

United Nations  
GENERAL  
ASSEMBLY

TWENTY-THIRD SESSION

Official Records



1698th  
PLENARY MEETING

Wednesday, 16 October 1968,  
at 3 p.m.

NEW YORK

CONTENTS

Agenda item 9:	Page
General debate ( <i>continued</i> )	
Speech by Mr. Na Champassak (Laos) . . . . .	1
Speech by Mr. Grimes (Liberia) . . . . .	3
Speech by Mr. Amerasinghe (Ceylon) . . . . .	7
Speech by Mr. Winiewicz (Poland) . . . . .	12
Speech by Mr. Boutros (Lebanon) . . . . .	17
Statement by the representative of Pakistan . . . . .	20
Statement by the representative of Malaysia . . . . .	21
Statement by the representative of Afghanistan . . . . .	27
Statement by the representative of Malawi . . . . .	27
Statement by the representative of Philippines . . . . .	28
Statement by the representative of United Kingdom . . . . .	28
Statement by the representative of Spain . . . . .	28

**President:** Mr. Emilio ARENALES (Guatemala).

*In the absence of the President, Sir John Carter (Guyana), Vice-President, took the Chair.*

AGENDA ITEM 9

General debate (*continued*)

1. Mr. NA CHAMPASSAK (Laos) (*translated from French*): Mr. Vice-President, I should be grateful if you would convey to our President, along with our sincere congratulations, the best wishes of my country, Laos, for his recovery. The unanimity of his election bears eloquent witness to his abilities as a statesman and as a respected diplomatist. In saluting him, I salute Latin America, which can be rightfully proud of having produced over the centuries great statesmen, distinguished jurists, poets, writers and philosophers whose works are esteemed throughout the world. I am firmly convinced that he will place his ability, his energy and his objectivity at the disposal of the United Nations, and preside over our labours with tact and skill.

2. In that connexion, I would be remiss were I not to stress the difficult but praiseworthy role performed by his distinguished predecessor, Mr. Manescu, whose authority does honour to his country as well as to all the nations that are represented here. After a year in which we have witnessed a tumult of events, it is fitting that we pay him a well-earned tribute.

3. I should like to take this opportunity to welcome Swaziland, a new arrival to the community of nations.

4. Finally, I should like to congratulate the Secretary-General, U Thant, for the courage he has demonstrated whenever the faintest gleam of hope has enabled him to

intervene to preserve the principles of the Charter. In so doing, he has rendered great service to the United Nations cause, and he fully deserves our grateful recognition.

5. Summer storms, with their turbulence and convulsions, are always laden with unforeseen events of unknown scope. What does this autumn season hold in store for us, this season in which we come as we do each year to compare views and to lay our case before the free tribunal of nations?

6. As you will recall, the summer of 1965 witnessed the outbreak of the Indian-Pakistan border dispute; in the summer of 1967, the world was shocked by the spectacle of the so-called "six-day war" in the Middle East; and last summer, the Czechoslovak crisis erupted, shattering the conscience of the peoples of the world. The United Nations intervened, often successfully, to check outbursts of frenzy, to extinguish or circumscribe flames of war, though unfortunately without solving the problems that are always ready to flare up at the least disturbance of the balance of power.

7. In South-East Asia, the increasingly violent war in Viet-Nam and Laos is daily becoming more bogged down in the tangle of negotiations to which no end can yet be seen. The humiliation suffered by the Arab people is far from being forgotten. Elsewhere in Africa, the tragedy of Biafra offers the distressing spectacle of a lamentable slaughter. And everywhere in the world the fall-out from a certain revolution continues to affect every continent, causing material destruction and mental confusion. The virus of revolutionary ferment is infecting the young, challenging the consumer society and society as a whole. The poison of violence is spreading. Helplessness, humiliation, confusion, bewilderment, those are the world's feelings after these tragic events.

8. The United Nations itself, a bastion created for the protection of the small nations and an instrument for the safeguarding of world peace, remains powerless in the face of this bloodshed and human tragedy; in the words of our Prime Minister, Prince Souvanna Phouma, it has become "a weakness beset by malevolent forces" [*1590th meeting, para. 88*]. For year by year we witness with growing apprehension a steady reduction in the efficacy of the United Nations both as an expression of the hopes of mankind and as an instrument for international harmony and co-operation. The results of the second United Nations Conference on Trade and Development held at New Delhi at the beginning of this year<sup>1</sup> disappointed the immense hopes of peoples trying desperately not only to break the

<sup>1</sup> The session was held from 1 February to 29 March 1968.

chains of poverty and bondage, but also to close the ever-widening gap between themselves and the rich and secure peoples. Nor did the Conference of Non-Nuclear Weapon States recently held at Geneva<sup>2</sup> achieve the goals it had set itself. Five years after the signature of the partial nuclear test ban Treaty, the only major achievement to the credit of the United Nations is the recent approval of the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII)*].

9. Alas, these failures are the reflection of the chaos into which the world has fallen. And all because, disregarding the chorus of warning statements, we have persisted in following the same dangerous paths and in skirting the same precipices. The principles of the Charter are forgotten when Governments and peoples are driven by the forces of ambition, of ideology or of hatred. When denounced from this platform, sometimes by those very people who should speak about them the least, the clash of social systems and racism becomes mere pretext for rhetoric.

10. War is still raging in Viet-Nam; the martyred Viet-Nameese people continues to count its dead and to add up its sufferings and misfortunes. The Paris talks are making little headway, but lead us to hope that reason may eventually prevail; they seem to show that at least one of the parties at least feels that aggression does not pay and that it is time to decide to deal with the problem by diplomatic discussion, the only reasonable way when there can be no military victory. Although in any event there will not be any miracle tomorrow, we are hopeful that those talks will lead—the sooner the better—to an honourable settlement of the conflict. Stubbornness and intransigence lead nowhere, except to an increase in the death toll.

11. In the Middle East peace is still precarious. Difficulties are steadily increasing. Notwithstanding Security Council resolution 242 of November 1967, there are still alarming symptoms of incipient conflict. However, the most serious threat to the peace is in Europe, whose interests are vital to both East and West. It is in Europe that the spectre of the cold war can be revived; it is there that events can give rise to wider conflicts. However justified the motives for the Soviet Union's intervention in Czechoslovakia may be, we address to that great country, on behalf of all countries devoted to peace, justice and international understanding, a final appeal not to take any irreparable step so that the deeply disturbed universal conscience may be reassured, and that those small countries which for their own protection have put their hopes in respect for the principles of the Charter by all Members of the United Nations may not come to believe that our Organization is completely ineffective. The Soviet Union is a great Power with vast resources and unlimited means of action. Through its contribution it can do much to assist either in bringing about international *détente* or in provoking widespread disorder and concern among all States, which is the case at present. Moreover, it has taken a leading part in guiding through several resolutions, of which it seems to me the most pertinent at the present time are unquestionably the resolution condemning the settlement of disputes or conflicts by force [*resolution 2160 (XXI)*] and that containing

interference in the domestic affairs of States [*resolution 2131 (XX)*].

12. The drama of Biafra continues to shake the conscience of mankind by the extent of its atrociousness and the hatred it is creating. There the scene of hunger, destitution, frustration and fear is taking on the dimensions of a human tragedy. Elsewhere, in Angola, in Mozambique and in so-called Portuguese Guinea, a lingering colonialism in its most backward form retains its privileges by keeping those countries in the darkness of oppression and slavery with stubborn force. Further shameful practices, such as the racial discrimination that is openly made a principle in South Africa and Rhodesia, are so many challenges to United Nations authority and prestige.

13. In Laos for years we have been suffering the direct effects of the Viet-Nam war. Through the intermediary of the so-called Pathet Lao forces, which were recently transformed into self-styled "national liberation forces", and in collusion with them, the North Viet-Nameese have extended the war to Laos. In defiance of the 1954 and 1962 Geneva Agreements, and with the help of the subversion it has fostered over the past decade, North Viet-Nam, with its leaders and its battalions, is brazenly assisting the military operations of the Neo Lao Haksat, which receives subsidies and weapons from Hanoi. It is an open secret that dozens of North Viet-Nameese battalions are deployed in our country, attacking our forces, killing our women and children, destroying our villages and living on the abundance of rice and livestock commandeered from our people. The violent offensive that was started at the beginning of the dry season by the combined Pathet Lao and North Viet-Nameese forces against our troops from north to south was significant. It revealed the North Viet-Nameese Government's determination to intensify the so-called "national liberation" war in Laos and to destroy the bases of the provisional national coalition government of Prince Souvanna Phouma. Hundreds of thousands of refugees are still fleeing from the areas "liberated" by the Pathet Lao.

14. Dozens of North Viet-Nameese prisoners belonging to regular units have been captured in battle zones in Laos. From documents found on the dead and interrogations of prisoners the Laotian Government has obtained irrefutable evidence of the presence in our territory of some forty thousand North Viet-Nameese troops. The construction of the Ho Chi Minh trail, several hundred kilometres long, most of it on Laotian territory, and the deployment of immense human resources for the protection of that crossing and entry route for North Viet-Nameese soldiers on their way to South Viet-Nam, constitute in themselves the most insolent intervention. The International Supervisory and Control Commission set up under the Geneva Agreements has established the facts and denounced them to international public opinion. The Laotian Government itself has produced irrefutable proof of these facts and has also made them known to international public opinion and even here in this Assembly on several occasions. The Laotian Government has issued two white papers denouncing North Viet-Nameese intervention. But despite our efforts to make ourselves heard, it appears that a sort of conspiracy of silence envelops the Laotian affair, in contrast with the anxiety and tension that grips our people. This forgotten

<sup>2</sup> The Conference was held from 29 August to 28 September 1968.

war, forgotten all the more the longer it lasts, is creating havoc on our territory and a burden on the future of our people.

15. Every intensification of the war in Viet-Nam means an intensification of the war in Laos, so that the future of the Laotian war depends entirely on the vagaries of the Viet-Nam war. And yet, Laos is not Viet-Nam. The Laotian problem was settled by an international agreement guaranteed and concluded at Geneva in 1962.<sup>3</sup> The neutrality of Laos and its territorial integrity were both recognized by all the Powers, particularly by that very Power that is attacking us and using our territory as a springboard for its aggression elsewhere.

16. Since we are the victims of aggression, we are entitled to expect that our territorial sovereignty and integrity should be promptly re-established in their entirety by the withdrawal of the North Viet-Nameese forces. As a faithful Member of the United Nations for thirteen years, we have the right to demand from our neighbours complete respect for our independence, our sovereignty and our neutrality. We are sure that Laotians, to whatever party they belong, do not wish their country to become the complaisant dependent of any country, or to be reduced to the rank of a mere cog-wheel in a piece of machinery subject to the arbitrary control of the testing of others. At the risk of the loss of a part of our national territory, we refuse to bow to the logic of force, of conquest, or even of the *fait accompli*. We wish to be the masters of our fate.

17. We do not belong to any military or political bloc. We are neutral, and we intend to remain neutral. Our neutrality, which is a supreme national law, since it is inscribed in our Constitution is not just a mental attitude, but a political and geographical imperative. In our opinion, the Laotian problem must be settled by the Laotians themselves, without outside interference, and in accordance with the principles of Buddhist tolerance and peaceful coexistence.

18. It is ironic that, just as we are preparing to celebrate the twentieth anniversary of the Universal Declaration of Human Rights, we should see on all sides those rights not only ignored but violated and flouted. It is distressing that, after twenty-three years existence, the United Nations should tolerate open attacks by sinister forces avid for hegemony and domination on the great principles of non-interference, non-intervention, self-determination, peaceful coexistence and respect for independence which constitute the very bases of the Charter. Finally, it is appalling to note the retreat of justice, order and international morality as the advance of science and technology gathers speed. Tangible and topical proof of this is the extraordinary feat of those three men who, as they manoeuvre in the atmosphere and circle the globe in their spaceship, continue to defy imagination.

19. For our part, we are convinced that, if we can unite all our efforts to suppress national selfishness and the thirst for domination, we shall be able to secure an international *détente* and co-operation in peace.

20. Mr. GRIMES (Liberia): I wish to extend to Mr. Arenales the sincere congratulations of the Liberian delegation and myself on his election as President of the General Assembly at its twenty-third session. His long experience in international affairs affords the Assembly the opportunity of having tried and tested hands at its helm during a period when the world situation gives cause for anxiety. We can only wish him abundant success.

21. I should like also to take the opportunity to pay a deserved tribute to his predecessor, Mr. Manescu of Romania, who handled the deliberations of the twenty-second session of the General Assembly as well as the resumed session held during this year so ably and displayed such skill in the performance of his arduous duties as to merit the admiration and respect he very easily won from us all.

22. Secretary-General U Thant's efforts and devotion in the service of the United Nations, as well as his dedication to the cause of international peace and co-operation, continue to merit our approbation. We wish him well in his strenuous duties and assure him of the support of the Government of Liberia.

23. The Liberian delegation notes with satisfaction the most recent admission to the family of nations, that of the newly independent State of Swaziland. This admission further evidences the trend towards the eventual universality of our Organization.

24. The twenty-third session of the General Assembly is convening at a time when the world situation is so fraught with political tension and unrest, marked by developments of so disturbing and disorganizing a nature as to make us aware of the need for our persistent and unrelenting efforts and endeavours to achieve the peace and stability for which the world yearns.

25. The tragic civil war in Nigeria has brought suffering to millions of people, and relief efforts in massive proportions will be necessary to alleviate the serious human problems that have resulted. We cannot overlook the fact that this problem has been due partly to unwarranted outside intervention in violation of the Charter.

26. The problems in Viet-Nam remain unsolved, in spite of efforts to bring about peace in that area through negotiations. It is difficult to see what progress, if any, has been made in the Paris talks. There is the dreadful situation in southern Africa, which worsens each day and may soon bring us to the inevitable brink of a grave conflict between the races.

27. At the same time, there is no lessening of the explosive danger attendant on the continuing confrontation in the Middle East, where an accommodation of the violently clashing interests which have plagued us recurrently since 1948 is not yet in sight, despite the obligation of all concerned to settle their differences by peaceful means in accordance with the clearly expressed provisions of the Charter.

28. Not enough has been done to enhance and preserve peace and stability in the Middle East, primarily because

<sup>3</sup> Declaration on the Neutrality of Laos and Protocol, signed on 23 July 1962.

the interests of the big Powers are also intertwined in this very difficult problem. The success of the Secretary-General's Special Representative in advancing and securing a settlement in the area will depend not only on the attitude of the parties directly concerned but also on that of the world community.

29. Just six weeks ago, the world witnessed the unfortunate military occupation of a United Nations Member State in flagrant contravention of the United Nations Charter. This act of one of the big Powers and some of its allies has certainly heightened tension and set back what seemed to be promising steps toward East-West *détente*.

30. Our Secretary-General in the introduction to his annual report has warned of the consequences of a "serious decline in the standards of international ethics and morality" [A/7201/Add.1, para. 174]; has frankly focused attention on the dangers in the international situation; and has prudently called for appropriate remedial action to reverse this ominous trend.

31. The question of international peace and security is the central issue upon which world order depends. The manner in which this critical and delicate problem is solved could determine the fate of mankind. The degree of our achievement in this direction will depend on the strength of man's determination; and any lack of resolution on our part will dangerously jeopardize our success and sadly diminish our determination.

32. In restating his foreign policy and expressing Liberia's commitment to universal peace, the President of Liberia in his inaugural address on 1 January 1968 declared, among other things:

"We shall continue to work for peace at home and contribute to universal peace to the maximum of our abilities. We shall not only endeavour to seek peace but to pursue it with all our might. We shall not only strive to be a peace-loving nation but we shall act upon that principle.

"We believe in the principles contained in the Treaty signed at Paris on 27 August 1928, commonly referred to as the Kellogg-Briand Pact, because it condemns recourse to war and renounces it as an instrument of national policy. While the United Nations Charter places an obligation on all Member States to settle their international disputes by peaceful means and some believe that this represents an advance, we do not think it is enough. I think that an open and positive statement from the United Nations outlawing war is necessary.

"We will prepare and submit to the United Nations and the Organization of African Unity proposals, similar to the principles contained in the Kellogg-Briand Pact, which will propose the outlawing of force and the recourse to war to be applied as a fundamental principle on a universal basis.

"...

"In view of the tremendous nuclear and thermonuclear power in the hands of some nations it behooves mankind to seek a formula by which a global war can be averted and man saved from annihilation.

"We wonder whether the super-Powers and the other permanent Members of the Security Council would realize the responsibility they owe to mankind and regard

themselves as guardians and custodians of world peace under the aegis of the Security Council.

"...

"We will recommend that the General Assembly authorize a study with the view of making compulsory judicial determination of disputes involving juridical issues with particular emphasis on the enlargement of the jurisdiction of the International Court of Justice."

33. The Liberian delegation will undertake appropriate consultations with a view to finding out whether action embodying those proposals can be successfully undertaken.

