

United Nations
**GENERAL
ASSEMBLY**

TWENTIETH SESSION

Official Records



**1402nd
PLENARY MEETING**

Saturday, 18 December 1965,
at 10.30 a.m.

NEW YORK

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President: Mr. Amintore FANFANI (Italy).

Tribute to the memory of General Kodendera S. Thimayya, Commander of the United Nations Peace-keeping Force in Cyprus

1. The PRESIDENT (translated from French): It is my sad duty to announce to the General Assembly the sudden death last night of General Kodendera S. Thimayya, Commander of the United Nations Peace-keeping Force in Cyprus.

2. I am sure that I express the feelings of all Members of the Assembly in conveying to the General's family and to his Government our heartfelt condolences at this great loss. The General's death occurred at the very time when, as Commander of the United Nations Force in Cyprus, he was carrying out his duties in the cause of peace.

3. I invite the Members of the Assembly to observe one minute's silence in tribute to the memory of the Commander of the United Nations Force in Cyprus.

The representatives, standing, observed a minute of silence.

4. The SECRETARY-GENERAL: Mr. President, it is my sad duty to join you in informing the General Assembly of the passing away of a great soldier of peace General Kodendera S. Thimayya, Commander of the United Nations Force in Cyprus.

5. His death comes as a great shock. His passing is a most serious loss to the United Nations peace effort in Cyprus, for General Thimayya has rendered distinguished and dedicated service to the United Nations and to Cyprus in his tour of duty in that island. He was highly regarded by all for his military ability, his wisdom, his integrity and, above all, his warm human qualities. He was a splendid example of those soldiers of peace whom the United Nations has uniquely inspired and employed.

6. I know that I express the sentiments of all in the United Nations family in mourning the loss of this gallant and devoted international servant.

7. Mr. KYPRIANOU (Cyprus): My Government and my country mourn the death of General Thimayya. General Thimayya served the cause of peace in Cyprus in an admirable way and he won the esteem and gratitude of the entire people of Cyprus.

8. General Thimayya was a great man; he was a great soldier; he was a great servant of peace, a great servant of the purposes of the United Nations. He was an international servant whom Cyprus, in particular, and I am sure all here, will never forget. His services in Cyprus were most valuable. He discharged his duties in a manner that proved beyond any doubt his outstanding ability, his objectivity and his highest sense of duty. As I said, he discharged his responsibilities in a manner that won the esteem and admiration of us all.

9. I should like, on behalf of the Government of Cyprus, to convey to the Secretary-General and to the Indian Government the condolences of my Government and people on this great loss, which is our loss and a loss for the United Nations.

10. Sir Roger JACKLING (United Kingdom): It was with deep sorrow that my delegation learned this morning of the tragic death of General Thimayya. I have been asked to speak this morning on behalf of those delegations whose Governments are contributors to the United Nations Peace-keeping Force in Cyprus, in expressing the very great regret of us all at this most sad news.

11. There is little that I could add to the eloquent and well-deserved tribute that has been paid by the Foreign Minister of Cyprus, but those of us who represent Governments providing contingents to the Force may perhaps be allowed to add this in recognition of the unique services of a gallant soldier, an able administrator, and a man of the highest qualities performing a task of great difficulty which he discharged with immense skill. I would say, on behalf of those contributing to the Force, that those serving under him were proud to do so and took pride in being members of a Force dedicated to purposes which we all support, a Force commanded by a man who in his person demonstrated all those qualities required for such a purpose.

12. It would therefore be the wish of my delegation and of those delegations for whom I speak, to request the Secretary-General to accept our very sincere condolences and regrets.

13. Mr. CAGLAYANGIL (Turkey) (translated from French): We have just learnt with great grief of the

sudden death of General Thimayya, Commander of the United Nations Peace-keeping Force in Cyprus. This tragic loss comes at a time when we have just once again unanimously reaffirmed the hope we place in the work which the United Nations force is doing for peace in Cyprus.

14. General Thimayya, a great soldier who had served his country with valour, dedicated himself in Cyprus to working for peace with the same courage and tenacity, in circumstances which often called for superhuman effort. To accomplish his arduous task he had to call on all his abilities as a soldier and a diplomat. But what impressed us most about General Thimayya and what most endeared him to us was his profound humanity and sense of justice, his intellectual honesty and his unshakeable impartiality. My Government is profoundly grateful to him for the immense services he rendered to the cause of peace.

15. I wish to offer my sincere condolences to his family, the United Nations and the Government of India, whose bereavement we share.

16. Mr. TSIRIMOKOS (Greece) (translated from French): I wish to associate not only the delegation and Government of Greece, but also the entire people of Greece, in the tribute paid to General Thimayya.

17. I had the privilege of meeting him personally and the opportunity of appreciating not only his qualities of realism, but also, and above all, his sense of justice. This great soldier, who was above all a soldier of peace, knew how to perform his task in full knowledge of the responsibilities he bore, but at the same time in a spirit of humanity and with an aptitude one would not have suspected from his face, which was that of a priest rather than a soldier.

18. I wish to associate my Government with the condolences which have been expressed here to the United Nations, the Government of India and the family of the deceased on the loss of this soldier, a loss which is felt by all of us.

19. Mr. PARTHASARATHI (India): On behalf of the Government of India and of my delegation, Mr. President, I wish to thank you, the distinguished Secretary-General, the Foreign Minister of Cyprus and the other distinguished representatives in the Assembly for their expressions of sympathy in this hour of grief for India. We are all deeply touched by the moving tributes paid to General Thimayya, whose sudden passing away we are mourning.

20. General Thimayya was not only a great soldier. He was a great leader of men, a man of integrity, and above all a genial personality. Cyprus was not his first experience in international peace-keeping; he also made an outstanding contribution in Korea as well.

