abstaining: Togo, Tunisia, Upper Volta, Venezuela, Austria, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Ecuador, Federation of Malaya, Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Mexico, New Zealand, Niger, Portugal, Saudi Arabia, Somalia.

Paragraph 1 was adopted by 38 votes to 34, with 26 abstentions.

71. The PRESIDENT: We shall now proceed to the vote on paragraph 2 of the draft resolution.

A vote was taken by roll-call.

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

In favour: Pakistan, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina,

Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua.

Against: Poland, Romania, Senegal, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway.

Abstaining: Panama, Portugal, Saudi Arabia, Somalia, Togo, Tunisia, Upper Volta, Austria, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Federation of Malaya, Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Niger.

Paragraph 2 was adopted by 41 votes to 34, with 23 abstentions.

72. The PRESIDENT: The Assembly will now vote on the draft resolution as a whole.

A vote was taken by roll-call.

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

In favour: France, Greece, Guatemala, Haiti, Honduras, Iran, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador.

Against: Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Mali, Morocco, Nepal, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia.

Abstaining: Gabon, Iceland, Israel, Ivory Coast, Laos, Libya, Madagascar, Niger, Portugal, Saudi Arabia, Somalia, Togo, Tunisia, Upper Volta, Austria, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Cyprus, Dahomey, Federation of Malaya.

The draft resolution as a whole was adopted by 42 votes to 34, with 22 abstentions.

73. The PRESIDENT: I call upon the representative of Venezuela in explanation of vote.

74. Mr. SOSA RODRIGUEZ (Venezuela) (translated from Spanish): My delegation considers that the problem of the representation of China in the United Nations is of such importance that it deserves to be discussed by the General Assembly.

75. The People's Republic of China is one of the greatest States in the world, with a population of more than 600 million, and hence—whether we like it or

not—it ought to participate in the discussion and solution of major world problems such as disarmament.

76. Nevertheless, in view of the present political circumstances, my delegation feels that it would be inadvisable to discuss the problem at this session of the General Assembly. It therefore abstained in the voting on paragraph 1 of the draft resolution recommended by the General Committee and voted for paragraph 2 and, consequently, for the resolution as a whole.

77. The PRESIDENT: I call on the representative of Ecuador in explanation of vote.

78. Mr. BENITES VINUEZA (Ecuador) (translated from Spanish): The delegation of Ecuador feels called upon to explain its vote, in view of the importance of the matter in question and inasmuch as a question of principle is involved.

79. The problem under consideration has two aspects: the legal aspect, namely the right of any Member State to submit to the organs of the United Nations any matter which is within the scope of the Charter, with no loophole in the way of saving clauses; and the political aspect, namely the advisability of defining or solving a controversial question, in the light of present circumstances and future consequences.

80. From the legal point of view, my delegation considers that Member States have the incontrovertible right to place before the General Assembly matters involving peace, security or disputes between States and that without violation of the principles of the Charter no delegation could be denied the right to submit such matters to the jurisdiction of the United Nations.

81. Where political questions arise, however, the timeliness of their discussion must be considered. If questions of a political nature are such as might create greater tension, if there are insufficient data on which to form a judgement, or if it is feasible to wait until circumstances are more favourable, presumably no right would be violated by postponing discussion of the matter to a more suitable occasion.

82. I feel obliged to state at this point that my Government, created by the will of the people, is steadfastly aligned with the political faith based on freedom, dignity and respect for the individual human being—in other words, with the democratic political philosophy generated in the Western world. But it believes that democracy needs to adapt itself to new social conditions and to the requirements of an economic evolution which has changed the meaning of human relations.

83. In keeping with its political philosophy, my delegation has reached the sober conclusion that neither peoples nor men can be required to change their religious beliefs, their views on forms of government or personal aspirations, nor may any people or any man be exposed to danger or death because of political opinions.

84. I shall not express any opinion on the right of the People's Republic of China to be admitted into the United Nations, since this is not the point under discussion; but I must state that we have been guided in voting by the grave apprehension that in present circumstances agreement to the admission of China would raise a query of serious proportions as to the

future fate of many millions of human beings, compressed into a narrow territorial space, who profess a political philosophy based on foundations similar to those of our own. For that reason we have voted in favour of the postponement of the discussion until

circumstances permit a clearer understanding of the essence of this problem.

The meeting rose at 5.10 p.m.