34. In this connexion I think it important to bring to the Assembly's attention a relevant portion of the Secretary-General's introduction to his annual report. He said:

"In my concluding observations last year I drew attention 'to the urgent need for States to have wider recourse, in their relations with other States, to the various means for the pacific settlement of disputes'. In this context I drew attention to the availability of the International Court of Justice, as a principal organ of the United Nations, for the settlement of legal disputes." [A/7201/Add.1, para. 168.]

35. Peaceful coexistence—I should say peace in the world—requires that we be tolerant of others and their ideas. A genuine search for solutions to all of these problems will test the resoluteness and willingness of man in the pursuit of peace. The same kind and degree of responsibility attaches to the international community for the support of the peace-keeping operations of the United Nations. This important aspect of its activities, so unfortunately neglected of late, has become indispensable to the maintenance of international peace and security, the fundamental basis and ultimate aspiration of the United Nations and the expressed desire of its Members.

36. But it is not enough merely to wish for or expect the voluntary growth and development of international peace and security. Ample evidence exists and abundant experience has been provided that hope must be joined with effort and determination if expectations are to materialize. The maintenance of international peace and security, the very reason for our existence, should not be allowed to hang in the balance because of an interpretation of words based on selfish and partisan considerations. My delegation calls for a fresh approach to the whole problem of United Nations peace-keeping so that the dream of international security on which our Organization was founded may be brought at last, and while there is yet time, a little closer to reality.

37. In a climate of instability and unrest the response to the perennial call for arms control and disarmament remains hesitant and unsatisfactory. Among others, the pressing and most urgent question of our time, that of general and complete disarmament, is now almost at a stalemate. It is strange that a problem of such overriding importance falls short of evoking that sense of urgency without which no practical solution is ever likely to be found. In any case, I have come reluctantly to the conclusion, which I suspect many of my fellow representatives share, that the goal of general and complete disarma-



ment will elude us so long as we are unable to find adequate solutions to the problems of unrest, instability and tensions generated by our selfish acts.

38. A disturbing and indeed frightening feature of this question is the tremendous effort among nations to increase their supply of arms and to participate in the race. This state of affairs, confirming the bleak assertion that mankind is incapable of learning anything of value from his mistakes, necessarily intensifies apprehensions and suspicions. It is impossible and in fact undesirable to prevent the advance of science, but it is possible and necessary, in the interest of mankind, to control the direction in which these advances are made and utilized.

39. There are social conditions in large and small pockets among the population of the world the improvement of which would doubtless be more beneficial and profitable than the uses in which some of our energies are consumed at the present time. In order to obtain the highest benefit from our efforts man must choose between the path which leads to self-destruction and that which would preserve his existence and provide the greatest benefits for him and his posterity.

40. The Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII)*], which has been accepted by a large number of States, is a step in the right direction, but nothing more. If we consider its pitfalls and some of the consequences of its weaknesses, a rather dreadful awareness overtakes us. In the debate on the draft treaty, at the 1568th meeting of the First Committee, at the resumed twenty-second session, the Liberian representative stated that the draft seemed basically to be concerned more with the non-proliferation of nuclear States than with the non-proliferation of nuclear weapons and that it was an alarming misconception of what was actually required as it provided only for horizontal non-proliferation and not vertical non-proliferation.

41. Scepticism also surrounds the efficacy of the Treaty because of the non-participation of certain existing nuclear Powers. And this feeling is dramatized by evidence of the continued development of these deadly weapons by those Powers. These and other no less important reasons support the widely held view that persistent efforts, coupled with a genuine readiness, must be exerted in order to ensure progress towards the significant goal we have all set ourselves.

42. The achievement on the question of outer space is, by and large, noteworthy and the success gratifying. The importance of the accomplishments in this area is and should be viewed more properly not only as a significant step in the right direction, but also as evidence of man's resolve to control his destiny and as confirmation of his capacity and his will to surmount the obstacles, no matter how formidable, that lie in his path both on this earth and beyond it.

43. A similar problem which poses itself for solution is the question of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction. This vast area of our globe, covering five-sevenths of the surface of the earth, could provide a spark for rivalries which might

provoke yet another threat to international peace and security.

44. Here, as in outer space, the ability to avoid disorder and to maintain peace will be tested by man's efforts and his genius in devising means of regulating activities in the intricate and challenging context of scientific and technological advances. At the moment, the acquisition of the expertise we need in order to deal with the problem of the ocean floor has more than kept pace with the emergence of the problem itself, but the tempo in this new and novel field must be maintained so that we may be equipped to grapple with the political, economic and social consequences, not all of which can be foreseen.

45. Fortunately, there is a circumstance that distinguishes this problem from that which confronts us in outer space. It is our possession of considerable knowledge of the nature and extent of the mineral resources on the ocean floor, which are, of course, of greater proximity and therefore more easily examined than those on the moon or the planets.

46. Nevertheless, although a universally acceptable solution regarding the ocean floor does not seem to be less difficult than those related to outer space, my delegation calls upon the world community to devise a régime in this area which would provide equal benefits and protection for all and, above all, maintain international peace and security.

47. There are few issues, if any, that have so clogged the records of the United Nations, demanded and consumed greater attention, and so effectively thwarted the efforts of this Organization than the question of Namibia, formerly South West Africa.

48. The South African problem is almost coextensive with the life of the United Nations itself. Equally wearisome, dogged and unworthy has been the contempt for the efforts of the Organization demonstrated by the South African Government. That Government, by defying the recommendations and decisions of this Organization, challenges and ignores the very foundation of the United Nations and the purposes for which it stands. Among these purposes are "respect for the principle of equal rights and self-determination of peoples" and "respect for human rights and for fundamental freedom for all without distinction as to race ...".

49. The non-recognition by South Africa of the United Nations Commissioner for South West Africa and the recent outrageous trial in Pretoria of Namibian freedom fighters put into focus the need to take positive measures to accord the people of Namibia the right to determine their future.

50. The failure of the Assembly to achieve this objective highlights once again the need for the strengthening of the United Nations. For a number of reasons, including the intransigence of the Government of South Africa and the co-operation it receives from some Member States, ultimate action against it involves deep-rooted economic and political considerations. Plans for concerted, decisive action calculated to force a change invariably come up against these considerations.

51. Another important and frustrating factor is the kind of perverted opposition to the South African Government to be found in actions and attitudes of some powerful States. It is extremely discomfoting to note lip-service condemnation of the atrocities of a Government by the same Governments which organize and provide economic support for it. This is the case with South Africa. There is no lack of evidence of repressive measures imposed by South Africa through its abhorrent racial policy of *apartheid*. There is no absence of events to prove the extension by that Government of that heinous policy to its illegal administration of South West Africa.

52. Political and economic exploitation has now become the basic principle on which the Governments in southern Africa—including South Africa, Portugal and now the illegal régime of Ian Smith—are organized and function, virtually with impunity. Day after day, reports reveal the intensification of repressive measures imposed by those Governments, resulting in atrocities in complete violation of the principles laid down in the Charter of the United Nations, contrary to public opinion and in spite of resolutions and condemnations by the community of nations.

53. On the one hand, to take a dogmatic position in prosecuting *apartheid*, as well as to continue to deprive the people of South West Africa of equal rights and of the right to self-determination, is completely to disregard and ignore how great is the size of that part of the world which frowns upon, condemns and opposes this policy. On the other hand, to allow the administration of that pernicious and nefarious policy to go unchecked, is to nourish a destructive catalyst in the body of the Organization.

54. Developments in the Rhodesian crisis involve inconsistencies which do not appear to permit an easy and foreseeable solution. The direction and extent to which emphasis on this problem has shifted can be portrayed by comparison of developments since the unilateral declaration of independence. At that time, the United Kingdom expressly limited the measures to be taken against Rhodesia, and even those it was decided to apply were partial and weak.

55. In December 1966, the Security Council decided, by its resolution 232 (1966), to impose selective mandatory economic sanctions against Southern Rhodesia, which by definition and evidence proved to be ineffective. The Council found earlier that the Ian Smith régime was a threat to international peace and security. On 29 May 1968, the Security Council unanimously adopted resolution 253 (1968), by which it decided to impose, under Chapter VII of the United Nations Charter, comprehensive mandatory economic sanctions against Southern Rhodesia.

56. Since the unilateral declaration of independence, the Smith régime has continued its intransigence. The measures were doomed because of economic assistance from other countries; the virtual encouragement of the régime by the United Kingdom Government, as well as its futile oil blockade; unchecked illegal and wanton legislative measures applied by the régime in Salisbury and designed systematically to eradicate the few existing rights which Africans had in Rhodesia; and finally, by that régime's recent tragic and shocking assassination of political prisoners.

57. The General Assembly has passed many resolutions reaffirming the inalienable right of the peoples of the territories under Portuguese domination to freedom and independence in accordance with resolution 1514 (XV), and calling upon Portugal to apply immediately the principle of self-determination. The action of the Portuguese Government is nevertheless disappointing. It has completely ignored not only the resolutions of the General Assembly, but also those of the Security Council, and it has also held in contempt international public opinion, by its failure to implement any of the resolutions or to grant to the inhabitants of its territories in Africa the right of self-determination.

58. Repressive measures designed and perpetrated to stifle the inherent right of peoples to self-determination must eventually fail. Such oppression in contemporary times carries an inherent contradiction and can lead only to disaster. Oppression is the greatest calamity. It diverts and pollutes the best energies of man, of oppressed and oppressor alike. Political exploitation can only disfigure him who exploits. It places him before alternatives having equally disastrous consequences: daily injustice inflicted for his benefit, on the one hand, or necessary self-sacrifice, on the other.

59. Let me repeat, it is in Portugal's own interest to formulate new policies which will enable the peoples in the territories under its domination to make a free choice of the future direction they desire to pursue. It will sooner or later be forced to do this, even if it refuses now, by historical events which it cannot control.

60. On the whole southern African problem, I should like to emphasize what I said before the twenty-first session of the General Assembly on 10 October 1966 [1435th meeting], that the African territories under Portuguese Administration, Rhodesia, South West Africa and South Africa are elements of a single problem, and that action is required to settle the problem they represent jointly. Thus, attempts to find an isolated solution to one element alone are bound to be frustrated.

61. The fact is that there is not the will on the part of the principal trading partners of South Africa to face the serious and critical situation existing in southern Africa caused by the abhorrent practice of *apartheid* in South Africa, by the defiance by South Africa of the United Nations in South West Africa, by the repressive measures of Portugal in trying to prevent the people in its Territories in Africa from exercising the inherent right of self-determination, and by the illegal régime of Ian Smith which seeks to ignore the rights of the African majority in order to create more privileges for the European minority.

62. We are delighted to note the progress that has been made in Equatorial Guinea and its recent attainment of independence. It is hoped that Spain will take similar action in its other colonies in Africa.

63. Insurrections in many parts of the world, though only of local significance, do sometimes create social and humanitarian problems. One of these problems is that of refugees. According to United Nations statistics, the number of refugees was put at 740,000 in December 1966.

The present figure is near the 2.5 million mark, and it is doubtless increasing day by day. It is no wonder, other things remaining equal, that the office of the United Nations High Commissioner for Refugees finds itself in mounting financial difficulties.

64. The problem is perhaps more acute in Africa today than elsewhere. The question here, as it seems, is not one on which any conclusion can be reached. Empirical solutions will depend at this stage, at least on the African scene, on the amount of international co-operation given the UNHCR and the degree of national responsibility taken for the care and repatriation of refugees as well as the elimination of conditions creating them.

65. The enigma with which the developing countries are faced in the economic world is so paralyzing that it is feared that its effect is likely to disturb international peace. It is regrettable, but not otherwise surprising, that the economic problems of the developing countries are exacerbated mainly by disparity and other disadvantages in their trade relations with the developed countries. This conclusion, which is based on facts, is confirmed by reasons which have prevented the achievement of the United Nations Development Decade target of 5 per cent per annum.

66. Although preparation and expectations were not matched by results, it can perhaps be said that the second session of the United Nations Conference on Trade and Development (UNCTAD) succeeded in clarifying and emphasizing the economic and trading state of affairs between the developing and developed countries. In this connexion, it is important to observe in the words of the Secretary-General of UNCTAD the following principles:

"Development is the primary responsibility of the countries that propose to develop.

"In order to discharge this responsibility, the peripheral countries need the co-operation of the centres.

"The co-operation of the centres should not be residual—as it has been so far—but should be given a high priority; and it cannot be based on the immediate trade interest of this or that industrial country, nor on its particular intention to secure certain political concessions, but on the aim of solving... the problem of development."<sup>4</sup>

67. The acceptance of these general principles, which my delegation endorses, involves and demands, on the part of all countries, developed and developing alike, an affidavit, not a mere acknowledgement, and it necessitates a commitment, not a simple approval.

68. The scarcity of capital from the developed countries, both quantitatively and qualitatively, has added acrimony to the economic plight of the developing nations. The situation is fast deteriorating deeply into "the red". No less important in this consideration are the onerous debt repayment loads, population increases and the whole gamut of international economic drawbacks exerting pressure and influence on the economy of developing countries.

69. My delegation hopes that the recent more encouraging trend in international trade, together with the experience and increased knowledge and understanding of the difficulties of the respective partners, will encourage and stimulate an agreeable and necessary improvement in the economic and trade relations between the developed and developing countries. The long-range interests of developed countries and world peace dictate a change in their attitude and a greater willingness to assist the developing countries in improving their conditions and living standards.

70. Finally, conditions of tension, unrest, instability and frustration which have caused a deterioration in the world situation require that our best efforts be directed towards facilitating progress towards a just and lasting peace, for the alternative might be very catastrophic.

71. It is in this spirit that the Liberian delegation at this session will approach the several items on our agenda with the hope that working co-operatively decisions can be made at this Assembly which will move us ahead on the path of positive and creative action in the search for peace and international co-operation.

72. Mr. AMERASINGHE (Ceylon): On behalf of the Government of Ceylon and the delegation of Ceylon, as well as on my own behalf, I extend to His Excellency Mr. Emilio Arenales, the Foreign Minister of Guatemala, sincere congratulations on his election as President of the General Assembly at its twenty-third session. From its vast reservoir of talent the Latin American continent has produced in His Excellency Mr. Arenales, as the incumbent of this high office, one who can be relied upon to maintain the high standards and traditions of diplomacy for which his fellow Latins are rightly renowned. We wish him success in his task of guiding us to a satisfactory conclusion of our deliberations at this session and assure him of our co-operation. We also hope he will make a speedy and complete recovery from his present indisposition.

73. My delegation cannot let this occasion pass without expressing appreciation of the services rendered to the twenty-second session of the General Assembly by its President, His Excellency Mr. Corneliu Manescu, the Foreign Minister of Romania, who discharged with distinction the duty of presiding over a session that extended far beyond the customary period.

74. The General Assembly has before it the document [A/7201/Add.1] which is always awaited with the greatest interest, namely, the introduction to the annual report of the Secretary-General on the work of the Organization during the previous year. Secretary-General U Thant has provided us with an incisive analysis and objective assessment of the international situation. The suggestions that he has, with such admirable candour and clarity, advanced for the mitigation of the most disturbing elements in that situation may not accord with the policies of individual countries, but that should not cause any surprise. Detachment can be expected only of those countries which are not too involved to be embarrassed. The contents of the introduction to the annual report of the Secretary-General testify to the humanity and sincerity of this conscientious servant of the world community. Those who are committed to courses of action and to policies which are at variance

<sup>4</sup> *Proceedings of the United Nations Conference on Trade and Development, Second Session, vol. I, Report and Annexes* (United Nations publication, Sales No. E.68.II.D.14), annex IX, p. 417.

with the Secretary-General's proposals would neither appreciate nor understand the spirit of compassion that informs this entire document. But at least those who are not so hampered cannot fail to recognize and applaud the courage and initiative displayed by the Secretary-General. On behalf of my Government, I should like to congratulate the Secretary-General on this document and to express our high appreciation of his devoted services to the United Nations Organization and to the cause of peace for which he continues to strive tirelessly despite the fatigue of discouragement and frustration.

75. As the Secretary-General has pointed out, the document makes gloomy reading. We had the same observation to make in our statement in the general debate at the twenty-second session [1588th meeting] in regard to the Secretary-General's introduction to last year's report. We stated then what we might well repeat this year: that the fault lies not with the author but with the material. It is only with the Members of the United Nations that the capacity to produce a record of achievement and hope rather than one of failure and disappointment rests.

76. In the course of the general debate in the Assembly last year we identified two main areas of crisis: Viet-Nam and the Middle East. The problems created by the situation in those two areas continue to present a threat to international peace and security. They seem, however, to have been overshadowed by the crisis in Czechoslovakia resulting from the intrusion of the armed forces of five of the Warsaw Pact Powers into that country to arrest a trend in its political evolution which was considered to be inimical to the interests of the socialist system and to its stability and integrity.

77. All crises of this nature should be placed in their correct historical perspective if this Organization is to find a means of avoiding similar situations in the future. The history of United Nations Charter violations did not commence on 21 August 1968. The Czechoslovak crisis has to be placed in its proper historical perspective lest it be allowed to serve only as an alibi for other and even more serious derelictions in the domain of international relations and international law.