21. For generations to come the jawans in India will recall the dedicated leadership of General Thimayya, his love for the jawans, his passionate concern for their welfare, his attention to details which might escape the notice of ordinary men, his capacity for organization, and above all, his leadership. All these will be remembered by India for a long time to come.

22. Once again, Mr. President, I wish to thank you and the representatives for your kind words of

sympathy, which I shall convey to my Government and to the family of the departed General.

AGENDA ITEM 93

Question of Cyprus:

- (a) Letter dated 13 July 1965 from the representative of Cyprus;
- (b) Letter dated 21 July 1965 from the representative of Turkey.

REPORT OF THE FIRST COMMITTEE (A/6166)

23. Mr. FAHMY (United Arab Republic), Rapporteur of the First Committee: I have the honour to submit the report of the First Committee on the question of Cyprus [A/6166].

24. It may be recalled that the First Committee, since the Cyprus crisis started in December 1963, has had the opportunity to give adequate attention to the question and to provide some guidance to the parties concerned in any future negotiations.

25. On this occasion, thirty-eight delegations expressed their views and a number of suggestions were made on the way that a settlement could be reached. The main approach, notable in all statements, was the necessity for the United Nations and the parties concerned to concentrate on finding the way to a just and fair settlement. Many delegations emphasized that Cyprus must be regarded as enjoying equal membership in the United Nations with respect to its full independence, sovereignty and territorial integrity, and called for the observance of the principles of non-intervention and non-interference by all Member States in conformity with the obligations imposed on Member States by the Charter.

26. There were two main draft resolutions before the First Committee. The first draft resolution was sponsored by thirty-one Powers [A/C.1/L.342/Rev.2] which the Committee adopted. The second draft resolution [A/C.1/L.341/Rev.1] was submitted by four Powers, and many amendments to it were submitted by the sponsors of the thirty-one Power draft resolution; to those amendments, in turn, the delegation of Saudi Arabia submitted sub-amendments. After the Committee adopted the thirty-one Power draft resolution, it engaged in a lengthy procedural debate, after which the representative of Iraq, on behalf of the sponsors, withdrew the four-Power draft resolution.

27. Therefore, the First Committee recommends to the General Assembly the draft resolution which appears in paragraph 20 of document A/6166.

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

28. The PRESIDENT (translated from French): In accordance with the decision just taken, statements will be restricted to explanations of vote. I shall now call on representatives who wish to speak in that sense before the vote is taken.

29. Mr. BAROODY (Saudi Arabia): I should like to have it recorded in the proceedings of the General Assembly, purely for the sake of our future work,

that what occurred in the First Committee yesterday in circumventing the rules of procedure in an arbitrary manner is indeed a dangerous departure that may lead to the obstruction of any resolution by the submission of another resolution word for word, as an amendment.

30. It is true that every Committee in this House is the master of its own procedures. But I thought that we had rid ourselves of what was called at one time, in the Assembly and in the Committees, "the mechanical majority".

31. It was my submission, which I maintain, that no resolution, after it was passed, could be submitted, word for word, as an amendment to a resolution in the same Committee. The amendments could have been paraphrased, but once a resolution had been adopted, I submit, such a procedure was illegal, unconstitutional, unparliamentary and a rejection of fair play and the sense of equity, because it could be an obstruction to any other draft resolution that might be submitted and be used to kill it.

32. I for one—and I had supporters—asked that precedents be invoked. The Secretariat, I am sure, is still trying to find such precedents. Having been here since the inception of the United Nations, I do not recall anything like what happened yesterday ever occurring. It is purely for the sake of the United Nations that I am making this statement. Nor did we get any opinion whatever from the Legal Department of the United Nations, although there were several requests on my part and on the part of others that such an opinion be given on rule 124 of the rules of procedure.

33. It is with no other objective or motive that I am making this statement except to say that what took place should not constitute a precedent for the future work of the United Nations.

34. I would ask you, Mr. President, to see to it that the Secretariat makes a verbatim record of the procedural proceedings in the First Committee so that in the future we shall be able to refer to them in the event that anyone entertains the idea of conducting himself in an irregular manner, as happened yesterday. I should like to have this statement recorded so as to make sure that the First Committee will also have its proceedings recorded verbatim.

35. Mr. BARNES (Liberia): It seems to my delegation that the representative of Saudi Arabia is completely out of order when he raises here in a plenary meeting of the General Assembly the proceedings in the First Committee concerning the consideration of the question of Cyprus.

36. The representative of Saudi Arabia is an old hand at the United Nations and, as I stated in the First Committee, I have the greatest respect and admiration for his wisdom, intelligence and long experience here. But I am sure that he also knows that the satisfactory progress of the work of any Committee depends upon the authority of its Chairman. When a Chairman has ruled on any point of order before a Committee and the ruling is challenged, the challenge is then voted upon. If the ruling of the Chairman is upheld, no further questions can be raised on that matter.

37. I do not wish to believe that the representative of Saudi Arabia is trying to denigrate the authority of the Chairman of the First Committee, but I wish to point out to him that my delegation considers it rather strange that he should raise in a plenary meeting of the General Assembly a question concerning the proceedings of the First Committee. I would therefore appeal to the representative of Saudi Arabia to show the respect that the Chairman of the First Committee is entitled to and not to insist upon including in the records of the plenary meeting the observations he has just made.

38. Mr. BAROODY (Saudi Arabia): With all due respect to my colleague from Liberia, Mr. Barnes, and also to his long experience, I do not think that I can be ruled out of order because it is the privilege of the representative of any sovereign State to make a statement pertaining to any item in the Committee or in the plenary Assembly. Otherwise there would be such accommodations and such sanctimonious respect for the Chairmen of the Committees that freedom of speech would indeed be muzzled. I do not think, Mr. Barnes, that I was out of order; I am fully in order. I represent a sovereign State. I have made such statements before and I was not ruled out of order. It is not for you, my good colleague, to rule me out of order but for the President, if he so wishes.

39. I made it clear in the Committee that Presidents or Chairmen of Committees are human beings and are not infallible. I had and still have all due respect for every Chairman of a Committee, but I would not regard anything that he says as being sacrosanct just because a mechanical majority can be applied to circumvent the rules of procedure on the grounds that every Committee is the master of its own procedure. That is true. The last statement is true. The rule that every House is the master of its own procedure obtains only when there is doubt about certain rules and only when there are three or four representatives who want to impose their will on the majority. But it does not follow that the majority can impose its will on the minority when there was such a broad discussion invoking various rules of procedure, and including requests for precedents, which were not produced, and also, in order to clarify the situation, a request for a legal opinion from our Secretariat. Such requests have been complied with many a time, but they were not complied with in the First Committee. No doubt the time was short and research would take a long time. I have asked for only one precedent in twenty years, namely, a precedent where an amendment constituted, word for word, a resolution that had just been adopted and was used as an amendment to a resolution on the same item in the same Committee. Until now no such precedent has been produced during the twenty years of my service in the United Nations.

40. If courage is lacking to show that we should stand on our feet even in the face of any Chairman or even in the face of the President of the General Assembly—with all due respect to you, Sir—then we had better fold up, because then it is merely a question of decorum and of trying to be nice to one another. For that reason, I leave it to your good judgement, without further debate, to accede to my request. My last word is that

I have had and still have all due respect and admiration for every Chairman during this session, including the Chairman of the First Committee. But, as I said, no human being is infallible, including, of course, myself.

41. Mr. PARTHASARATHI (India): My delegation deeply regrets this unusual debate which has taken place this morning. Since silence sometimes is misconstrued as acquiescence, I would wish it to be recorded that we have complete faith in the Chairman of the First Committee and we shall continue to have that faith.

42. Mr. OWONO (Cameroon): Since we have heard different views expressed by representatives after the speech made by the representative of Saudi Arabia, I formally propose that this Assembly take a decision to delete from the records of this meeting the speech just made by the representative of Saudi Arabia as being irrelevant to the good manners to which we have been accustomed. I formally submit this proposal to you.

43. Mr. BAROODY (Saudi Arabia): This is precisely what happened yesterday. They do not want anyone who disagrees with them—this mechanical majority—to have anything that he says here recorded. This is a departure. Is this the United Nations—that you can prevent my words from being recorded? Let him record his words, but I submit that neither he nor all his group, nor anyone, for that matter, has the right to expunge mine. Incidentally, Sir, this is my style of speaking. As you do not know me, you may think I am angry; I am not. I do not have the mellifluous voice of many of my colleagues. I do have it sometimes. However, this is my style of talking. Do not get the impression that I am angry; this is just my voice pitch.

44. I do not think that anyone, by force of majority, can, without contravening decorum and courtesy, suppress the words of any representative of a sovereign State, because if it were done by majority, then freedom of speech would be cast by the wayside. On the other hand, I do not think it is nice for any of my colleagues for whose freedom I fought in my humble way when we were discussing the right of self-determination—and the representative of the Cameroon now is sitting as a full-fledged colleague with us—to say that I am exhibiting bad manners. Who is he to judge my manners?

45. I am not asking for a deletion of what he said. That will stand against him. It is a slur against one who has fought for his freedom here in this Assembly when his country was a colony. And now he says that I am exhibiting bad manners. He could say on the outside that I was exhibiting bad manners, but if he wants it to be recorded, let it be recorded. I do not mind. I stand by my rights, and if this plenary meeting should accede to invoke the rule of majority with regard to what I said, I will make a statement after that.

46. Mr. CORNER (New Zealand): I think this is a sorry situation, that this procedural debate should have taken place in a plenary meeting. But on a point of clarification, does the proposal of the representative of the Cameroon also imply that the portion

is to be cut from the tape recording? And if the meeting has been televised, will the waves be recalled?

47. Mr. USHER (Ivory Coast) (translated from French): Mr. President, when you opened the discussion just now on the subject before us, you said that, after the Rapporteur had spoken, you would call on representatives who wished to explain their vote. In the exercise of your discretionary power you could have at that point decided that you would call for explanations of vote only after the voting; but you said that delegations which so desired could also explain their vote beforehand. None of the representatives who have spoken so far has seemed to us to be explaining his vote; no one has made any reference to the voting. Consequently, they have all been out of order. If a delegation wishes to explain its vote, let it do so; but for the moment, it seems to me that we are involved in a procedural debate, which I consider inadmissible. I do not want to enter into that debate myself. I shall confine myself to saying that, in fact, it is indicated in the report of the First Committee that in the voting on the draft resolution 47 votes were cast in favour and 6 against and that there were 51 abstentions. Where is the mechanical majority? But I do not wish to labour this point and I suggest that, if no one wishes to speak in explanation of his vote beforehand, we put an end to this discussion and proceed to the vote.

48. Mr. COLLIER (Sierra Leone): Mr. President, I shall not go into much of this matter in view of what the representative of the Ivory Coast has said. But we are in a rather difficult position now, because the representative of Saudi Arabia has insisted on inserting certain statements into the record. We have not heard from you on this, Mr. President, and I would in fact appeal to the representative of the Cameroon not to press that these statements be expunged from the records. I am sure that he will find it easy to do this.

49. But if the representative of Saudi Arabia insists on his demand, I think that it is only fair that there should also be included in the records what in fact we all realize—those of us who participated in the work of the First Committee—that is, that nothing improper took place yesterday, in spite of what the representative of Saudi Arabia has said, that the normal methods were used, that a certain resolution was adopted and that after the debate many members of the Committee, including the representative of Saudi Arabia, paid tribute to the high level of competence not only of the Chairman, but also of the Secretariat.