78. While expressing strong disapproval of the Warsaw Pact Powers' action in Czechoslovakia, as constituting a violation of the principles of the United Nations Charter, the best service we can render to the Government and people of Czechoslovakia in their present plight is to affirm their right to determine their own affairs free from external pressure. This right is the main attribute of the sovereignty and independence of a country. It is the only foundation on which a stable international order can be established and maintained. Any diminution or restriction of that right through foreign interference, wherever it may occur and whatever the circumstances, should not be countenanced by the United Nations. The principles of the Charter must be upheld and the right of self-determination restored to the Government and people of Czechoslovakia. It is in the name of the Charter that we call upon the Powers whose armed forces are in occupation of Czechoslovak territory to withdraw their forces from that territory without delay and to leave the people of Czechoslovakia free to determine their own destiny.

79. The primary responsibility for preserving international peace and security has been entrusted to the members of the Security Council; and among them the effective discharge of this responsibility falls chiefly within the competence of the two super-Powers. It is to them that this Assembly and this Organization must look for the example that is the real test of leadership. For the great majority of Members of this Organization, devoid as they are of the means of protecting themselves from foreign intervention and from encroachments on their sovereignty and territorial integrity, assurances of security must come from the United Nations and its organs alone, thereby rendering obsolete the need for membership of military alliances which is itself, in a sense, a limitation on national sovereignty.

80. Several international crises can be called to mind which have spelt the collapse of international morality: Viet-Nam in 1954 and onwards, Suez in 1956, and Czechoslovakia in 1968. They serve to remind us that commitment to the principles of the Charter demands more than mere homage to words.

81. Once again today we feel strongly the need for a moderating influence in international relations. This influence can be exerted only by a group of nations committed to neither of the two major ideological and power blocs and their respective supporters. The cold war produced such a group in the form of the non-aligned nations, the only grouping left in the world which, irrespective of all differences and distinctions, can evolve a common philosophy in accordance with the tenets of the Charter. During the last few years we had reason to believe that the group had served a real purpose and had, in some small way, contributed to increasing *rapprochement* and growing co-operation between the two super-Powers and their respective blocs despite the unsettling effect of the Viet-Nam war. Our hopes, however, seem to have been premature. Once more today non-alignment has an important and vital function to discharge. Every accession to the membership of the non-aligned group can greatly fortify its capacity to exert a moderating influence, to interpose itself in moments of crisis between the two groups, and to endeavour to effect a reconciliation between great-Power interests on the one hand and the principles of the Charter and the processes which it prescribes for the settlement of differences on the other.

82. In our statement in the general debate last year, we dealt at length with the origins of the Viet-Nam conflict. Our purpose in doing so was to refute the plea that foreign intervention in Viet-Nam, despite the Geneva Agreements of 1954, was designed to ensure for the people of Viet-Nam the right of self-determination. It was precisely the right of self-determination, as constituting the free choice by a people of the form of government and the type of political and economic organization they desired, through the free exercise of the vote, that the Geneva Agreements of 1954 sought to establish.

83. We repeat, today, that strict and scrupulous adherence to the principles and provisions of the Geneva Agreements of 1954 alone could produce a proper settlement of the Viet-Nam problem. There is abundant evidence to show that, in 1956, such a free choice would have given no less than 80 per cent of the vote to the real liberator of



Viet-Nam, who is now treated as an enemy of his own people. That, to our mind, is the clue to the origin of the present conflict in Viet-Nam—that, and not the concern of foreign Powers for the right of self-determination for the Viet-Nameese people. It would appear that the Geneva Agreements were repudiated not in the interests of self-determination but in the interests of pre-determination of the type of régime that would be installed in Viet-Nam in the wake of French colonialism. Self-determination will have no meaning or value for the people of Viet-Nam if the price of self-determination is to be extermination.

84. The principle of self-determination is merely another version of the principle that the internal affairs of a country are primarily a matter of exclusive concern to the people of that country, and that no interference by outside parties is permissible. Last year we drew attention to the proposal made by the Prime Minister of Ceylon, that the internal affairs of Viet-Nam should be settled by discussion among the three parties concerned: namely, the Saigon régime, the National Liberation Front of South Viet-Nam, and the Government of North Viet-Nam, without any outside interference. My Prime Minister suggested that those three parties should meet in the first instance to discuss the pre-conditions for a cease-fire. First among those pre-conditions recognized by us was to be the cessation of the bombing of North Viet-Nam, to be followed by an agreement on interim procedures for ensuring a *status quo*, and by the cessation of belligerent activity by all parties and the withdrawal of all foreign troops.

85. We reiterate our conviction that the bombing of North Viet-Nam must be stopped if the momentum for peace is to be created at the conference table in Paris. Those who have intervened in Viet-Nam should realize that they owe a duty not to half a nation and half a people but to a whole nation and all its people. The time has come for honourable redemption of the promise that was held out to the people of Viet-Nam at Geneva in 1954. By that means alone will peace and hope be restored to that unhappy land.

86. In regard to that other area of crisis, the Middle East, the delegation of Ceylon stated in the General Assembly debate on 12 October last year that the most disturbing feature of the situation then existing was Israel's unabashed determination to retain control over the vast areas of territory that she had acquired from military operations and to absorb them permanently within her borders by establishing permanent Israeli settlements in them. We stated further that, if the principles of the Charter were to be vindicated, the United Nations must bring all possible pressure to bear on Israel to withdraw to the positions held by it prior to 5 June 1967, and must insist that that withdrawal should not be subject to negotiation or any prior condition. The seventeen months that have elapsed since the war of June 1967 have produced on Israel's part only a defiant display of power on the anniversary of the war, brutal and calculated reprisals against the Arabs—completely out of proportion to any alleged acts of provocation that occasioned them—and undisguised plans and preparations for consolidation of territorial gains.

87. The resolutions adopted by the Security Council at regular intervals since 22 November 1967, together form the gravest possible indictment of Israeli policies. The

Security Council has emphasized the inadmissibility of the acquisition of territory by war. It has affirmed that a just and lasting peace in the Middle East requires not merely the withdrawal of Israeli armed forces from territories occupied in the June 1967 conflict but, equally, the termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries, free from threats or acts of force. Along with these requirements the Security Council has affirmed the need for guaranteeing freedom of navigation through international waterways in the area, for achieving a just settlement of the refugee problem and for guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones.

88. While two of the Arab nations involved in the June 1967 war have announced their acceptance of Security Council resolution 242 (1967) of 22 November 1967, Israel's response has been the imposition of conditions which are deliberately calculated to defeat the purposes of the Security Council resolution, to avoid compliance with it and to thwart its fulfilment. The patient efforts of the Special Representative of the Secretary-General have been foiled and frustrated by Israel's insistence on direct negotiations with the Arabs.

89. I should like to reiterate the position we took on the occasion of the general debate last year that the recognition that Israel seeks must be the culmination and not the commencement of the process of reconciliation. The United Nations came into being to establish new forms of settlement in conflicts between nations, forms that cannot be reconciled with the claim of a victorious army to dictate terms. Likewise, the right to recognition cannot be asserted through force of arms.

90. We support Israel's right to exist in peace and security. That right can best be guaranteed by the United Nations. That guarantee is explicitly offered in the Security Council resolution of 22 November 1967. But Israel, by failing to accept the terms of that resolution, seems to have chosen to place herself beyond the pale of international law and to set herself above the Charter. What this Organization has a right to expect of Israel is not nine commandments as a retort to the Security Council resolution of 22 November 1967, but unqualified acceptance of it.

91. My delegation would like to express its appreciation of the patience and perseverance with which the Secretary-General's Special Representative in the Middle East, Ambassador Jarring, has persisted in the discharge of a most delicate and exacting mission. We trust that it will be possible for him to continue while the hope remains, however distant, that Israel will show a change of heart and that twenty-one years of turmoil and turbulence will close with the complete pacification of the Middle East.

92. There is still another area of crisis where the threat to international peace and security, though seemingly not so direct and immediate, is no less dangerous for its very insidiousness. The ultimate consequence of the evil policies of *apartheid* and white supremacy, which are directed

towards the perpetual enslavement of millions of Africans in Southern Rhodesia, Namibia and South Africa, could be cataclysmic. The pursuit of these policies cannot be arrested, much less reversed, if the most powerful nations of the world continue to give valuable sustenance, comfort and encouragement to the offending régimes, while making a pretence of loyalty to the principles of liberalism, humanitarianism and democracy. The United Nations must demand that this conspiracy end and that efforts to ensure that elementary justice is done to the African majorities of southern Africa are not fatally compromised by equivocation and subterfuge.

93. The Government of South Africa and its accomplices in Africa, the Government of Portugal and the illegal régime of Ian Smith in Southern Rhodesia, are responsible for the heavy pall of impending disaster that hangs over southern Africa. We hope that the United Kingdom, as the administering Power in Southern Rhodesia, and the other major Powers within whose physical capacity alone it lies to weaken the will of those who are intent on driving Africa to a melancholy fate, will, before it is too late, wake up to their responsibility.

94. The emancipation of subject peoples goes forward and we are happy to welcome to the Assembly the newest Member of this Organization, the Kingdom of Swaziland. We wish the Government of Swaziland success in its task of employing the dignity of freedom to bring the blessings of prosperity and progress to their people.

95. We should also like to extend our cordial felicitations and sincere good wishes to the latest beneficiary of the policy and process of decolonization, Equatorial Guinea. It is fitting that we associate with these felicitations the Government of Spain for its honourable and progressive liquidation of a long imperial heritage.

96. The international scene, though presenting a dismal outlook, is not one of unrelieved gloom. There are a few achievements to the credit of the United Nations which are heartening and show that the hope of international co-operation on important issues is not altogether lost. Chief among these achievements was the approval of the Treaty on the Non-Proliferation of Nuclear Weapons [*see resolution 2373 (XXII)*] by a convincing majority during the resumed twenty-second session, although the support that the draft treaty received was qualified in many cases by significant reservations.

97. One of the main purposes of the Conference of Non-Nuclear-Weapon States, which was held in Geneva in September of this year, was to contribute towards arrangements for ensuring the security of non-nuclear weapon States in return for their renunciation of the right to manufacture and possess nuclear weapons. The non-proliferation Treaty seeks to arrest the spread of nuclear weapons lest the risk of nuclear war be increased by their indiscriminate distribution and deployment. We regret that the Conference of Non-Nuclear-Weapon States failed to take into account one aspect of proliferation which could be no less dangerous than those forms of it which the Treaty seeks to eliminate, and that is the stationing of nuclear weapons on the territories of States which themselves do not possess, manufacture or control the use of

such weapons and renounce the right to do so. The 1964 Cairo declaration of non-aligned countries entitled "Programme for Peace and International Co-operation"<sup>5</sup> and operative paragraph 4 of General Assembly resolution 2153 (XXI) explicitly or by implication seek to prevent or discourage this form of proliferation. The stationing by a nuclear-weapon State of nuclear weapons on the territory of a non-nuclear-weapon State, whether or not it has renounced the right to manufacture or possess nuclear weapons or is denied control over them, is itself a negation of the main principle underlying the non-proliferation Treaty.

98. The overwhelming concern of the entire world is to prevent a nuclear war and the accompanying threat of total annihilation. If the nuclear-weapon States are genuinely anxious to prevent a nuclear war, it is within their power alone to do so by renouncing the use or the threat of use of nuclear weapons against non-nuclear-weapon States. That they have as yet shown no willingness to do so accentuates the fears as well as the doubts of the non-nuclear-weapon States. We have more than once urged that the non-proliferation Treaty should be followed immediately by the following stages of action: a categorical undertaking by the nuclear Powers not to use or threaten to use nuclear weapons against non-nuclear States; the conclusion of a comprehensive test-ban treaty; the cessation of the manufacture of nuclear weapons and the freezing of stockpiles of nuclear weapons; and finally, the gradual dismantling of the apparatus of nuclear terror.

99. The contention that the dismantling of the nuclear arsenal cannot be undertaken independently of the establishment of a proper balance in conventional weapons strength is inconsistent with the argument that disarmament has necessarily to be a slow process executed in stages and in accordance with a proper order of priorities. If the only priority were to be the final goal itself, which is general and complete disarmament, we would have to resign ourselves to protracted discussion without any practical results.

100. Disarmament has uniformly been treated as a physical and material problem, as one of reducing armaments to the very minimum consistent with essentially peaceful interests and policies. This treatment of the problem is based on the fallacy that war can be prevented by the reduction of armaments. It disregards altogether the immediate causes of war and the tensions that find their climax in war. These are the cupidity of nations, mutual mistrust and fear, and above all injustice. Eliminate them or reduce them and you eliminate war or reduce the risk of it. International conferences devoted to this purpose are more likely to produce results than the discussion of disarmament in an atmosphere of ill-concealed animosity, antagonism and bitter rivalry between power blocs or nations. What we need more than the procedure for settlement of disputes is the creation of that spirit of fraternity between nations which would prevent the occurrence of disputes, the spirit which may best be described in Walt Whitman's words as "that fervent element of manly friendship that is more binding than law or treaties".

<sup>5</sup> Document A/5763.

101. The other achievement of the last year which may be cited with satisfaction, although it marks only a beginning, was the appointment of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and the use of their resources in the interests of mankind. It was my privilege to serve as Chairman of that *Ad Hoc* Committee and I take this opportunity, the first I have had before the full membership of the United Nations, to acknowledge my deep personal appreciation of the substantial contribution that the members of the Committee made on a matter that is of the utmost importance to the future of us all. In yet another element, the United Nations has an opportunity for co-operation without conflict, an opportunity for united and common development and exploitation of the fabulous resources of this area for the benefit and enrichment of all.

102. In its final session, which, through the generosity of the Government of Brazil, was held in Rio de Janeiro, the *Ad Hoc* Committee concluded its deliberations and approved the report [A/7230] that will, during this session, come before the First Committee and the General Assembly. The Committee's task was to study the question and to indicate practical means of implementing international co-operation in the exploration, conservation and use of the ocean floor and its sub-soil. Foremost in the minds and hopes of the members of the Committee were the exclusion of the area from military use and its reservation for peaceful purposes and the avoidance of international competition, for purely selfish national interests and advantage, in the development and exploitation of the inexhaustible mineral resources of the area.

103. Important as the definition of a set of principles would be for the regulation of all activities in regard to this area, so far as the economic exploitation of its resources is concerned, and also in the prevention of the use of the area for military purposes, the clear delimitation of the limits of the area in contemplation is an essential prerequisite for further progress with this item. The existing law defining the limits of present national jurisdiction over the sea-bed and the ocean floor and the sub-soil thereof underlying the high seas is too vague and indefinite. If the limits of the area are not known, any principles that are determined and agreed upon will lose much of their relevance and value.

104. My delegation hopes that action can be taken by the international community to examine the question of the definition of the limits of the area and to reach agreement upon it without delay. Any such definition must take into account the peculiar problems of certain countries in regard to the continental shelf bordering their land mass. We recognize the need for maintaining intact the traditional freedoms of the high seas under international law, subject only to such modifications as are indispensable to the profitable exploitation, in the interests of all nations, of the resources of the sea, to the requirements of national security and to the preservation of international peace and harmony.

105. On 13 July 1966, the President of the United States, speaking at the Washington Navy Yard, gave eloquent expression to the principles that should govern our endeavours and shape our decisions in regard to this problem when he stated:

"Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

106. That pronouncement is a message of hope. If the principle enunciated there were accepted as an article of faith and of policy by all nations, it could mark the beginning of a new era in international co-operation and could set the United Nations on a course that would lead it to one of its most magnificent achievements.

107. The *Ad Hoc* Committee was successful in securing a wide measure of agreement on two sets of proposals: one, a draft declaration of general principles proposed for submission to the General Assembly, and the other, a draft statement of agreed principles also proposed for submission to the General Assembly. These are referred to in paragraph 88 of the *Ad Hoc* Committee's report. The first, the draft declaration of general principles, was the result of the joint efforts of the Latin American and Afro-Asian groups in the *Ad Hoc* Committee. The other set of principles, the draft statement of agreed principles, was the product of the efforts of the North American, West European, Far Eastern and Pacific groups of nations in the Committee. Almost all the Afro-Asian members of the *Ad Hoc* Committee were also in agreement with this draft statement. These two sets of principles constitute a most constructive and valuable contribution on this subject and could provide the foundation for an agreement in regard to the principles that should ultimately be applied to the regulation of all activities in this area and the exploitation of its resources for the benefit of mankind.

108. The developing nations look with hope and expectation to the developed and technologically advanced nations without whose co-operation no progress in regard to this item and towards the fulfilment of the aspirations of the developing nations can be achieved. We hope that, during this session, the General Assembly will take decisions that will carry us forward to the attainment of the objectives and purposes of the resolution of the General Assembly that initiated the examination and study of this question.