50. Much of what the representative of Saudi Arabia has said is most regrettable. But since he insists on the insertion of his statement in the record, I think it is only fair that this statement of mine also should be included in the record; namely, that nothing improper occurred yesterday. It is unfortunate that the representative of Saudi Arabia should have chosen to use words such as "mechanical majority" and "circumventing the will of the house". And it is difficult to understand really what he meant by his sneers regarding the normal processes of democracy which occurred in the Committee yesterday.

51. Mr. OWONO (Cameroon) (translated from French): A few moments ago I really thought it my duty to appeal to this Assembly to avoid our starting to adopt attitudes incompatible with the dignity required of us in our deliberations. I intervened in order to help the President, so that he might be able to finish as he had begun, with all the honour due to him. I think that it is the duty of all of us to watch over the the integrity, honour and dignity which have always reigned in our meetings.

52. Having said this, I should like to say that the reasons which led me to put forward my motion were that we wasted two days in discussions in the First Committee, simply because one of our friends referred to "filibustering methods". This is not the kind of language to which my delegation is accustomed. I belong to a small country; but we have in our blood a high idea of honour when we are speaking in any forum. We consider that this should be the rule for everyone. Yesterday, however, we found that some delegations who should, we thought, have reached a certain level of manners, had in fact nothing to teach us about manners. The representative of Saudi Arabia tells us that he has spent twenty years in the United Nations. I must say that I am not at all edified. For my part, if I had spent twenty years anywhere, I would think I ought to set an example. He may permit me to doubt, for the moment, whether such is the case for him.

53. Moreover, I was not aware that he had done anything at all to assist my country to reach independence. I have been here a long time myself and I have never seen him do anything at all to help colonized countries in their struggle to attain independence. I am not a newcomer here, even though I have not been here for twenty years. I do not accept that the representative of Saudi Arabia should present himself here as a champion of the struggle of peoples, especially of my own country. I do not allow him that right.

54. Leaving that aside, in order to simplify our work and not appear in an obstructive role, I withdraw my motion. But I should like it to be clearly understood that, from now on, every time my delegation finds the representative of Saudi Arabia obstructing, vilifying and trying to minimize the prerogatives of a Committee Chairman whom we have elected, my delegation will oppose him. It will ask the Committee or the Assembly in which he acts in such a way to take a decision to withdraw his right to speak.

55. I apologize for having been somewhat impassioned in my statement; but I wanted to show my colleague that others could be just as impassioned as he.

56. The PRESIDENT (translated from French): Before calling on the representative of Rwanda, who has asked to speak, I should like to appeal to everyone here to keep calm.

57. I understand very well that many objections have been raised. There was a reference, in the statement of the representative of Saudi Arabia, to luggage. I believe we are all thinking about our luggage; in a few days we are all going to pack our bags and this feeling is lending a somewhat irritable tone to our statements. I therefore invite all representatives to

remain calm, as we have been until now, so that we may finish our work in the spirit of unity which we have always shown. It is not a bad thing that the discussion went on for two days in Committee and in the General Assembly, for our duty is to discuss; but I cannot forget the admirable words spoken by the Head of my Government more than ten years ago, when he was appointed:

"The great pride of Parliament is to have the possibility of calm discussion and of arriving at a conclusion in respect for the law of the majority".

58. Mr. MUDENGE (Rwanda) (translated from French): I should like to submit a motion on the lines of the statement made by the representative of the Ivory Coast. I shall ask the President to declare the closure of the debate on the way in which the First Committee proceeded in its work. Under rule 118 of the rules of procedure I formally ask for closure of the debate.

59. Mr. BAROODY (Saudi Arabia): I believe that the representative of Rwanda is right to ask for the closure of this so-called debate. I did not open any debate. I said that I wished to make a statement. I believe that anyone sitting at this table has the right to make a statement on an item under discussion.

60. I do not want to prolong this meeting. However, I must exercise my right of reply, and, heeding the kind advice of the President, as much as it is possible to do so, I shall reply in a very cool and collected manner. I shall therefore perhaps speak more quietly than I usually do.

61. I did not say that a mechanical majority had been used. I used the phrase "the so-called mechanical majority" in order to describe what had taken place; I did not want to go into great detail about what had happened. Incidentally, this term "mechanical majority" has been used by representatives for many years, and no one has ever taken such vehement exception to it—apart from those who have felt that they should do so, for some reason of their own.

62. I turn now to the remarks made by my colleague from Cameroon, whose friendship I hope I shall retain. I did not say that I have liberated his people. Who am I to liberate his people? After all, Africa is 5,000 miles from here. I simply said that in my own humble sphere in the United Nations I had worked for eight or nine years on the question of self-determination, which had contributed morally to the liberation of many of the States represented at this table. Of course, we do not use swords here; the peoples who have liberated themselves have sometimes had to use swords. But my defence of the colonial peoples was with words. I do think that I and my colleagues here did contribute in our humble way to the liberation of many of the States represented here. I am not asking for a medal. But I do think that it is a little too much for someone like me to be accused of having shown bad manners simply because another representative does not like what I said. Nevertheless, I shall accept it. If that is my friend's candid opinion, it should be recorded.