109. We are forced to revert to a tone of disappointment when we examine the results of last year's efforts in regard to questions of trade and economic development. Much was expected of the second session of the United Nations Conference on Trade and Development when it met in New Delhi earlier this year, but little was achieved. The Development Decade, with two years more to run, holds out little prospect of that 5 per cent growth rate for developing nations which was its declared aim. For developing countries the stress has to be on primary commodity trade, on preferences for their manufactured and semi-manufactured goods, for increased liquidity and for a greater volume of external finance on more liberal terms. Primary agricultural and mineral commodities constitute 85 per cent of the total exports of developing countries. If petroleum, which is a special commodity affecting a comparatively small number of developing countries, were to be excluded from our calculations, we find that primary

agricultural and mineral products account for 55 per cent of the export earnings of developing countries. The chronic instability of these products, the seemingly irreversible downward trend in their export prices, the competition of synthetic equivalents or substitutes, no less than the protectionist policies of developed countries, are proving to be insuperable obstacles to the economic growth of developing countries.

110. The foreign reserves of developing countries, on which they have to rely chiefly for financing their development programmes, have been subject to the two-fold mischief of falling export prices and rising import prices. The resulting steady decline in their terms of trade has caused a huge flow of resources from the developing to the developed countries, which has correspondingly diminished the benefits of aid to these countries from the developed market economies and multilateral agencies.

111. During the five-year period 1961-1966, developing nations have, as a result of unfavourable trends in the terms of trade, lost in foreign exchange earnings a sum equivalent to approximately \$US13,000 million. This figure represents almost 40 per cent of the aggregate official aid that these countries received from the developed market economies and multilateral agencies during the same period. If we were to deduct from this official aid the debt servicing charges as representing an outward flow of resources, it would be found that foreign aid has produced a negligible net flow of resources from the developed market economies to the developing countries.

112. Ceylon has suffered a severe drain of her resources through the sustained decline in her terms of trade since 1958 which was not by any means the best year for her three principal export commodities, tea, rubber and coconut products. The fall in the export prices of these three commodities from the level of prices obtaining in 1958 has entailed for Ceylon a loss of approximately \$US281 million in foreign exchange earnings during the ten years since 1958. This is a transfer of resources from Ceylon to her trading partners, chiefly the developed market economies. The figure does not reveal the full effect of the terms of trade as it does not take into account the increase in prices of our imports during the same period. Such foreign aid as we have received during the same period has offered only very limited compensation for this trade loss.

113. These factors do not lie within the control of the developing countries, but they are the principal cause of the stagnation that is so noticeable a feature of the economies of developing countries. We hope that the United Nations Conference on Trade and Development will intensify its efforts to secure a satisfactory solution of the problems facing primary commodity trade as a matter of the highest priority and, through the co-operation of developed countries, secure approval of policies on questions of pricing of commodities, access to markets in developed countries, liberalization of trade and genuine transfer of capital resources from the developed to the developing world, so as to enable the developing countries to emerge from their present state of stagnation and stimulate in them the process of steady growth and expansion.

114. All efforts at international co-operation, especially on questions of such moment as non-proliferation and disarmament, can have only a limited effectiveness without the participation of the People's Republic of China in the work of this Organization. We have heard it said that the present occupant of China's seat in the United Nations has an unchallengeable right to remain in the Organization as a founder Member of the United Nations. This argument totally ignores the elementary principle that the Members of this Organization are the peoples of the world. It ignores the fact that the Government that represented the people of China at the time of the founding of the United Nations was replaced by the Government of the People's Republic of China. The Government of the People's Republic of China alone is the legal representative of the people of China whom it has governed for nineteen years. It is the restoration of the lawful rights of the people of China that calls for the admission of the People's Republic of China to membership as the sole representative of the people of China.

115. We have also heard it said that, in the admission of the People's Republic of China, the practical problem arising out of the position of the Chiang Kai-shek régime in Formosa has to be considered. An organization founded on principles of justice and international law owes its first duty to the observation and enforcement of those principles. Practical problems cannot be accommodated at the expense of such principles. Our overriding obligation is to such principles and the discharge of that obligation demands the immediate restoration of its lawful rights to the People's Republic of China.

116. We hope that those who claim to be genuinely interested in securing the membership of the People's Republic of China in the United Nations will not be so indifferent to their avowed wish as to insist that the question of the restoration of the lawful rights of the People's Republic of China be treated as an important one. If it is important, we should find every means of ensuring it rather than support the surest way of preventing it.

117. May I say, in conclusion, that man's Olympian genius has brought him within an ace of reaching regions of the universe to which only his proud imagination had previously aspired. The brilliant achievements of the Soviet Union and the United States with Zond 5 and Apollo 7 have thrilled the world. But this should not be the pinnacle of man's endeavours. If he is to escape a Promethean fate he must now turn from the laboratories of science to the laboratory of human relations and concentrate on a far more important discovery, the discovery of the moral formula that will transform the vision of international brotherhood into a reality.

118. Mr. WINIEWICZ (Poland): This Assembly's general debate offers, as usual a special opportunity to each Member State to present its views on the essential problems facing the world—problems more numerous than we should wish. Some of them have remained on the agenda during consecutive sessions, awaiting adequate solutions. We have also raised others from this rostrum, fully realizing that they are not subjects for detailed consideration within the framework of the United Nations organs. Both influence the climate of international relations. This is why our



debates are followed with such particular attention by the people of the world, although, often enough, too much is expected from our Organization. At the same time, however, many essential and far-reaching, though less spectacular, achievements of the United Nations are not given due recognition.

119. We are convinced that a sober approach to the international problems of the world, a realistic approach, is the first prerequisite to progress in their settlement. We live in a divided world. Two systems, the socialist and the capitalist, exist side by side. This is not an artificial division, on the contrary, it results from the natural development of human society in the present historic epoch. Thus, understanding the nature of the world's division, we cannot fail to see its unity and the growing dependence of all countries and societies on one another. Enormous means, both constructive and destructive, are at our disposal. It depends solely on us whether we achieve progress and peaceful co-operation or drift towards a holocaust which would spare no people or State.

120. Regrettably, the facts of today's reality, though they should be obvious to all, are given by some a biased interpretation fraught with dire consequences for international relations. The socialist countries have demonstrated a proper attitude, undertaking consistent efforts to promote and consolidate peaceful coexistence and co-operation among States with various socio-political systems. Different, however, is the attitude of many a Government in the capitalist countries. The practical impact of their policy only too often contradicts their public declarations. This policy does not concur with the requirements of the international situation. It not only ignores the existence of undeniable realities; but vainly it attempts to change the existing balance of forces in the world, but in vain.

121. Meanwhile, it is of paramount importance to state once again what we have repeatedly stressed in the past. Socialism has become a reality and is here to stay. The process of strengthening the socialist States constitutes at the same time a supporting leverage for the many countries referred to as the "third world", countries which, freed from colonialism, have chosen a non-capitalist road for their development. Indeed, indirectly it also influences the internal transformations presently taking place in many capitalist countries. It could not be otherwise, since socialism is and will remain the political and social system of the future, paving the way towards the time to come.

122. The future also belongs to those many peoples, countries and States which with the ending of the colonial era and within the life span of our generation, have entered the stream of normal international relations. In those countries, too, nobody will be able to reverse the course of history. It is true that those young, often inexperienced, State organisms will have to overcome hundreds of difficulties which still face them in order to achieve position and influence. However, they will accomplish it the quicker, the more they rely on their own strength and on the collective united efforts of the whole region to which they belong—not only from the geographical point of view—and the more consistently they free themselves from outside, neo-colonialist influences harmful to their independent development. The socialist countries have always declared their full

solidarity with such efforts. Close co-operation with developing countries and assistance to them—within the limits of our possibilities—are inherent to our policy. Peace is equally as indispensable to them as it is necessary to us.

123. The effectiveness of our Organization depends on the recognition of all those unquestionable realities of today's world and on projecting our thoughts and actions towards the future, not only contemplating the past which is gone for ever. Had the United Nations always been guided by such recognition, it would not have erred in many a decision. There would have been no sterile deliberations resulting in the Chinese People's Republic's being unjustly denied the exclusive right to represent the great Chinese people in this Organization. The United States forces occupying South Korea would not be abusing the United Nations flag and obstructing the road to the unity of that cruelly tried and indeed industrious nation. The struggle for the abolition of the inhuman *apartheid* system or for the future of Namibia would not have been ending solely with the adoption of resolutions—ineffective because they are always either toned down or incompletely enforced as a result of the action of the overt or covert supporters of the racist régime. The German Democratic Republic would eventually have an observer at the United Nations as does the German Federal Republic, and that in itself would pave the way to membership in the United Nations for the two existing German States, an outcome both desired and justified. We would not be discussing the question of the universality of the United Nations. Our Organization would already be universal.

124. Surely there is no need to multiply examples. They will become evident as I present more fully the views of the Polish delegation. Therefore permit me, for the present, to draw the conclusion—not the only one in my speech—that the increase of United Nations prestige depends to a great extent on whether the double standard now used in appraising international phenomena is abandoned.

125. One of the crucial problems of the present world situation is the need to fortify international security. The level of armaments, in itself an essential though fluctuating factor of national security, will obviously depend on how and on what principles we solve this problem. For any given step in the field of armaments taken by one side automatically forces the other to undertake parallel decisions even if it does not consider them desirable. The logic of the continuation and speeding up of the escalation of armaments, the logic of the spiral of death thus becomes manifest.

126. It was not in the socialist countries, it was not in Poland, that the theory of "deterrence" was born. We have never shared the view that security of the world should be based on the so-called "balance of terror". We have always considered the question of disarmament as one of the most important tasks of the United Nations. The best evidence of this lies in the numerous proposals which the socialist countries, together with Poland, have advanced here over many years.

127. One could give way to melancholic contemplation. How much easier it was to achieve concrete steps towards disarmament shortly after the end of the last and devas-

tating world war; for instance, when in 1946 the United Nations adopted its first resolution [41 (I)] on disarmament. How many efforts and how much energy and material resources could have been saved. We are not the ones to be blamed for not having reached this goal. I venture to say this though not to apportion responsibilities. History will do it. It does seem to be of the greatest importance to draw the right conclusions from the experiences of the past.

128. The Governments and parliaments of the world have now before them a new document thoroughly discussed and agreed upon in a treaty form. I am referring to the Treaty on the Non-Proliferation of Nuclear Weapon [resolution 2373 (XXII)]. It should be viewed as one of the crucial factors towards halting and then reversing the armaments race in the field of the most dangerous weapons, the nuclear ones. No effort should be spared to make this document a universally binding norm of international law in the shortest possible time. Poland signed the treaty without any reservations; in due course we shall proceed with its ratification.

129. Those States which shun the fulfilment of this fundamental obligation towards future generations are taking upon themselves a heavy responsibility indeed. Their reluctance cannot be justified by any argument about further "improving" the document. In this particular case the search for perfection might become a foe of that which is urgent, unquestionably good and useful. For no perfect agreement can be arrived at in a process of compromise. However, how immeasurably increased will be the responsibility for the harm caused to the process of disarmament by those States which now act in an opportunistic way from a position of narrow and egoistic political speculations! I have in mind, above all, the well-known position of the Government in Bonn.

130. The non-proliferation Treaty having opened up new and wider perspectives should speed up disarmament efforts. It is therefore noteworthy that at this moment significant new Soviet proposals have been submitted to this session recommending a number of further disarmament steps, to which the General Assembly will undoubtedly devote due attention. Among these many well-founded initiatives, the demand for the prohibition of the use of nuclear weapons should be particularly stressed. Its acceptance may effectively reinforce the safeguards already ensured to non-nuclear States with the coming into force of the non-proliferation Treaty.

131. For our part we should like to approach the General Assembly with an earnest appeal not to fail to consider also the problem of production and use of bacteriological and chemical weapons in all its aspects. Many reports on the constant improvement of these new means of mass extermination are being made public and are giving rise to the greatest anxiety. While concentrating on the difficult question of the limitation and reduction of nuclear armaments, let us not permit new, perhaps even more destructive, weapons to emerge.

132. The non-proliferation Treaty may also stimulate further initiatives on partial regional disarmament steps. Polish experts continue to study this problem carefully.

The possibilities that may arise should not be wasted in the same way as opportunities were lost after the signing of the Moscow Treaty on the partial ban of nuclear tests in 1963.

133. I do not mention here and now the undoubtedly very important agreements on outer space. Their meaning does not seem to appeal to the general imagination as much as the deep concern to establish thorough order here on our globe, to eliminate the dangers of war, to use resources now wasted on armaments to quell hunger and to meet the economic necessities of those countries which need it most.

134. The Polish delegation, as in previous years, wishes to dwell on some problems of particular concern to us, on the question of Europe. It is in Europe that the armies of great Powers, equipped with the most modern weapons, confront each other directly. It is in Europe that there is a State, the German Federal Republic, which does not recognize the frontiers established in binding agreements concluded at the end of World War II. The official policy of this State provides a fertile soil for trends only too familiar to those who have ample reasons not to forget the Third Reich. The same State still aspires to crown its already huge arsenal of armaments with nuclear weapons. According to the most recent reports, the German Federal Republic is making use of military bases, training centres, practice ranges and military research centres in twelve countries on four continents.

135. It is in Europe that centres of psychological warfare are bursting with activity. I shall mention only one of them—financed by American funds—named "Radio Free Europe". All these activities are obviously of a diversionist character and are directed against the present European equilibrium and, more particularly, against the unity of the socialist countries. One can add that recently, on 25 August, it was the Chancellor of the German Federal Republic, Herr Kiesinger, who officially declared that West Germany "must try to change the existing *status quo* in Europe".

136. Indeed, it is only on the surface that Europe appears to be a relatively quiet corner of the world. The same imperialist forces which we know from their attempts at disrupting efforts towards African unity, attempts at undermining the internal cohesion of many an African country, attempts at hampering the progressive consolidation of Latin America and attempts at engulfing Asia in their neo-colonial designs—those very forces are close at work in Europe.

137. Poland spared no effort to face these dangers and to search for solutions to European problems. Together with other socialist States, we consistently advanced a constructive programme for the setting-up of a system of collective security in Europe. From this very rostrum, in 1957, the Foreign Minister of Poland proposed the establishment of a nuclear-free zone in Central Europe [697th meeting, para. 136]. We later presented a modified proposal for the freezing of nuclear armaments in that region, an action open for participation by other European countries ready and willing to join.

138. We have promoted, over and over again, the convening of a conference on European security and co-

operation. Let me recall our intervention in the general debate on 10 October 1966 [1434th meeting], when we gave a broad outline of a possible agenda for such a conference. It included among other things, the vital question of promoting economic co-operation among socialist and capitalist countries—which requires the abolition of many artificial barriers by means of which Western European economic intergration projects are dissecting the unity of Europe. Europe is one, and Europe does not begin west of the Elbe.

139. The socialist vision of Europe bases itself on recognition of the existing *status quo*. It is not a concept of a continent on which groupings of various nations entrench themselves behind piles of rockets and behind customs barriers. Ours is the concept of initiating and promoting the process of *détente* and of fostering relations among States in all possible fields. I wish, nevertheless, to make it quite clear to all those concerned that the way to *détente* does not lie through attempts to split Eastern Europe, united, as it is, not only by common ideals but also by common nationalist interests. The road to *détente* lies only through recognition of the existence of that unity.

140. It gives us satisfaction to note that many of our plans and suggestions have met with the sympathetic understanding of public opinion in the West as well as of Governments in many Western countries. The bilateral dialogue we have established with Western countries has confirmed this—a value which we would not wish to discount and which we are ready to enlarge by continuation of contacts.

141. None of the particular proposals advanced by the socialist countries was implemented, not even in a gradual way, step by step. All the diplomatic chancelleries in Europe know full well that all the good intentions got stranded on the negative attitude of the Government of the German Federal Republic. This is why our approach to the German problem differs from that presented here by some Western neighbours of the German Federal Republic. As we are fully aware, although those countries share to a considerable extent many of our apprehensions, they choose to base their relations with the German Federal Republic on an abstract feeling of faith. We, however, cannot be guided in our policy merely by declarations of goodwill. Thus, indeed, we shall continue to rely on deeds. It will remain a constant of our policy that the German problem has to be subordinated to the requirements of European security, not vice versa. Whenever in the past this basic truth was lost sight of, Europe fell prey to tragic wars which engulfed the European East as well as the West, and in the end engulfed other continents too.

142. I do sincerely trust that these remarks of the Polish delegation about Europe will be carefully considered and understood in the first instance, by all those who choose to raise here the so-called Czechoslovak question, contrary to the clearly expressed wishes and requests of the delegation of the Czechoslovak Socialist Republic, for us a fraternal delegation and a fraternal country. It is really regrettable that, when referring to this subject, many speakers appear to have lost their sense of proportion and their ability properly to evaluate the relative importance of some facts of international life. May I be permitted to quote a contemporary philosopher, who warned that one should

not give in to “a mood of abstract contemplation in a world so perilous”. I should not like to suppose that for one reason or another such speakers had to follow in Mr. Rusk’s footsteps. They can only lead one astray. It was the late President Kennedy who warned: “The United States is neither omnipotent nor omniscient. . . . We cannot impose our will . . .”; and he concluded that “there cannot be an American solution for every problem”. These words of President Kennedy were recently recalled by Mr. Arthur Goldberg.