63. Finally, I must say that I made my statement this morning solely in the interests of the United

Nations. It had nothing directly to do with the question of Cyprus, although it emanated from that question. I did not want to burden the Committee with all the details of what had happened in the First Committee. That is why I modestly requested a verbatim record of the proceedings. I did not, I repeat, want to rehash the whole matter, although it would have been my right to do so; I am sure that the President would not have begrudged me that right. As I have said, in order to abridge the debate—or, rather, my statement, because it was not a debate—I asked that there should be a verbatim record of the proceedings in the First Committee. Never did I say that I had no faith in the Chairman of the First Committee, as the representative of Sierra Leone has alleged. I said that the Chairman had made a mistake. A person makes mistakes every day. He should not be judged by one mistake. It is my candid opinion that in the case in question the Chairman of the First Committee made a mistake. He did not make mistakes in other cases.

64. I asked for a verbatim record of the procedural discussion in the First Committee so that we should know how to deal with a similar situation in the future if, God forbid, it were to arise. I am concerned about the future. I am not glancing backwards. I am concerned that this should not constitute a precedent and that we should know how to act in the future.

65. The PRESIDENT (translated from French): The representative of the Ivory Coast has proposed that we put an end to the debate and proceed to the vote. If no one has any objections I shall consider that the General Assembly adopts this proposal and we shall proceed to the vote on the question of Cyprus.

It was so decided.

66. The PRESIDENT (translated from French): I invite the Assembly to vote on the draft resolution submitted by the First Committee (A/6166, para. 20). A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Syria, Togo, Trinidad and Tobago, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Yugoslavia, Zambia, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guinea, Haiti, India, Ivory Coast, Jamaica, Kenya, Lebanon, Liberia, Malawi, Mali, Nepal, Nigeria, Panama, Paraguay, Rwanda, Sierra Leone, Somalia,

Against: Turkey, United States of America, Albania, Iran, Pakistan.

Abstentions: Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, China,

Colombia, Czechoslovakia, Denmark, Finland, France, Guatemala, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Laos, Libya, Luxembourg, Malaysia, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Senegal, South Africa, Spain, Sudan, Sweden.

The draft resolution was adopted by 47 votes to 5, with 54 abstentions.

67. The PRESIDENT (translated from French): I shall now call on representatives who wish to explain their vote.

68. Mr. AZNAR (Spain) (translated from Spanish): My delegation wishes to make a final statement here of its opinion on the serious question of Cyprus, which has been discussed at such length in the First Committee and has today been brought up in plenary.

69. We would have liked to see a satisfactory conclusion of the negotiations which began under favourable auspices among various delegations, with a view to arriving at a draft resolution based on respect for the sovereignty and independence of Cyprus, but also setting forth the means of confronting and resolving this problem that is so deeply rooted in the country and the hearts of the people of Cyprus. However, that was not the case. All those fine sentiments came to nothing, and in spite of the positive elements in the draft resolution we have just adopted (A/6166, para. 20), the delegation of Spain found itself obliged to abstain, because the document in question reflects the position of only one of the parties involved in the conflict.

70. We could not vote against the draft resolution because it contains a principle worthy of the fullest commendation and support, namely, the sovereignty and independence of Cyprus. However, we could not vote in favour of it because it lacks many most worthy, constructive and necessary elements. As we all know, it lacks the essential elements reflecting Turkey's position while the principles of mediation, negotiation, bilateral treaties, and talks were likewise overlooked, and I very much fear that in the absence of these, no really useful result can be achieved.

71. My little experience at the United Nations tells me, moreover—and I have said this before on other occasions with the greatest respect for the rule of the majority—that a draft resolution adopted with such a large number of abstentions, representing a mass manifestation of non-adherence, cannot produce very important results.

72. With all that has been said, I can understand—I can very well understand—that the Turkish delegation may be harbouring feelings of frustration and injustice. The delegation of Spain understands that.

73. Mr. CORVETTI (Costa Rica) (translated from Spanish): My delegation voted in favour of the draft resolution in the First Committee's report (A/6166, para. 20), because it contains positive elements relating to the recognition of the attributes of its sovereignty that should be accorded to every State. That does not mean, however, that my Government has departed from the opinion it expressed during the debate as to the way the difference between the

Governments of Cyprus and Turkey should be resolved.

74. Mr. RAMANI (Malaysia): We abstained in the voting on this resolution. In view of the fact that at least the first of the operative paragraphs states unexceptionable Charter principles, on which no Member State could possibly have any contrary view, and of the fact that operative paragraph 3 was wholly procedural and contained only the appropriate recommendation to the Security Council, to which everyone should agree in view of Article 12 of the Charter, it has become necessary for us to explain our vote.

75. In the voting on the draft resolution in the Committee, we voted in favour of both operative paragraphs 1 and 3 but abstained on the draft resolution as a whole. As regards operative paragraph 2, the context in which the concept of non-intervention was presented in the debate gave that paragraph an implication and a meaning to which we were unable to subscribe. Non-intervention per se is not something to which any of us could afford to give anything but our unambiguous support. However, if certain limited rights in favour of another State in the affairs of one's own have been accepted as a result of treaties freely negotiated and accepted—and that fifteen years after the United Nations Charter has come into being—it is, in our view, impossible to maintain that those treaties can be disregarded and set at naught. They may—and, if I may say so, will—provide a valid reason for entering into negotiations for the cancellation of the treaties—a position which the Republic of Cyprus might feel compelled to take, if only because in its view the practical working of the Constitution in the context of the treaties has raised innumerable difficulties. If it is felt that the rights under the Charter cannot coexist with the obligations undertaken under the treaties, then, in our view, it does not necessarily follow that either can automatically cancel out the other. This points to the danger of such an over-simplified attitude to what everyone agrees is an exceedingly difficult and complex problem.

76. I should perhaps add that it is not and has never been our view that, at the time of its admission to the United Nations and since, the Republic of Cyprus has been anything but sovereign. There are no degrees of sovereignty, and we were quite unable to follow the discussions in the Committee devoted to the inquiry: how sovereign was Cyprus's sovereignty? There is perhaps no sovereign State which has not, by some treaty obligation, limited its freedoms of movement and choice, but that can never amount to a diminution of that State's sovereignty; certainly not in this Organization, which is based on the complete equality of all States that are its Members.