143. There is no doubt that the struggle of the Viet-Nameese people against United States aggression is being followed all over the world with much greater attention than has been, I regret to say, reflected so far in this year’s general debate of the United Nations General Assembly. We must not and we cannot become immunized to what is taking place in Viet-Nam.

144. The tragic record of United States policy towards Viet-Nam is so long and well known that it permits of no illusions. The position, which the United States presents to world opinion, concerning the possibilities of a solution to the Viet-Nameese conflict through political means has undergone various changes. All those changes have had one common denominator: ever new demands by the United States over and above what it has previously stated as being acceptable to it. Only one factor has remained unchanged: the continuation of military actions in Viet-Nam.

145. We of Poland have a certain knowledge of this problem. In our diplomatic activities we have spared no efforts to assist in achieving a political, peaceful settlement of the Viet-Nameese conflict. We are motivated by our deep dedication to the cause of peace—and we have reacted to the requests of the parties concerned. The facts are known to representatives of the United States here. The time has not yet come to discuss them fully and disclose them in public.

146. Nothing can be further from reality than to represent the escalation of military activities against Viet-Nam as efforts for the cause of peace and the struggle of the Viet-Nameese people for independence—a struggle imposed upon them by aggression—as an indication of alleged, unyielding bellicosity. We have said more than once, from this rostrum and elsewhere, that such an approach cannot be conducive to peace. The Government of the Democratic Republic of Viet-Nam has repeatedly and emphatically voiced its readiness for a peaceful solution of the conflict and has proved it by agreeing, without prior conditions, to the opening of the Paris talks. One should not, however, confuse peaceful settlement with capitulation, just as one should not confuse the victim of aggression with the perpetrators of aggression.

147. It is not the bombing of the Democratic Republic of Viet-Nam which opened the way to the Paris talks. The bombing in fact hinders the undertaking of concrete and, ultimately, effective negotiations in spite of the fact that the parties, as a result of goodwill shown by the Viet-Nameese, have already taken seats at the negotiating table. The immediate and unconditional cessation of military acts against the North therefore remains a matter of the utmost urgency. A concrete political solution must be searched for

on the basis of the proposition of those forces which have proved to the whole world, and in particular to the United States, that they are the true representatives of the Viet-Nameese people. In this respect, the South Viet-Nam National Liberation Front has advanced realistic and basic principles for the settlement of the situation in the southern part of Viet-Nam.

148. For the present then, one can justly assume that the cruel war which decimates the heroic, creative and talented Viet-Nameese nation has been subordinated to the contradictions which in 1968 are disturbing the internal life of a great Power, the United States. We say this with the full seriousness which this grave problem deserves and without meaning any offence: if someone wants to put his own house in order, let him start to do that at home, not at the expense of the lives of Viet-Nameese patriots, who in no way endanger the vital interests of the American people and will not do so in the future. Those patriots must be left in peace. As for the American people, we only wish them well. After all, our two nations have been linked by too many bonds since the American struggle for national independence, though of course there is a substantial difference between the United States of George Washington and that of President Johnson.

149. We shall not join in the lobby discussions, so familiar to us, as to the degree to which the settlement, also, of the Middle East conflict hinges on the results of the American elections. However, we know, and we have repeatedly expressed our conviction here, that Israel would not have dared to start aggression nor would it display such an unyielding attitude in its drive for conquest had it not been for the support and encouragement of Western imperialist circles.

150. As a consequence we have a large number of United Nations resolutions, of the Security Council and the General Assembly—adopted from 15 June 1967 to 27 September of this year—which Israel consistently disregards or bluntly and simply rejects. We should not like to mention the many indications of the violations of the cease-fire resolution by Israel; proof of that has recently been given by the delegation of Jordan, indeed in a document distributed yesterday.<sup>6</sup> In doing so Israel is challenging the record set by the Republic of South Africa. On the other hand, there is an explicit declaration of the Government of the United Arab Republic stating its readiness fully to implement—even if it had to be done in stages—the unanimous resolution of the Security Council of 22 November 1967 [242 (1967)].

151. It should be added that the Arab countries concerned have lately been showing great flexibility in the search for a political solution. We cannot say this about the demands put forward a few days ago from this very rostrum [1686th meeting] in the form of an ultimatum by Mr. Eban. This does not facilitate the mission carried out tirelessly and with praiseworthy restraint and devotion by Ambassador Jarring. We can only wish him greater success than he has achieved up to now.

152. The Government of Israel would do well to realize that to continue gambling with the danger of a renewal of hostilities by overstraining the political game must ultimately lead to a fiasco and indeed endanger that country's very own interests. To advance territorial claims stubbornly under the pretext of wishing to establish so-called secure borders, and to advance claims aimed at consolidating the results of aggression, constitutes an open challenge to the United Nations, to which, after all, Israel owes its existence. It is a challenge which our Organization must take up in the name of elementary justice. Neither should our Organization tolerate the persistent and cruel persecution of Palestinian underground freedom-fighters, who are legally entitled to continue the struggle for the cause of their motherland as long as the state of war exists.

153. Speaking for the Polish delegation, I stated at the beginning that public opinion often expects too much from the United Nations. These expectations overlook the fact that in many fields the possibilities of the United Nations are limited, either by specific provisions of the Charter, by the unwillingness of Member States to abide by the decisions of international organs, or by the as yet insufficient use of the wide range of actions envisaged in the Charter, such as negotiation, mediation, conciliation, etc. Listening carefully to the present debate, noting the frequent outbursts of rhetoric and the passionate exercise of the right of reply, we could not help feeling that, given the goodwill of those concerned, the United Nations could achieve more. All the same the United Nations will, in fact, remain only what its Member States make out of it—Members big and small. Each of us bears equal responsibility.

154. Nevertheless, there are fields of activity where the United Nations has indeed made historic achievements, to mention only the elaboration of the essential norms in economic relations, the assistance to developing countries, the creation of the framework and the means of pressure in favour of the process of decolonization, decisions on social matters, protection of human rights, and, last but not least, the codification of international law. These achievements are not always reflected in the mass media of information which, particularly here on the American scene, are hunting only for the sensation of controversies and above all for cases of eruption or disagreements or of splits between East and West. Perhaps this is because of a lack of a sense of responsibility, a lack which derives from the fact that the great problems of peace, of international co-operation, of the aspirations of humanity, and of the need to bring out that which unites and not that which divides are subordinated to sectional interests. Let no one try to win us over to that kind of arbitrary information, for it distorts the truth about the great international undertaking embodied in the United Nations, just as, too often, on purpose and, I may say, with ill will, it deforms the truth about the socialist countries.

155. The Polish delegation, apart from its preoccupation with the purely political problems I have already touched upon, is concentrating its efforts, *inter alia*, on the importance of elaborating the convention on the non-applicability of statutory limitations to war crimes and crimes against humanity. The problem has already been discussed in the Third Committee, where we have presented our detailed observations. As regards this problem I say

<sup>6</sup> Official Records of the Security Council, Twenty-third Year, Supplement for October, November and December 1968, document S/8856.



here only that we are motivated by the historical experiences of our nation. We shall not forget the sacrifice of the six million Polish citizens killed, tortured and murdered during the war and the hostile Hitlerite occupation.

156. I wish also to say that the Council of State of the Polish People's Republic has just ratified the International Convention on the Elimination of all Forms of Racial Discrimination. This may emphasize our belief in the purposeful values of the United Nations activities in gradually developing the system of adequate protection of human rights; of its efforts to shield humanity against crimes about which no legal system can ever and anywhere remain inactive.

157. We have now to evaluate the results of the first United Nations Development Decade and to elaborate directives for the coming one. It offers us an opportunity to analyse the methods of work used so far, to make a clear-cut distinction between the spheres where we have been indulging in illusions and where we have faced serious obstacles which will have to be removed. It is imperative to search for more effective forms of action not yet applied.

158. Take, for instance, the question of external assistance. It is, of course, essential. We of Poland favour its expansion and we do participate in it. In certain cases, however, this assistance can play a retrogressive role, becoming more and more distinct in the field of the inflow and outflow of capital between the developing countries and the highly developed ones of the West. The ratio between this inflow and outflow is steadily deteriorating to the detriment of the developing countries. It is approaching the point where the amount of capital transferred to the rich Western countries in the form of profits and dividends will exceed the amount of capital exported by them to the developing countries. Such capital then, instead of being an element of "assistance", gradually turns itself into an element of "exploitation". Does this not remind us of the usury rampant in the Middle Ages and now transplanted into the twentieth century on an international scale? Should we not carefully examine this problem and consider appropriate means for counter-action, just as in the past an end was put to usury?

159. We have always held that the optimal use of the national resources and internal potential of each of the developing countries constitutes the most essential driving force for their economic growth. Hence the importance we attach to the resolution [2158 (XXI)] of the General Assembly of 1966, initiated by the Polish delegation, on the "permanent sovereignty over natural resources". The General Assembly, we submit, should at this current session undertake further steps to ensure that all developing countries may fully exercise this legitimate right.

160. With regard to the mobilization of internal capabilities we feel that the application of co-operative forms can play an important role in the economic and social progress of developing countries. We therefore plan to submit an appropriate resolution to this effect. Naturally, the problem will have to be studied further.

161. The twenty-fifth anniversary of our Organization is near. Every Member State should of course reflect upon

methods of enlarging the achievements of the United Nations—achievements which, despite all pessimists, are not at all insignificant although, allow me to repeat once again, they do not always concern problems upon which the peace and security of nations so vitally and primarily depend.

162. We wonder whether in the light of present conditions, the anniversary celebrations could not be devoted to a wide popularization of disarmament problems and to the channelling of the resources of science and technology into the service of humanity instead of into multiplying the means of destruction. Recently, through the well-known report of the Secretary-General,<sup>7</sup> we have uncovered and propagated the dangers of the use of nuclear weapons. Let us now attempt to stimulate the imagination of world opinion towards what can be achieved once disarmament—through the efforts of all and, if there is no possibility of achieving it immediately, by stages—becomes a reality.

163. Our Secretary-General, U Thant, has also touched upon the twenty-fifth anniversary of the Charter and the Organization it established. May I be permitted to state here forcefully that he may count upon Polish co-operation. It is true that we of Poland find it difficult to agree with the emphasis he placed on some of the problems in the introduction to his annual report [A/7201/Add.1]. However, this does not in the least diminish our deep esteem for his full devotion, his inventiveness and great efforts aimed at the fulfilment of the tasks assigned to him in international conditions so complex that one would be expecting too much to assume that everything can be directed at will by remote control from the thirty-eighth floor.

164. The Polish delegation is ready to co-operate sincerely and honestly will all those who have, as deeply at heart as we have, the cause of the United Nations and the peaceful future of the world.

165. It is in this spirit that the Polish delegation offers its full assistance to the President of our session, the Foreign Minister of Guatemala, Mr. Emilio Arenales. We are glad that the Presidency has fallen into the hands of a man so well acquainted not only with the course of general debates, but also with the valuable and arduous efforts of each Committee and the Secretariat. While congratulating him and all the Vice-Presidents on their election, we wish them success in the conduct of our deliberations, always bearing in mind that the results depend not only on those presiding over the debates, but, above all, on the representatives sitting in the Assembly.

166. Mr. BOUTROS (Lebanon) (*translated from French*): The Lebanese delegation is gratified at Mr. Arenales' election to the Presidency of the General Assembly and has pleasure in welcoming him as an outstanding representative of the Latin American countries with which Lebanon has always enjoyed the most cordial relations. I am certain that, thanks to his vast experience, our discussions will be guided with the authority and impartiality that are inherent in his high functions.

<sup>7</sup> Report of the Secretary-General on the Effects of the Possible Use of Nuclear Weapons and the Security and Economic Implications for States of the Acquisition and further Development of these Weapons (United Nations publication, Sales No. E.68.IX.1).

167. I should also like to pay tribute to his predecessor, Mr. Corneliu Manescu, the Minister of Foreign Affairs of Romania, for the wisdom and skill with which he guided the discussions of the twenty-second session of the General Assembly in especially delicate circumstances.

168. This year, the United Nations celebrates the twentieth anniversary of the Declaration of Human Rights. Thus the Organization, as a whole, and each Member State, in particular, has an opportunity to consider the results of the last twenty years, and take stock of the international situation.

169. True, we have reason to be gratified at the general spread of democracy that has taken place since the end of the last world war. The movement has taken concrete shape notably in the gradual disappearance of the colonial system; in the progress and in the practices of international and human solidarity, in the liberalization of the domestic laws of a great many countries, and in the enormous growth of social legislation for the benefit of the weaker and more deprived elements. On the other hand, human rights are still unfortunately disregarded, sometimes even flouted, in too many instances.

170. We cannot but be sad when we think of the sufferings that mankind still has to endure wherever war rages or racial discrimination is practised, wherever the last vestiges of the colonial system have not yet been eradicated, wherever hunger, poverty and disease determine the fate of hundreds of millions of human beings.

171. In the Middle East, the region to which my country belongs, nearly two million Arabs have been forced to abandon their native land and their homes, driven out by war and persecution. The occupying forces, in violation of resolutions adopted by the highest United Nations organs, refuse to recognize their right of return, indeed they even deny them any rights. How can we fail to denounce the reign of terror being imposed on those who have remained behind, the deportations, the mass arrests, the arbitrary expulsions, the massive destruction of villages and of whole residential areas?

172. The International Conference on Human Rights, meeting at Teheran, adopted a resolution dated 7 May 1968<sup>8</sup> that records the violations of human rights in the territories occupied by Israel and invites that State to respect the Universal Declaration of Human Rights and the Geneva Convention of 12 August 1949 relative to the protection of civilian populations in time of war. Also, no response has been forthcoming to that appeal by the international community. What is more, notwithstanding the decisions of the Security Council, the Israeli authorities do not hesitate to harden their attitude and to oppose any investigation into their treatment of the populations of the occupied territories.

173. At the opening of the twenty-third session of the General Assembly, a number of serious political problems await the attention of our Organization and put its efficacy to the test. Since the essential aims of the United Nations as

set out in the Charter are the preservation of peace and the prevention of disputes or their settlement by peaceful means, how can we help but acknowledge that it is, unfortunately, very far from achieving those aims? How can we fail to be struck by that general feeling of disillusionment and alienation over its work and its deliberations, a feeling that is only aggravated by its present immobility?

174. True, the United Nations has made laudable efforts, and can take credit for several achievements, mainly thanks to the untiring efforts of its Secretary-General, U Thant, who selflessly labours to remain faithful to his ideals, and to those of the Charter, efforts to which I take pleasure in paying public tribute. Some conflicts have been, if not entirely prevented, at least limited, some international conventions of obvious value have been concluded, among which we must mention the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII)*]; free discussion has been started and is continuing within the United Nations, enabling every shade of opinion to be expressed and every point of view to be put forward; finally, the specialized agencies can take pride in considerable accomplishments.

175. However, how can we not be disturbed when we contrast what has been achieved with what should have been achieved?

176. The war in Viet-Nam, that continues to the accompaniment of human suffering and material destruction, appears to have eluded United Nations control up to now. The Paris talks are at a standstill. In the field of disarmament, with the exception of the measures adopted to prevent the spread of nuclear weapons, no real progress has been made. Arms manufacture proceeds apace; stocks of nuclear and conventional weapons increase on all sides. The United Nations Development Decade is drawing to a close, and still no far-reaching action has been undertaken to reduce the dangerous gap which divides the industrialized countries from the developing countries. The UNCTAD session that was held this year at New Delhi disappointed the hopes that had been placed in it. And above all, international peace and security have seldom been so seriously threatened. The world has perhaps been saved from a new, general holocaust only by the balance of terror. But apart from its negative aspect, that balance is unstable and precarious. A few attempts, timorous enough, have been made to attack the root of the evil; but no progress has been made in applying the provisions of the Charter for the peaceful settlement of international disputes. Military power is still divided between opposing blocs based on bilateral or multilateral alliances; the foreign policy of States is determined, and often cynically, by their selfish interests, regardless of the principles of law, of the general interests of the international community, and of the principles of the Charter.

177. In drawing this picture it is not my purpose either to create despondency or to discredit the United Nations. The United Nations is what its Members wish it to be. Each member bears its share of responsibility, but in proportion to its means, in other words, in proportion to its power.

178. Lebanon, a small, peaceful country devoted to justice, has constantly proclaimed its allegiance to the

<sup>8</sup> *Final Act of the International Conference on Human Rights—Teheran, 22 April-13 May 1968* (United Nations publication, Sales No. F.68.XIV.2), resolution I.

United Nations and its devotion to the principles of the Charter. It is prepared to do everything in its power to strengthen the Organization, because it sees it as the best instrument for international justice, peace and security. Lebanon's most heartfelt wish is that the Organization should prove itself equal to its responsibilities, and that can only be if the Powers, and principally the greatest Powers, set the example by basing their behaviour on the ideals of the Charter.

179. Those responsibilities are especially clear when we consider one of the most agonizing problems of our age, that of the Middle East.

180. Bearing as it does the initial responsibility for the creation of Israel, the United Nations has for twenty years been intensely concerned with the conflicts provoked by its creation and its expansionist policy. But it is hard to refrain from pointing out that United Nations intervention, which was the decisive factor in the birth of Israel, has lost some of its force and efficacy whenever there has been a question of putting a stop to its abuses. Even today, as it has for months, Israel is still putting all sorts of obstacles in the way of the Secretary-General's Special Representative in the Middle East, Mr. Jarring.

181. There is no need to review here the background of a problem that has so frequently been analysed from every angle and that everyone knows in detail: the tragedy of the Palestinian people which is entitled to the right of self-determination and which Israel intends to deprive of every right; the long series of decisions by United Nations bodies since 1948, which Israel openly disregards. Much might be said on that subject, but I shall confine myself here to a consideration of the problem only in its latest stage, and in its essential elements.

182. Since the aggression of June 1967, Israeli troops have been occupying territories belonging to three United Nations Member States. In deliberate violation of Charter provisions, and especially of Article 2, paragraph 4, which forbids "the use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations", Israel refuses to withdraw from those territories. The steps it has taken lead us to believe that it intends to stay there. Among those steps are the instigation of a mass exodus of the population (nearly half a million Arabs have had to leave the recently occupied territories); the creation of new settlements; the appeal for immigrants; the destruction of villages and entire urban areas; pillaging; the annexation of the City of Jerusalem; and the official statements by many leaders that the present "frontiers" are more satisfactory than those that existed prior to 5 June 1967.

183. The General Assembly had adopted resolutions protecting the status of the City of Jerusalem and the rights of the Arab population. Israel paid them no heed whatsoever. Its leaders have gone so far as to state that even if the evacuation of Jerusalem were voted by a majority of 121 to one, they would refuse to withdraw their troops. In turn, the Security Council on 22 November 1967 took a unanimous decision [*resolution 242 (1967)*] that was intended to provide the basis for an over-all political settlement. Israel, under the most specious pretexts, has

ignored that decision and refused to abide by it, whereas the Arab countries most directly concerned have undertaken to accept it and to implement it.

184. The tactics being employed consist in attempting to compel the Arab countries by moral force to enter into direct negotiations that will give Israel territorial advantages through the conclusion of peace treaties in due and proper form. But, as many speakers have proclaimed from this very platform, there are a number of objections to that procedure which render it invalid.

185. To begin with, at the discussions on the resolution of 22 November 1967, the Security Council realized that the fundamental condition for the acceptance of that resolution and for its implementation was that under no pretext should anything be added to the draft, the preparation of which had demanded so much care and effort, lest its balance be destroyed and lest the general agreement it had attracted be compromised. Furthermore, the regional context, and Israel's actions, make it quite impossible to comply with such demands. Finally, we cannot help but note in passing Israel's casual attitude towards the problems of the refugees and of Jerusalem, whenever it feels that they will serve its propaganda purposes, which are none the less at the heart of the resolution of 22 November 1967.

186. Let there be no mistake: if those are really Israel's conditions, then it has deliberately decided to undermine any chances of a peaceful settlement to the dispute by concealing its aims behind the facade of a propaganda scheme on which agreement is no more possible today than it was in November 1967. Those pure propaganda statements, which Israel's actions contradict, are inapplicable and outside the scope of the resolution of 22 November 1967. As for the Arab countries, they would accept a political settlement on the basis of that resolution, within the framework of the United Nations, including in particular the total withdrawal of the occupying forces and the settlement of the refugee problem.

187. Unless it is to fail in its most sacred mission and be condemned to impotence and discredit, the international community can no longer tolerate Israel's policy of trickery, force and conquest in the Middle East. Today, thanks to the concessions agreed to by the Arab countries, there is a chance to reach a settlement that will safeguard the essentials of what can reasonably be safeguarded and promote the economic, social and cultural recovery of the countries of the region. It would be useless, even dangerous, to try to work out any other solution, even on the pretext that it would be an improvement, for in my opinion that could lead to stifling any practical and effective opportunity for action. The international community, particularly those States that enjoy a special status in the Security Council, would be making a fatal mistake if they let this opportunity slip. The need for immediate firm and just action is obvious. Tomorrow may be too late.

188. Indeed, the situation in the Middle East is deteriorating daily, to such an extent that the possibility of a renewed outbreak of hostilities cannot be discounted. Israel is remaining in the occupied territories, thereby continuing its aggression and daily perpetrating further aggressions. Its aim is to destroy the Arab States' power to resist in order to force them to submit to its will.

189. It is utterly deplorable that at the same time one of the very great Powers, one with a responsibility for international security and a guarantor of the Charter principles, should feel itself bound to augment Israel's military power by providing it with highly sophisticated weapons. Such action increases the risks of escalation and puts a premium—it is useless to deny it—on occupation.

190. In truth—and the truth must be told, even if it goes against the most deeply engrained prejudices—Israel is, by its constitution, its nature and its ultimate aims, a warlike and expansionist State.

191. Is it not proposing to establish there, in the next few years, three million new immigrants, whose pressure will inevitably burst all boundaries, aggravate tensions and stoke the most unbridled ambitions? Have not nearly two million Arabs been hounded from their homes, and are not a thousand ingenious methods being devised to oust others? Are not specific designs being publicly proclaimed against neighbouring territories, in virtue of an alleged right that expired 2,000 years ago and in contempt of intangible rights that have been uninterruptedly enjoyed ever since?

192. Lebanon has not been spared Israel's greed any more than its other Arab neighbours. The incidents provoked on the Lebanese border, of which the Security Council has been continually informed, are eloquent proof of that.

193. In the critical circumstances of today's world, and especially in the Middle East, all eyes are turned to the United Nations and, through it, to the main Powers that carry the heaviest responsibilities. Vigorous action is needed without delay, both in the Organization and in every sphere of political action, in order to ensure the implementation of the decision taken by the Security Council on 22 November 1967. In our opinion, there are two choices open to us: either to ensure the success of Mr. Jarring in his official mission, or to leave everything to chance. The choice no longer depends on the Arab countries.

194. May its Member States not disappoint the hopes that a large part of mankind still places in the United Nations.

195. The PRESIDENT: The representative of Pakistan has asked to exercise his right of reply and I now give him the floor.

196. Mr. SHAHI (Pakistan): It is a matter of deep regret that the representative of Afghanistan should have, for the third time in the course of this general debate, thought it fit to take a position which implies a challenge to the territorial integrity of Pakistan. My delegation has no wish to prolong a controversy totally unprovoked from our side, most disagreeable to us, and which has no place in this Assembly. Nevertheless, as I am again forced to exercise the right of reply, I shall confine myself to setting the perspective right. I hope that representatives will bear with me if I briefly clarify my position, because it does not seem to have been correctly understood by the delegation of Afghanistan.

197. The Afghan delegation in its statement on Friday [1690th meeting] made a further attempt to establish the existence of a problem which is devoid of reality and, for

that purpose, relied mainly on the name and utterances of a single individual, particularly about the impartial referendum held in 1946. Let us examine the facts relating to the antecedents of that individual, one of the Khan brothers.

198. If the representatives of Afghanistan were to consult public records, they would realize that that individual lost whatever public following he had a quarter of a century ago, when he aligned himself against the surging movement for the self-determination of the people of Pakistan. That is conceded by, among others, no other person than Maulana Abul Kalam Azad, who, first as President of the Indian National Congress and later as a Cabinet colleague of the late Mr. Nehru, was an architect of modern India and opposed, like the individual in question, the establishment of Pakistan.

199. In his book *India Wins Freedom*,<sup>9</sup> Maulana Azad says about the Khan brothers that "they had exaggerated the extent of their influence" and that "the actual position in 1946 was that the Khan brothers did not enjoy as much support in the Frontier as we in Delhi thought". Maulana Azad further mentions that one of the two brothers, though Chief Minister of the Northwest Frontier Province at the time, had to move about under police protection. If that was the position in 1946, before the establishment of Pakistan, the complete forfeiture of public confidence by these opponents of its self-determination and independence after the new State came into being can easily be inferred. Subsequently one of the two Khan brothers corrected his course and became a distinguished public servant of Pakistan and, what is more, a strong supporter of the integration of West Pakistan into one unit. So much for the credentials of the younger Khan brother, on whom the representative of Afghanistan sought to rest his case.

200. It was saddening for us to hear the representative say that the Pakhtuns of Pakistan had nothing in common with their compatriots except religion. It is nothing short of tragic that he should have turned his back on both history and geography, which link together the peoples of Pakistan and of Afghanistan. For three thousand years the helmeted men of central Asia—the Scythians and Sarmatians, the Sakas and the Hunas, the Persians and the Greeks, the Mongols and the Turks—have passed like tidal waves over Afghanistan into Pakistan. For thirty centuries they have mingled their blood and culture, and out of this historical process have emerged the Pakhtuns as well as the other people of Pakistan. The Pakhtuns share with their compatriots a civilization which has been forged on the anvil of history and which transcends the divisions of race and language. If the representatives of Afghanistan deny the common roots and the unifying bonds of the people of Pakistan, they also deny the nexus that holds the people of Afghanistan itself together.

201. Apart from that aspect, let us not forget some basic facts about the valiant Pakhtun people, who have refused to bend the knee to any world conqueror—Alexander or Genghis Khan, Timur or Nadir Shah—and have defied the onslaughts of both British and Czarist imperialism. The majority of the Pakhtuns live in Pakistan and have spread

<sup>9</sup> Maulana Abul Kalam Azad, *India Wins Freedom* (Bombay, Orient Longmans, 1959).



over all its parts. They have participated in the building of the State, they are a pillar of its defence, and they share prominently in its leadership and governance. Our Chief Executive is a Pakhtun. Let us also not forget that only a minority of Pakhtuns lives in Afghanistan. Therefore, if the allegiance of either segment of the Pakhtun population to the State in which it is included is to be brought into question, then the onus will first rest with Afghanistan to prove that the Pakhtuns in that country have exercised their right of self-determination.

202. I must, however, make it clear that Pakistan, for its part, has no interest whatsoever in any attempt to disrupt the territorial integrity of Afghanistan. We respect Afghanistan as a neighbour and we wish to see it prosper. Our people have shown their esteem for the present ruling dynasty in Kabul since the time of its founder, His late Majesty King Nadir Shah, and this esteem has remained undimmed during the reign of the present monarch. The President of Pakistan, in his political autobiography, *Friends Not Masters*,<sup>10</sup> has said:

"I have great admiration for the ruling family and for the King personally, who is a man of wisdom and has shown willingness to share power with the people."

203. Therefore it is a matter of sorrow for us that at this particular moment the delegation of Afghanistan does not seem to reciprocate our fraternal sentiments or to show sufficient regard for the need for a steady improvement of our bilateral relations to our mutual benefit. It is, therefore, with the friendliest feelings that we urge it to realize the implications of the problem that it seeks to inject. Such a problem would threaten the statehood of Afghanistan itself far more than it is likely to impinge on Pakistan.

204. I am sure that this Assembly needs no reminder that irredentism is a source of danger to the territorial integrity of many States, old and new, large and small, in Africa, Europe and Asia. If encouraged, it will lead to the dissolution of many validly constituted States and, indeed, to international anarchy. Like the overwhelming majority of Member States, we do not condone it.

205. Finally, we note with appreciation the expressed intention of the Afghanistan delegation not to confuse issues which arise between Pakistan and India. It was because I had anticipated that intention that I made the appeal to the delegation of Afghanistan when I said at the end of my speech on 10 October:

"Thus, there can be no comparison between the two situations, and we think that it is really regrettable that the representative of Afghanistan should have tried to bring up this issue, that he should have tried to make a case which should be left rather to those more immediately concerned to place before this Assembly."  
[1690th meeting, para. 194.]

206. It is unfortunate that the circumspection of my words, which evidently refer to the humanitarian issue of the Muslims in India, led the representative of Afghanistan to say that I had offered a weak argument. What I had hoped was that the delegation of Afghanistan would share a

humanitarian approach to the question that we had raised about the Muslims in India on the basis of the Liaquat-Nehru agreement<sup>11</sup> and should not mix it with any other problems, real or imaginary.

207. Considering the expressed intention of the Afghanistan delegation, it becomes all the more unfortunate that, in his original statement, the Ambassador attempted to draw an analogy between the problem of Jammu and Kashmir and the other problem which he attempted to raise. The analogy does not hold. When we demand the right of self-determination of the people of Jammu and Kashmir, we do not do so on the basis of a racial or irredentist claim but because this right of the people of Kashmir bears upon the principle of the establishment of India and Pakistan as separate sovereign States and because it has already been recognized, and its exercise pledged, in an international agreement and in many resolutions of the United Nations.

208. The PRESIDENT: I call on the representative of Malaysia in exercise of his right of reply.

209. Mr. RAMANI (Malaysia): I said yesterday [1696th meeting], in a brief introduction to what I propose to say today, that the Philippine claim to Sabah is a refusal to look the facts in the face. The very first Article of the United Nations Charter gives prominence to the purpose of developing "... friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples ...".

210. It is only fair to add that when this claim to Sabah was first formulated, the then President of the Philippines, in his formal "state of the nation" address to Congress, asserted that the Philippines recognized this cardinal principle and that "at an appropriate time" the people should be given the opportunity, preferably supervised by the United Nations, to be the architect of their own fate. The passage was quoted in full to representatives by the Foreign Secretary of the Philippines yesterday [1696th meeting].

211. The proposal for an enlarged Federation of Malaya, including Sabah among other States, was first proposed by the Prime Minister of the Federation of Malaya on 27 May 1961. The scheme came under immediate discussion in North Borneo, where political parties soon began organizing themselves. The Government of the United Kingdom, under whose colonial administration North Borneo was at that time, held consultations with the Government of the Federation of Malaya in London and, by a joint statement, declared that it was a "desirable aim" that the Federation of Malaysia should be created. These are the words of the joint communiqué:

"Before coming to any final decision it is necessary to ascertain the views of the peoples of North Borneo and Sarawak. It has accordingly been decided to set up a Commission of inquiry to carry out this task and to make recommendations."<sup>12</sup>

<sup>11</sup> Agreement between Pakistan and India, signed at New Delhi on 8 April 1950.

<sup>12</sup> *Report of the Commission of Enquiry, North Borneo and Sarawak, 1962* (London, H.M. Stationery Office), Cmd. 1794, p. 1.

<sup>10</sup> Mohammad Ayub Khan, *Friends Not Masters* (New York, Oxford University Press, 1967), p. 177.

212. This Commission was duly set up and has since been referred to as the Cobbold Commission. Its terms of reference were these: "to ascertain the views of the peoples of North Borneo and Sarawak on this question; and, in the light of their assessment of these views, to make recommendations".<sup>13</sup>

213. If I may pause there for one moment, I should like to point out that in strict, unchallengeable legal terms, all that was then required was the agreement between the only two States concerned in the matter, namely Great Britain and the Federation of Malaya. That agreement alone sufficed to confer complete legal validity, in terms of the rules of international law, on the transfer of sovereignty over Sabah by Great Britain to the Federation of Malaya. No other State had any right to question the undoubted right of the United Kingdom to do what it liked with the Territory over which it had exercised effective occupation, administration and sovereignty continuously for eighty-four years, in the full gaze and acceptance of the entire world, including the States from and through which the Republic of the Philippines obtained its own sovereignty. However, having regard to the obligations that Great Britain had undertaken under the Charter of the United Nations with regard to North Borneo as one of its colonial possessions, it was agreed between the Governments of Great Britain and the Federation of Malaya that the legal transfer should be supported by and should accord with the wishes of the people of the colony.

214. The Cobbold Commission arrived on the Territory in the third week of February 1962, and after meeting with the members of the public and its leaders at fifteen different centres, and after listening to hundreds of groups and individuals and studying nearly a thousand letters and memoranda presented to it, on 21 June 1962, the Commission came to the conclusion that at least 80 per cent of the peoples of Sarawak and North Borneo strongly favoured an early realization of Malaysia.

215. Pursuant to the recommendations of the Commission, the two Governments issued a joint statement on 1 August 1962 by which the establishment in principle of a Federation of Malaysia as on 31 August 1963 was agreed upon. On 13 September 1962 the Legislative Council of North Borneo debated and approved this decision. The Legislative Council as then constituted had a non-official majority.

216. There followed the establishment of an Inter-Governmental Committee, under the Chairmanship of Lord Lansdowne, concerned with an examination in detail of the terms and conditions and safeguards required by the people of North Borneo. This Committee reported on 27 February 1963. Its report was also debated and approved by the Legislative Council of North Borneo on 13 March 1963.

217. Representatives of all the Governments and legislatures involved, including those of the colony of North Borneo, met in London on 9 July 1963 and signed a formal agreement setting forth the detailed arrangements for the entry of North Borneo into Malaysia. To this formal agreement was annexed a written Constitution for Sabah.

This agreement in turn was debated in the Legislative Council of North Borneo at its meeting on 8 August 1963, and the Council reaffirmed its previous decision that Sabah should attain independence by joining Malaysia on 31 August 1963.