77. Therefore we felt that, in the context of the preamble to the Charter, which specifically mentions the sanctity of treaties as basic to international law, we could not accept the argument which is at the core of this draft resolution: that any act resting obviously on the basis of rights acquired from treaties can be wrong ipso facto, as long as the treaties are in existence. The obvious remedy, I venture to suggest, is to take the necessary steps

to release oneself from such obligations; but disregarding them or treating them as non-existent is surely not the right remedy.

78. For that reason, we found that, since unexceptionable principles, which are set out in the draft and which we accept, and attitudes to international law erroneously maintained, to which we cannot subscribe, were found in the same composite draft resolution, we had no choice but to abstain on the draft as a whole.

79. Mr. YOST (United States of America): The United States has made abundantly clear, during the discussions in the First Committee, the reasons for its vote against the resolution just adopted here.

80. It has been our position consistently that what is most needed in the question of Cyprus is movement of the parties acting together towards a peaceful solution and an agreed settlement in accordance with Security Council resolution 186 (1964) of 4 March 1964. Convinced of this overriding consideration, it has been the deep conviction of my delegation that this Assembly should not adopt a resolution which addresses itself to the substance of the problem, which goes beyond the basic resolution of the Security Council and which represents views in regard to the eventual settlement which are favoured by one party to the dispute and objected to by another. This is without prejudice toward our views on the principles contained in the resolution.

81. We had feared that the adoption of such a resolution, which inter alia omits any reference to treaty obligations, would hinder rather than facilitate the negotiated solution agreed among the parties which must ultimately be found if peace is to be preserved. We trust that we are wrong and that, in fact, the parties would rapidly and in a spirit of conciliation, and with the help of United Nations mediation, now that this debate is over, concentrate firmly, sincerely and with determination on a common search for an agreed peaceful and stable settlement.

82. Mr. SCHURMANS (Belgium) (translated from French): The delegation of Belgium found itself regretfully obliged to refuse to subscribe to the text of the resolution which the Assembly has just adopted. We did not find in that resolution, particularly in paragraph 1, any reference, even implicitly, to the agreements which, no matter what they say, bind the parties which signed them.

83. It seems to us essential that there should be no ambiguity in regard to the respect due to the principle of pacta sunt servanda; without that principle, no international legal order is conceivable. A signatory to a treaty can certainly invoke changed circumstances as a reason for amending the treaty. The other parties cannot refuse to entertain such a request, if the possibility of negotiations in good faith is to be kept always open. Meanwhile, however, respect for existing treaties must continue to be the law for the parties.

84. That is the reason why the delegation of Belgium could not vote in favour, even though it was happy to recognize certain merits in the text in question.

85. Mr. VIZCAINO LEAL (Guatemala) (translated from Spanish): When the very important question

of Cyprus was being discussed in the First Committee, there were two draft resolutions before the Committee: one was in document A/C.1/L.341/Rev.1, and the other was the draft resolution now under consideration by the General Assembly, which is in the First Committee's report (A/6166, para. 20).

86. At that time, in the Committee, my delegation firmly contended that the first draft resolution contained a compromise solution for both parties, that it conformed closely to the spirit and the purposes of the United Nations Charter, and that we would therefore vote in favour of it. We also said that there was not the same spirit of compromise, in which the views of both parties were taken into account, in the draft resolution which was not adopted and for that reason we would vote against it.

87. The President knows that the first draft resolution was withdrawn in the First Committee and priority was given to the one we have just adopted and that the latter was finally approved by the Committee. Consequently, when the first draft resolution was withdrawn, although the second one in our view did not contain this compromise solution indicating a desire for peace in the Mediterranean and respect for the rights of all parties at that time in conflict in the area, we did not vote against it, as we had indicated, but we abstained for the same reason.

88. Although, as the representative of Spain has rightly said, the draft resolution does contain some positive elements which our delegation could not disagree with, it does not contain all those other elements that would make a peaceful solution of the conflict feasible. Hence we abstained, precisely because of the purposes of the United Nations Charter itself and of our respect for international treaties, and also because of the principles that have ever prompted us small nations to believe that the rule of law should be maintained, since for us there is no substitute of any kind. We were also prompted by a desire that there might be early negotiations between the parties, so that the present conflict could be settled, with respect for the rights of both parties, and that they might come together as brothers, bringing peace to the Mediterranean and putting an end to these problems which impede the work of the United Nations and the peace of the world.

89. Mr. CHAMMAS (Lebanon): My delegation wishes to have it recorded that if draft resolution A/C.1/L.341/Rev.1, which was before the First Committee, had been put to a vote yesterday in that Committee, my delegation would have voted in favour of it as we do not believe that the provisions of that draft are in contradiction to those in the resolution which has been adopted today by the Assembly, the provisions of which go beyond the aforementioned draft.

90. Inasmuch as my delegation would have wished to see a resolution adopted in the Assembly to which the overwhelming majority of Members could have subscribed positively, we, for our part, voted for this resolution because we believe that it takes into account the right to full and equal citizenship of all the people of Cyprus, without distinction, in an independent and fully sovereign Republic of Cyprus. Moreover, we could not but vote for this resolution

especially in view of its operative paragraph 3, which recommends to the Security Council the continuation of the United Nations mediation work.^{1/}

91. Mr. RODRIGUEZ FABREGAT (translated from Spanish): We voted in favour of the draft resolution (A/6166, paragraph 20) which the General Assembly has finally adopted. We did so for the same reasons which led us to support what is now the Assembly's resolution on the Cyprus question ever since it was first submitted as a draft.