218. It is important to note that by then a vital change had taken place in the complexion and character of the Legislative Council. Elections on the basis of universal adult suffrage had been held by 12 July 1963; the old Legislative Council disappeared and by 16 July 1963 elections to a fully elected Legislative Council through an electoral college composed of elected members of the local authorities were completed. The new elected Legislative Council had been summoned for its first meeting on 25 September 1963 under the new Constitution approved in London. The Council so elected consisted of eighteen members, all of whom belonged to the Sabah Alliance Party and all of whom had been elected on a platform pledged to support Malaysia. Before the end of August, preceding the first meeting of the Council, the Governor, after consultations with the leaders of political parties, had instituted a cabinet system of government with a chief minister and six other ministers responsible to the Legislature.

219. I have been at some pains to tell the story of Sabah's attainment of political independence by casting off its colonial status and joining Malaysia as a constituent state, so that the factual position may be accurately known and remain on the record of this Assembly. Everything happened in public, by popular approval and after public debate. Having regard to the ingenious lines of attack that have since been developed by interested parties, it is but right that representatives here appreciate that it is not as if something had come about by sleight-of-hand.

220. At this stage it is interesting to ask what the Philippines was doing all along. The Philippines had become an independent State on 4 July 1946. It was not living on the other side of the world, insulated by excusable ignorance from awareness of contemporary events into an impregnable indifference. It is our close neighbour, and it has a very vigilant Press—prone, perhaps, to be too imaginative to retain even a distant vision of reality, but not too fanciful to disregard the events that were happening at the very doorstep of the Philippines.

221. I should like, if I may, to throw the spotlight on current events which tend to be ignored in the turgid flood of ancient history. During the very first session of the United Nations General Assembly in 1946, by adopting resolution 66 (I) the General Assembly requested the annual transmission of information to the Secretary-General on Non-Self-Governing Territories, under Article 73 e of the Charter. The Government of the United Kingdom has been periodically and punctually submitting information on North Borneo to the United Nations. Not only did the Philippines vote in favour of that resolution, but it also got itself elected to the Special Committee appointed to examine the summaries of this annual information required to be prepared by the Secretary-General and put before the Committee. This occurred every year from 1947 through 1962. The last of those summaries, which was for the year 1961, contained this paragraph:

<sup>13</sup> *Ibid.*, p. VI.

"Following the issue of a Joint Statement by the Prime Ministers of Great Britain and the Federation of Malaya in November 1961, declaring that the creation of a Federation of Malaysia was a desirable aim, a Commission was established to ascertain the views of the people of British Borneo on the merger."<sup>14</sup>

222. Not until December 1962, after sixteen long years, did the Philippines, by no means excusably ignorant of what was happening, make what it called a reservation in regard to North Borneo.

223. If one recalls that a Sultan of Sulu is now claimed by the Government of the Philippines to have come into existence in 1950, and to have been recognized by that Government; that by a proclamation of 1957 he had terminated the "lease"—which, according to the Republic of the Philippines, was all that the British had had or could ever have had with respect to North Borneo—thereby restituting to himself all the lands covered by the said lease, it is, to say the least, passing strange that the Philippine Government kept its peace until 1962, or more significantly, until after it had acquired from an alleged Sultan and his heirs, by separate documents, an alleged cession of North Borneo—documents which did not see the light of day until earlier this year, 1968.

224. By a rare and significant coincidence, the first of the two documents, relying on which the Philippine Government told us in Bangkok that it was claiming sovereignty over Sabah, had the same date as the resolution of the House of Representatives of the Philippines, that is 24 April 1962, by which the House asserted the claim was "legal and valid" and called upon the President

"... to take the necessary steps consistent with International Law and procedure for the recovery of a certain portion of the Island of Borneo and adjacent islands which appertain to the Philippines."<sup>15</sup>

And in due course, the formal claim was presented to Great Britain through its Ambassador in Manila, on 22 June 1962,

"... after the completion of studies undertaken by the Philippine Government."

225. Then followed correspondence between the two Governments which ultimately led to the Anglo-Philippine talks in London during the closing days of January and the first day of February 1963. The result of those talks is best summarized in the words of the communiqué of 1 February 1963:

"The Philippine Delegation made a detailed statement of their Government's claim to parts of North Borneo and the British Delegation explained why this claim could not be accepted by Her Majesty's Government."<sup>16</sup>

Yesterday the Foreign Secretary asserted from this rostrum that during these talks

<sup>14</sup> Non-Self-Governing Territories, Summaries of information transmitted to the Secretary-General for 1961. Asian Territories (ST/TRI/B.1962/2), p. 37.

<sup>15</sup> See Republic of the Philippines, *Laws and Resolutions approved during the first session of the Fifth Congress of the Republic of the Philippines in 1962* (Manila, Bureau of Printing, 1962), resolution No. 7.

<sup>16</sup> *Philippine Claim to North Borneo (Sabah)* (Manila, Bureau of Printing, 1968), vol. II, p. 90.

"... the British Government conceded that the Agreement of 22 January 1878 is a factor to be considered in the North Borneo dispute, but this is not the only factor."

226. I am unable to discover any statement to that effect anywhere in the Philippine Government's two-volume publication relating to its claim and the Foreign Secretary is indeed aware that I have studied that publication with greater care than did those who compiled it.

227. Two facts deserve emphasis at this stage. First, though several aspects of the relations between the two Governments in the context of the security and stability of South-East Asia were considered during those talks, the Philippine delegation put in the forefront of its presentation a claim to North Borneo, emphasizing the legal aspects of that claim. In a note to the British Embassy in Manila of 21 August 1963, it was claimed by the then Foreign Secretary of the Philippines that the fact of a legal committee having been set up during the talks and of its report having been adopted and referred to in the final communiqué gave the dispute "the status of an important question of international law". This was repeated in an aide-mémoire to the Malaysian Consulate in the Philippines on 31 August 1964.

228. So that even by January 1963, in spite of its own clear and precise attitude as to the nature of the claim, the Government of the Philippines appears never at that time to have thought of taking the matter to the International Court of Justice, though it now insists this is the only recourse open to it, and the compulsory jurisdiction of the Court had been accepted both by itself and by the British Government.

229. Secondly, for purposes of its own, the Philippine Government chose to turn a blind eye to the political developments that were contemporaneously taking place in Sabah, notwithstanding its protestation of being "staunch adherents of the principle of self-determination". However, in view of the inexorable and irreversible march of events towards the consummation of Malaysia, the Philippine Government, in conjunction with the Government of Indonesia, began to take initiatives towards convening a summit meeting in Manila of the Heads of State of Indonesia and the Philippines and the Head of the Government of the Federation of Malaya. This summit meeting, held in Manila from 30 July to 5 August 1963, was preceded by a conference of the Foreign Ministers of the three States, from 7 to 11 June 1963. They drew up the famous Manila Accord of 11 June, which was approved and accepted by the summit on 31 July 1963 and it was to this the Foreign Secretary referred yesterday.

230. By the joint statement that emerged from that summit, the three Heads of State and Government prescribed in precise terms the machinery by which the wishes of the people should be ascertained. Paragraph 4 of that joint statement spelled it out as follows:

"Pursuant to paragraphs 10 and 11 of the Manila Accord the United Nations Secretary-General or his representative should ascertain prior to the establishment of the Federation [of Malaysia], the wishes of the people of Sabah ... and Sarawak within the context of General

Assembly resolution 1541 (XV), Principle 9 of the Annex, by a fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in Principle 9 taking into consideration . . .”<sup>17</sup>

the matters which were then listed.

231. Finally it should be remembered that eight weeks had passed since the acceptance of the Manila Accord, when the parties agreed on the particular peaceful means of solution, that is to say, of inviting the Secretary-General to undertake the task of ascertainment. He was not being asked to do that for his own information or as a United Nations exercise. He was invited to do so by the three Heads of State and Government for a political purpose. The invitation was sent and the Secretary-General accepted the assignment on the plainest understanding that:

“... neither the Report of my Representative nor my conclusions would be subject in any way to ratification or confirmation by any of the Governments concerned.”<sup>18</sup>

232. It is a thousand pities that Philippine presidents and politicians have persisted in misreading paragraph 12, as having given them five separate options to bring the claim to a just and expeditious solution, with liberty for them, and at their choice, to exhaust all the options, seriatim, one after the other. The Manila documents speak for themselves and do not need an interpretive gloss, each different from the other as occasion demands.

233. I should like, however, to recall to my Filipino friends that there is another paragraph to that statement—paragraph 13 of that self-same Manila Accord to which their President and Foreign Secretary had put their signatures, which contains this solemn undertaking:

“In particular, considering the close historical ties between the peoples of the Philippines and North Borneo as well as their geographical propinquity, the Ministers agreed that in the event of North Borneo joining the proposed Federation of Malaysia the Government of the latter and the Government of the Philippines should maintain and promote the harmony and the friendly relations subsisting in their region to ensure the security and stability of the area.”<sup>19</sup>

234. It is only necessary to complete this story by saying that the Secretary-General’s ascertainment was completed and he gave his conclusions in these words:

“Bearing in mind the fundamental agreement of the three participating Governments in the Manila meetings, and the statement by the Republic of Indonesia and the Republic of the Philippines that they would welcome the formation of Malaysia provided that the support of the people of the territories was ascertained by me and that, in my opinion, complete compliance with the principle of self-determination within the requirements of General

Assembly resolution 1541 (XV), Principle IX of the Annex, was ensured, my conclusion, based on the findings of the Mission, is that on both of these counts there is no doubt about the wishes of a sizable majority of the peoples of these territories to join in the Federation of Malaysia.”<sup>20</sup>

235. Pausing there, one is tempted to ask now that the event referred to in paragraph 13 has taken place: what has the Philippines done to discharge its obligations under paragraph 13 of the Manila Accord? This narrative would be incomplete without the statement that this conclusion and this report—later known as the Michelmores report—were, as far as I know and believe, never published in the Philippines. The sole criticism that I have heard that the Philippines has made of that report is that the British Government, having agreed to receive “observers” during the ascertainment process, put unnecessary obstacles in the way of their functioning and that the Philippine observers were only able to “observe” the second half of the ascertainment process. As to this charge let me just read to the Assembly what the report itself records:

“Summary records were prepared for all meetings and sound recordings were also made for all meetings. . . . In Sabah (North Borneo), copies of the tape recordings were requested by the observers and provided to them.”<sup>21</sup>

236. To resume the narrative, I must mention that both the Philippines and Indonesia broke off diplomatic relations with Malaysia, because the result of the Michelmores report and the Secretary-General’s conclusions thereon did not give them what presumably they expected to get, something which they had never had any justification to expect or excuse to hope for, if they had had the slightest political sensitivity to the prevailing winds either in Sabah or in Sarawak.

237. To conclude this story of self-determination: By the end of 1966, new electoral rolls had been prepared by the Elections Commission and in contrast to the two-tier system prevailing in 1962 direct elections to a new Legislative Assembly of thirty-two members were held in Sabah in April 1967. Those elections were specifically undertaken—by agreement with Indonesia—as an opportunity given to the people of Sabah to reconsider or to reaffirm their continued desire to remain as part of Malaysia. Along with several other States in the region—India, Indonesia, Ceylon and Japan—the Malaysian Government invited the Philippine Government also to send its own observers to watch the conduct of the elections. Alone among the States invited, the Philippines declined to respond to that invitation. In the final result the platform of thirty-one of the thirty-two members elected contained an explicit rejection of the Philippine claim. The lone remaining member also supported Sabah’s remaining in Malaysia. Here again, and not for the first time, the Foreign Secretary of the Philippines slipped yesterday into the error of not only misstating the facts but facilely drawing the wrong conclusions.

<sup>17</sup> United Nations, *Treaty Series*, vol. 550 (1965), No. 8029, p. 356.

<sup>18</sup> United Nations Malaysia Mission: report to the Secretary-General, para. 2.

<sup>19</sup> United Nations, *Treaty Series*, vol. 550 (1965), No. 8029, p. 348.

<sup>20</sup> United Nations Malaysia Mission: report to the Secretary-General, “Final Conclusions of the Secretary-General”, p. 6.

<sup>21</sup> United Nations Malaysia Mission: report to the Secretary-General, pp. 8 and 9.



238. It is sufficient to say, without indulging in harsh language, that in the face of this unambiguous affirmation of the will of the people of Sabah once, twice and a third time, the Philippine persistence in pursuing its claim on some tenuous, academic, almost aseptic theoretical, legal basis is difficult to understand.

239. I have already referred to the pious sentiments of self-determination that the then President of the Philippines expressed when the first salvoes to the claim were opened. It is equally pertinent to add that on the very eve of the announcement of the Secretary-General's conclusions the then Foreign Secretary of the Philippines stated:

"Because of consistent Philippine support of the principle of self-determination, the sovereignty claim would have to be abandoned should the United Nations survey reveal that North Borneans wanted to join Malaysia".

This laudable sentiment was echoed by the then Under-Secretary for Foreign Affairs of the Philippines in another public statement:

"The Philippines was morally obliged to recognize Malaysia if U Thant approved".

240. But as the events showed, both those pious declarations were lost in the desert air of international politics, the demands of domestic politics having taken over the problem. This problem had therefore to be kept alive by artificial respiration. The velvet glove of diplomacy came off the hands.

241. I have done. If the Philippine Government and its people continue to have regard for their own Constitution, even if their politicians and legislators may have forgotten the United Nations Charter, may I remind them that, according to their own Constitution, sovereignty rests with the people. Article II of the Philippine Constitution, which is entitled "Declaration of Principles", states this in section 1:

"The Philippines is a republican State. Sovereignty resides in the people, and all Government authority emanates from them."

242. But I am acutely aware that, having lost out to Sabah and Malaysia on that demand for self-determination—I trust I am right in assuming that to the Government of the Philippines self-determination for Sabah does not mean determination by the Philippines—the pressure has since been mounting, to "elevate the matter to the World Court" as the only logical and appropriate solution to the problem. That was repeated in this Assembly in December 1964 and repeated again yesterday.

243. Whatever the Philippine motivations that drove that Government to take that singular position, after all the exercises in the ascertainment of the wishes of the people of Sabah—at least one of which, as I pointed out, had been undertaken at its own specific request—the charge persists that Malaysia should be, but is not, willing to leave the matter to the adjudication of the International Court of Justice. The charge that a person refuses a judicial determination is something which on the surface clothes the one making the charge with an easy respectability, and throws over the person against whom the charge is made an

inevitable shadow of unreasonableness. This has been exploited to the fullest.

244. We noted yesterday that the Foreign Secretary of the Philippines remarked that Britain and Malaysia cannot justify their refusal to go to court on the ground that they consider our claim to be without merit, and added these wise words:

"Common sense dictates that they would be more ready to go to court if they considered the Philippine case to be weak than if they considered it to be strong."  
[1696th meeting, para. 59.]

He sought support for that attitude by relying on editorial remarks made by *The Times* of London and *The New York Times*. With regard to the former I need only say that the art of inaccurate quotation of passages torn out of context has lent itself to ready and inept use by the Philippines in the pursuit of its claim to Sabah.

245. I seek the indulgence of representatives in reading some portions of the editorial to which he referred. This is how it begins:

"The Philippines Government is not raising its international standing by the way it is behaving over Sabah."

And it goes on to refer to the bill:

"When the Bill was first introduced earlier this month in Manila, a Government spokesman said it was merely intended to correct national boundaries; it was not meant to be provocative. On the face of this, this seems an absurd observation; and most of the Manila newspapers have treated the bill as a foolish gesture."

And it goes on:

"For one thing, there is evidence of guerillas being trained in the southern Philippines. This conflicts with President Marcos's protestation that he will only pursue the Philippine claim to Sabah by peaceful means."

And that was sanctimoniously repeated here yesterday. I go on:

"Moreover, since the islands of the Sulu Archipelago run up as close to twenty miles or so of the Sabah coastline there is plenty of scope for the traditional piracy and smuggling of these waters to take on a political tinge."

And referring to this particular passage:

"Of course the Filipinos can make out some case. The legal backing of Sabah's status is nowhere impeccable. But Malaysia's case is much the stronger, and it is the natural as well as legal inheritor of ninety years of British administration of Sabah."

246. As regards the sage advice of *The New York Times* which was quoted to us yesterday, I need only add, with all apologies to Homer in his grave, who may not relish the comparison, that even Homer nods.

247. What has been called on high authority "the seductive analogy of domestic jurisdiction" bedevils the thinking of even those who are supposed to guide and channel public opinion, and creates a psychological barrier in the understanding of the jurisdiction of an international tribunal such

as the International Court of Justice. The basis—the entire basis—of the international jurisdiction over States is consensual: their own voluntary consent to submit to it; whereas the basis—the exclusive basis—of the former is compulsion against one's consent, the sanction for which is the exercise of sovereignty by the State within its jurisdiction. Within a domestic jurisdiction the infringement of any right can be challenged by threatening the person who commits the infringement with being taken to court. No such jurisdiction belongs to or has been conferred upon the International Court of Justice, and the General Assembly of the United Nations, of which the International Court of Justice is declared to be the principal judicial organ, is not an international legislature.

248. There are, apart from treaty obligations, only two well-known ways by which the International Court of Justice can assume jurisdiction over a State: either by reason of that State's having deposited a declaration with the Secretary-General accepting the compulsory jurisdiction of the Court, or by its entering into a special agreement with the other State. In the former, jurisdiction is conferred on the Court in advance of any dispute arising; in the latter it is specifically conferred *ad hoc* for the particular dispute, after a bilateral process of diplomatic negotiation.