92. We should like to say at this point that we have supported this resolution with our vote and our opinion for the sake of a fundamental matter of principle, primarily because here we maintain the equality of States. Only yesterday, the head of my delegation, Dr. Paissé Reyes, asserted at the meeting of the Security Council (1270th meeting) that there were no first-class States and second-class States in the United Nations; sovereign States were the same.

93. This is reaffirmed in the resolution we have just adopted, which confirms this status and this capacity for the State known as Cyprus. Thus this status and this capacity are likewise affirmed for any of the States represented in this Assembly, which constitutes and integrates the United Nations Organization.

94. But that is not all. The resolution which has been adopted not only affirms as a theory this principle of sovereignty, of the right to absolute independence, of the right to absolute territorial integrity and of the unity of the state. It also affirms the principle of opposition to any form of interference or intervention in the affairs of the country which the resolution protects.

95. We should also like to say that in supporting this principle we are at the same time casting our vote with all zeal in support of a definitive solution of this problem so that the two parties to the conflict may arrive at the peaceful solution which is presented today in fundamental and essential form in the resolution we have just adopted and for which my delegation voted—a peaceful solution that would restore to the people of Cyprus their full rights as citizens of an independent State, as the people of a sovereign nation, living without disturbances, living without external surveillance of its destiny, living without observation and surveillance by internal forces, from wherever they come, in other words living in full sovereignty like our free States.

96. These are, fundamentally, the reasons why my delegation, on behalf of my Government, not only co-sponsored the original draft resolution submitted to the First Committee, but also supported with its vote and its opinion the draft resolution that the General

^{1/} By a letter dated 27 December 1965 (A/6224), the representative of Lebanon informed the Secretary-General that, on the instructions of his Government, he wished to add the following to his statement:

"Lebanon voted in favour of that resolution with the understanding that its provisions were directed towards the preservation of the State of Cyprus as an independent Republic and not as a step towards its union with any other State. Lebanon interprets that resolution as a means of strengthening the maintenance of Cyprus as a sovereign and independent State in the future, in the interest of all its people and of international peace. With this understanding the Lebanese delegation voted in favour of the resolution adopted by the General Assembly."

Assembly has just adopted. Our vote—I repeat—is a vote for peace, for peace and integrity in Cyprus, for peace and the right to a full life in independence and sovereignty, for the decisive contribution of a free people to world progress, under this great banner and this great Charter that are the banner and the Charter of the United Nations.

97. Mr. TSIRIMOKOS (Greece) (translated from French): As I have already commented on this question in some detail, there is no need for me to make a lengthy statement.

98. I should like first to state that, in the First Committee, we had before us two draft resolutions: the thirty-one Power text [A/C.1/L.342/Rev.2] and another sponsored by four countries [A/C.1/L.341/Rev.1].

99. The sponsors of the latter text had stated that they were pursuing exactly the same aims as those of the first but that their methods were different; they even tried to explain that their text diverged but slightly from that of the thirty-one Powers. We have already dealt at length with the reasons why we chose the draft resolution of the thirty-one countries.

100. I should like here to pay a tribute to the goodwill of the four Powers which drew up the other text. Certainly no one can deny that they were motivated by a desire for peace, despite our differences of opinion. I should like also to pay a tribute to the efforts made by various Powers, both great and small, to reconcile the points of view regarding the strictly textual, as opposed to the substantive, aspects of the question.

101. We must also state that we fully appreciate the different views that have been expressed. Some are based firmly on law and others less so, but that is only a difference of opinion and does not mean that we consider those views to reflect a lack of goodwill or desire for peace on the part of those who expressed them.

102. As far as we are concerned, the draft resolution which has just been adopted is a step towards peace because, for all practical purposes, it does no more than set out the framework for a new effort towards peace on the basis of mediation and the principles of the United Nations.

103. As far as Greece is concerned, I can state that my Government will do all in its power to promote the emergence of a peaceful, just and lasting settlement of this question. I do not think that it will be very difficult to achieve that result if there is goodwill and provided we can count on the moral support of the United Nations and the undeniable influence of the resolution which the General Assembly has just adopted.

104. Mr. CAGLAYANGIL (Turkey) (translated from French): All decisions of the General Assembly certainly inspire respect; they should also, however, be constructive and soundly based in law.

105. The question of Cyprus will be settled only through a solution giving satisfaction to all parties concerned.

106. I should like to repeat here what I have already said in the First Committee. We note with profound regret that the resolution we have just adopted is far from being such as to promote and facilitate a peaceful settlement of the Cyprus problem. It completely reflects the views of one of the parties in the dispute and totally ignores those of the other parties directly concerned. Instead of preparing the ground for negotiation, mediation and compromise, it takes into account the point of view of only one of the parties. It refers to an international conference which issued an opinion on the Cyprus question in the absence of several parties to the dispute; it mentions the report of the Mediator appointed by the Secretary-General under Security Council resolution [186 (1964)] with the agreement of all the parties, without also mentioning the views of the Governments towards which the mediation efforts had been directed.

107. As for the operative paragraphs, they were not so drafted as merely to reaffirm the independence, territorial integrity and sovereignty of Cyprus and to prevent intervention against the political independence and territorial integrity of Cyprus, in accordance with the Charter. If that had been the case, Turkey would have had no objection and would have hastened enthusiastically to support those paragraphs.

108. My delegation, indeed, in the course of the efforts made in the Committee by the sponsors of the two draft resolutions [A/C.1/L.341/Rev.1, A/C.1/L.342/Rev.2] to produce a text acceptable to all the parties concerned, did not fail to give its assent to the draft which contained a paragraph in the operative part worded along those lines. In the present text, the paragraphs of the operative part have been drafted in such a way as to reflect the opinion of one of the parties, which tried to insinuate that Turkey had illegally intervened in the affairs of Cyprus, and in such a way as to set aside the treaties designed to safeguard the independence and territorial integrity of Cyprus, treaties which are still in force and cannot be repudiated or modified by the General Assembly or by a unilateral decision of one of the parties. The Republics of Cyprus and of Greece alike are bound to respect all their contractual obligations as long as these treaties have not been amended by common consent of all the parties.

109. The last paragraph of the resolution, which calls for the continuation of mediation efforts, has the full support of my Government, which, since the beginning of the Cyprus crisis, has spared no effort quickly to reach a just and peaceful solution of this dispute. But the sense of the last paragraph has been falsified by the other paragraphs, which I have just analysed. In this resolution the General Assembly asks the Security Council to pursue its efforts at mediation, but at the same time the resolution calls for a whole series of arrangements totally incompatible with the Security Council resolution [186 (1964)] of 4 March 1964, which established the mediation procedure.

110. I should like to refer specifically to two other factors.

111. First, the Security Council still has the Cyprus question before it and yesterday adopted an important

resolution [219 (1965)] on this question. As the representatives of the United States and the Soviet Union have said, if a question which is still on the agenda of the Security Council is discussed by a committee and by the General Assembly, then, under Article 12 of the Charter, neither the Committee nor the Assembly should formulate recommendations on the substance of the question.

112. Secondly, I should like also to refer briefly to the question of non-intervention, which was raised during the discussion of the Cyprus problem. Turkey has not and never will have the intention of intervening against the independence, sovereignty and territorial integrity of Cyprus. Throughout its history, Turkey has always scrupulously respected the contractual obligations which it has assumed under treaties and it respects also the rights of the State of Cyprus, whose independence has been guaranteed by treaties in which Turkey played an active part in preparing. If, however, attempts are again being made to subject the Turkish community to oppression and inhuman methods, nothing will be more natural than for Turkey to avail itself of its lawful rights. Those rights derive from treaties, treaties which brought the independent State of Cyprus into being and to which the representative of Cyprus owes his presence among us today.

113. I should like once again to reiterate clearly that all States Members of the United Nations are obliged to respect the international obligations which they have assumed. On several occasions recently it has been claimed here that the obligations assumed by the State of Cyprus were not in conformity with the spirit of the Charter. Is not the spirit which animates the United Nations and which gave birth to this noble Organization contained in the preamble to the Charter? Have these words, which I quote from the preamble, that is to say, from the sacred texts of the United Nations, the words "respect for the obligations arising from treaties and other sources of international law"—have these words been removed from the Charter?

114. If there are lacunae or imperfections in the treaties, there are always ways to make good the lacunae and improve the treaties, but those are certainly not the ways that have been used throughout these debates.

115. The procedural discussions which we witnessed in the First Committee, the methods which were employed and which, we hope, will not be repeated in the United Nations, the efforts to make sure that the views of one party alone prevailed, these are not factors likely to facilitate the settlement of disputes. It was for that reason that we, in a generous spirit of understanding, tried all means to arrive at a judicious draft which would not prejudice the substance of the problem and which would bring the views of all parties closer together. I believe that those ways would have been preferable.

116. I regret to have taken so much of the General Assembly's time, but we thought it necessary to clarify this question in all its details. We have been

doing our best not to create a dangerous precedent and not to impair the prestige of the United Nations.

117. I must also recall that the Turkish Government is firmly determined to safeguard its lawful rights and respect its international obligations. In declaring that we respect international treaties and human rights, I should like to make it clear that we cannot accept the violation of those treaties, nor any other attempt to affect the rights of Turkey in a manner contrary to what is right and lawful.

118. It is on the basis of these fundamental principles that we evaluate the question of Cyprus and keep careful watch over the maintenance of peace and harmony in our region, which is an element in world peace.

119. Any attempt against the legitimate rights of Turkey would be likely to create complications and disputes for which the responsibility could not be laid at our door. All the Members of the General Assembly and our friends should know this reality full well. It is in this spirit that we voted against the draft resolution.

120. Mr. KYPRIANOU (Cyprus): I do not intend to engage in recriminations again. We have had a lot of this in the First Committee. I do not intend to engage in arguments and counter-arguments again, and there are only two remarks I should like to make in respect of what has been stated.

121. The resolution which has been adopted today by the General Assembly is in no way incompatible with the resolutions of the Security Council; in fact, it is very compatible with those resolutions.

122. From the statement of the Foreign Minister of Turkey, it was clear that there could not have been an agreed draft resolution because he again inferred that Turkey has the right to intervene in Cyprus, a right which, whatever any treaty states or whatever is the interpretation of any treaty, is absolutely prohibited by the Charter of the United Nations, and of this fact the resolution which was adopted today is a confirmation. I refer to Article 103 of the Charter.

123. As I stated, I do not want to start a new debate; on the contrary, I should like to be constructive. My Government and the people of Cyprus are grateful to this Assembly for upholding the principles of the Charter in the case of a small State, Cyprus. We are deeply grateful indeed to all those delegations who have supported these principles, to the sponsors of the thirty-two-Power resolution which was adopted today as a General Assembly resolution, to all those who voted for it and to all those who worked for its adoption. We are grateful to the whole Assembly for its understanding and patience in dealing with this problem in a spirit of objectivity and in the spirit of the United Nations.

124. At this hour I can do no better, in order to prove the good faith of our Government and of the people of Cyprus, despite what was said a few minutes ago

by the Foreign Minister of Turkey, than extend the hand of friendship to the Turkish Government.

125. We shall strive to go forward towards a lasting and peaceful solution of the problem. For the people

and Government of Cyprus, the resolution which was adopted today will be the guideline to direct us into the future.

The meeting rose at 1.5 p.m.