249. Malaysia has not accepted the compulsory jurisdiction of the International Court, but Malaysia was ready and willing to understand and be persuaded by the Philippines that, notwithstanding everything that had happened at the time of the Cobbold Commission in 1962, and at the time of the Secretary-General's ascertainment of the wishes of the people in 1963, and, lastly, at the time of the elections of 1967—in spite of all that, by a process of theological refinement, there can still continue to survive a "legal dispute" over the claim capable of adjudication by the International Court of Justice. These talks were recently held in Bangkok, as had been foreshadowed by the joint communiqué of the two Governments in June 1966. Half way through them the Philippine delegation uncereemoniously closed the door on its offer of clarification of the claim, and the talks had to be broken off. Notwithstanding the manner and circumstances in which they were broken off, the Malaysian delegation at the Bangkok talks offered to discuss with its Philippine counterparts any problems of regional security and co-operation which they may have had in mind and which, according to President Macapagal, launched them on this quest. But that was declined.

250. Before I conclude, I should like to refer briefly to a few other matters to which the Foreign Secretary alluded yesterday. First he referred to the talks in Bangkok, where, according to him, we, having agreed to discuss modes of settlement at the meeting set for 15 July, on that date rejected the claim; and he said that at the next day's meeting the Malaysians stalked out of the room. I have already stated what happened in Bangkok and how and why the talks failed. I need only remind the Foreign Secretary of the Philippines that I was at the talks and he was not.

251. Next he referred to the law "allegedly", as he said, annexing Sabah, and tried to explain it away. Let me try to put the matter in proper perspective. What he referred to as

Republic Act No. 3046 was enacted in 1961, and did not include or reserve any Philippine rights over Sabah. This was referred to by us in Bangkok in the course of seeking clarifications.

252. We have the public statement of Senator Tolentino himself, whose name is attached to this law, as to what prompted him to amend the earlier Law. The "Explanatory Note" to the Amending Bill sounded innocuous enough and stated the reason for amendment as "typographical errors since discovered in the Law and sought to be corrected by the Bill." Tucked away as a part of the Bill was Section 2, which stated:

"The definition of the baselines of the territorial sea of the Philippines as provided in this Act shall be without prejudice to any future delineation that may have to be made by virtue of the acquisition by the Philippines of Sovereignty over the territory known as Sabah situated in North Borneo."

253. It passed the Senate in that form. Left in that condition it might be legitimately described by the Foreign Secretary as referring only to future delineations which would be made should the Philippines recover Sabah. When it went to the House of Representatives two amendments were introduced to which I will refer as the Barbero amendment and the San Juan amendment. Both of them sought to "include Sabah, North Borneo within the Territorial limits of the Republic of Philippines". In consequence the Senate Bill went before a conference Committee of both Houses.

254. As it emerged from that Committee and later passed the Senate and the House of Representatives Section 2 had been transformed:

"The definition of the baselines of the Territorial Sea of the Philippine Archipelago as provided in this Act is without prejudice to the delineation of the baselines of the territorial sea around the territory of Sabah situated in North Borneo over which the Republic of the Philippines has acquired dominion and sovereignty."

255. Surely even the most fervent apologist of the Philippine position cannot contend, and should not be allowed to get away with, the explanation we were treated to yesterday, that what was spoken of by Section 2 was future delineation and that the international press was playing up the passage of a Philippine statute. The vital difference between the Senate version and the final version is the difference between "wishing" and "having". What had been "a claim to territory" is now part of the Republic of the Philippines, even though on paper. It is idle to suggest that no change indeed took place.

256. A criticism more to the point may well be that Article I of the Philippine Constitution describes the Territory of the Philippines exclusively and contains what constitutional lawyers call a prospective clause enabling it to acquire territory even on paper, without prior amendment of the Constitution and this has not yet taken place.

257. Another matter to which I should like to refer is the elaboration by the Foreign Secretary of the Sulu document of 1878—I use a neutral phrase neither calling it a lease nor

cession which Filipino lawyers—and there are many—have too readily and just as erroneously assumed is the very foundation of the British title to the Territory and therefore of Malaysia. I should like to say again categorically here, as we said in Bangkok, that it is not.

258. In so far as any title to territory as such in North Borneo was obtained by Messrs. Dent and Overbeck, that was derived clearly and without a doubt from four grants made by the Sultan of Brunei and his Minister three weeks prior to the execution of the Sulu document. The Sultanate of Brunei was at its zenith in the fifteenth and sixteenth centuries and held sovereignty over the whole of the island of Borneo, which, after cessions to various European Powers and European adventurers, diminished as much in importance as in area, leaving it with what it has now—a tiny bit in the second largest island in the world. Those four grants cover the entire territory of modern Sabah. Indeed we denied that the Sultan of Sulu had any sovereignty to convey and at the very furthest what he conveyed were his rights and powers on the northeastern coastal area. That was supported by the translation of the document by Professor Conklin which is the sheet anchor of the Philippine claim.

259. Another misunderstanding that the Philippine Government continues to propagate is that the British “conceded”, the word used by the Foreign Secretary yesterday, that it was a factor supporting their title. But the principal basis of the claim to territorial sovereignty which the British put forward in England during the talks in London was the fact of continuous occupation, administration and exercise of sovereignty, which by itself in international law is sufficient as a good title.

260. It is only necessary to add that Article I of the Philippine Constitution to which I have referred defines the territory of the Philippines as including:

“... all the islands embraced ... in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty.”

261. The Boundary Convention<sup>22</sup> signed in Washington on that date refers to North Borneo more than once as “the State of North Borneo, which is under British protection”. At the very least, I venture to suggest that it is a trifle too late in the day for the Philippines as a successor State to the United States to have and exercise sovereignty over certain islands and at the same time deny the existence of the State of North Borneo at all material times. One cannot eat one’s cake and have it.

262. I do not wish to pick up every detail of the Foreign Secretary’s presentation of the Philippine case and controvert and answer each of them. But I would like him and the representatives here to know that such answers exist and, having regard to the circumstances of this my statement by way of reply, I do not wish to abuse that privilege. Therefore, I conclude that both in fact and in law the Philippine claim to Sabah does not exist, is unsustainable and is, as I said yesterday, a composite of fantasy, fallacy and fiction.

<sup>22</sup> Convention between the United Kingdom and the United States of America regarding the Boundary between the Philippines Archipelago and North Borneo, Washington, 2 January 1930.

263. I apologize for the length of this reply. But the fact that the self-determination of the peoples of Sabah was alone the affirmation of their desire to join Malaysia and their continued wish, reaffirmed more recently, to stay in and with Malaysia is not, as may be thought, an ingenious excuse, but is a complete legal, political and indeed moral justification for the firm attitude that the Malaysian Government has taken towards the Philippine claim.

264. My Government cannot and cannot be expected to shirk its obligations to the people of Sabah. Let me repeat: Sabah is not a piece of uninhabited real estate in Antarctica whose fate can be disposed of by solving legal conundrums that one could conceivably contrive to think up based on irrelevant documentation. It involves the destiny of nearly 700,000 people and with the full consciousness that that destiny is theirs to decide, they have chosen for themselves a future of independence and integrity by joining Malaysia. And, may I add, they will continue to stay there as long as it is their wish to do so, according to their own untrammelled judgment, whatever the legalistic views and even moral convictions of a friendly neighbour.

265. The PRESIDENT: I call on the representative of Afghanistan, who wishes to speak in exercise of his right of reply.

266. Mr. SIDDIQ (Afghanistan): I shall be very brief. The representative of Pakistan has once again spoken on the issue of Pakhtunistan, an issue between the people of Pakhtunistan and the Government of Pakistan. Since Afghanistan supports the cause of the people of Pakhtunistan and since the statement of the representative of Pakistan referred to the statement of the representative of Afghanistan, I should like, on behalf of the Afghan delegation, to reserve our right to reply to the statement just made by the representative of Pakistan at the next meeting of the General Assembly in order to set the record straight on facts and points that have been distorted by him.

267. The PRESIDENT: I call on the representative of Malawi, who wishes to speak in exercise of his right of reply.

268. Mr. NYASULU (Malawi): I should like to point out a misunderstanding stemming from what the representative of Algeria said this morning [1697th meeting] when he exercised his right of reply to my statement.

269. In the first place, Malawi is in a better position to understand the colonial problems in Africa in general, and particularly in southern Africa, because of its geographical position. Malawi, as an African country, is not unaware of the colonial problems which exist on its borders. Malawi not only hates colonialism but would like to see an end put to any practice which does not encourage the spirit of peaceful coexistence of States, whether in Africa or elsewhere. Malawi is not a spokesman of any country, because it speaks to point out irregularities which should not be masked under the pretext that they have nothing to do with colonialism.

270. The statement by the representative of Algeria does not answer the questions. The fact that Malawi did not

enter into colonial problems does not alter the facts which I pointed out in my statement this morning.

271. Malawi is truly a sovereign State whose independence cannot be doubted by any country. To show its independence Malawi is not afraid to take its own independent line in dealing with international issues. Let us not do things just to please others. We must be realistic and see problems as they are in order to find the right solutions. As regards the problems of colonialism, Malawi reserves its right to speak on those issues at the appropriate moment of the current session.

272. The PRESIDENT: I call on the representative of the Philippines, who wishes to exercise his right of reply.

273. Mr. JIMENEZ (Philippines): The Secretary of Foreign Affairs of the Philippines has given a dispassionate statement of the legal and historical basis of the Philippine claim to Sabah (North Borneo) [1696th meeting]. The distinguished representative of Malaysia has taken exception to the Philippine statement, and his long statement tonight has not correctly reflected the facts of the dispute.

274. Yesterday the Malaysian representative chose to describe the Philippine attitude in relation to Sabah as "a mixture compounded of fantasy, fallacy and fiction", and he repeated that tonight. If Malaysia believes that our claim is fantastic, fallacious or fictional, then why does the Malaysian Government refuse to have the matter brought to the International Court of Justice? Let it not be said that Malaysia is afraid of fantasy, fallacy and fiction.

275. The mystery is why the Malaysian Government first agreed to discuss the modes of settlement of the Philippine claim and now refuses to do so. The enigma is why a country which is committed to the rule of law has gone back on its word and commitment. The riddle is why Malaysia, if it is convinced that the Philippines has a weak case, is afraid to have an impartial judicial body pass upon that case.

276. Since Malaysia undoubtedly shares our firm belief in the rule of law and in peace through law we reiterate our cordial invitation to our Malaysian friends and neighbours to go with us to the International Court of Justice. We should not allow this dispute to fester and poison our relations. We invite Malaysia to go to the Hague and there seek a permanent healing of our differences.

277. In view of the lateness of the hour, we reserve our right to reply further to the statement made by the representative of Malaysia.

278. The PRESIDENT: I call on the representative of the United Kingdom, who wishes to speak in exercise of his right of reply.

279. Mr. HILDYARD (United Kingdom): In his statement this morning [1697th meeting] the Foreign Minister of Spain referred at considerable length to the question of Gibraltar. I do not wish to enter into a prolonged discussion of this question during the general debate, but I feel obliged to reply to some of his assertions.

280. The Foreign Minister of Spain referred to resolution 2353 (XXII) and the position of my Government that under Article 73 of the Charter the interests of the inhabitants of Non-Self-Governing Territories must be regarded as paramount. The people of Gibraltar have made it abundantly clear where they believe their interests lie. My Government, for its part, has also made it clear that if the people of Gibraltar express, by a free and democratic choice at any future time, the desire to modify their status by joining with Spain, my Government will be ready to approach the Spanish Government accordingly.

281. The Foreign Minister of Spain appeared to agree with the importance that my Government attaches to the human element. At the same time, however, he appeared to argue that the true inhabitants of Gibraltar are not those who actually live on the Rock and are descended from people who have lived there for very many years, but the residents of adjacent territories. I find this a strange argument. Gibraltar, after all, has now had an existence separate from Spain for over 250 years. The fact is that, contrary to its professions, the Spanish Government has been following a policy of increasing harassment and restrictions on frontier movements which is directed against the economy of Gibraltar and the livelihood of its inhabitants.

282. The United Kingdom Government looks forward to the time when the Government of Spain will realize that its policy of pressure is misguided and that the road to a satisfactory settlement is not to be found in efforts to harass the people of Gibraltar. If and when this happens, there could be a real prospect for constructive talks, for which the United Kingdom Government remains ready.

283. The PRESIDENT: The representative of Pakistan wishes to exercise his right of reply and I now call on him.

284. Mr. YUNUS (Pakistan): The representative of Afghanistan has just stated that he will speak at the next meeting of the General Assembly in exercise of his right of reply. In this regard my delegation would like to point out that it was the delegation of Afghanistan which started the controversy. It is not fair that one should start a controversy and then insist on having the last word. We do not, therefore, understand what is meant by such an exercise of the right of reply. If the representative of Afghanistan speaks again, he will be doing so for the fourth time, and it will be the delegation of Pakistan which will have the right of reply.

285. The PRESIDENT: I call on the representative of Spain in exercise of his right of reply.

286. Mr. de PINIES (Spain) (*translated from Spanish*): In exercising the right of reply, the representative of the United Kingdom referred to the obligations which Article 73 of the Charter imposes on all Member States. He appears, however, to be reading only part of Article 73, and, in stressing that the interests of the population are paramount, to be overlooking the fact that the Article refers to peoples who are indigenous to a Territory, since sub-paragraph *a* requires that due respect for the culture of the peoples and for their political, economic, social and educational advancement shall be ensured.



287. Apart from the fact that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Fourth Committee and the General Assembly have clearly decided that the inhabitants of Gibraltar do not constitute a people called upon to exercise the right of self-determination and thereby decide upon the future of the Territory, I wonder, in the light of Article 73 of the Charter, whether the representative of the United Kingdom could point to one single way in which the culture of the inhabitants of Gibraltar differs from his own. I also wonder how it is possible to identify in Gibraltar a people which differs from the British, when in the entire social structure of the population there is not a single factor which distinguishes it as a separate entity from the British people. A study of political institutions which have been set up for the inhabitants shows the artificiality of the whole system, for although they may appear to be democratic, a close scrutiny will reveal that, as all the essential powers are reserved for the British Military Governor of the base, the institutions are no more than a decorative shell.

288. Moreover, a study of the economic structure of the colony shows that the Territory, which has neither agriculture nor industry, relies economically on the activities of the British military centres installed at the base and on the re-export trade, which is favoured by some rather peculiar legislation.

289. If we now consider the cultural and educational life of Gibraltar in the light of Article 73, we shall see once again that the colony is to all intents and purposes an English town in which, however, there is not a single institute of higher education and which has never produced the slightest piece of artistic or literary work of its own. The slogan used in the referendum by Her Britannic Majesty's loyal subjects was quite simple and stated: "British we are and British we stay"—an open acknowledgement of the fact that they were not a colonized people but a group of settlers in a colony on foreign soil.

290. Article 73 was established to protect colonized peoples, and not to perpetuate, through a group of settlers, the colonial phenomenon itself. Furthermore, Article 73 imposes the obligation "to further international peace and security", whereas the United Kingdom's abusive use of its military installations in Gibraltar, the aggressive expansionism which the colony is now endeavouring to exert over Spanish territory in an attempt to annex a region of the isthmus which was never ceded by any treaty and to extend the waters of the military port at the cost of the waters of the beaches of the Spanish bay and the attempt to assert its right of passage in my country's air space, to the great peril of the inhabitants of the zone, are not only not conducive to promoting peace but might even constitute a threat to it in any unfortunate incident.

291. It is not legitimate to claim, by a clever distortion of the facts, that an act of usurpation, which resulted in the establishment of a colony, should now be perpetuated for the benefit of the usurpers.

292. The inhabitants of Gibraltar have much the same relationship to the Territory as have the American Marines to Guantanamo or the military forces stationed there to

Holy Loch, or the "Zonians" living in the strip of territory bordering the Canal to Panama. In the future, will the interests of these thousands of people, however worthy of respect they may be, prevail over the territorial integrity of Cuba, the United Kingdom or Panama?

293. The representative of the United Kingdom has referred to the measures my Government is adopting with regard to the situation created in Spanish territory by the existence of a colony in Gibraltar. The representative of the United Kingdom regards these measures as "harassment", directed against the British inhabitants of the base, but he does not take into consideration the fact that, in the face of colonialist expansionism, the only peaceful path open to my Government, since the United Kingdom has broken off all negotiations, is to withdraw a few facilities which we are in no way obliged to maintain or to exercise a few rights which nobody can dispute.

294. Let us see what these measures consist of. The fortress of Gibraltar was ceded by a Treaty which was forced on Spain; but, even so, the Treaty provided that the fortress would have no land link with the rest of Spanish territory. That was the situation for more than a hundred years. Then, by a unilateral act of Spanish generosity and not by virtue of any pact, the transit of persons was simplified in order to make life easier for the inhabitants of Gibraltar. Nevertheless, recently, in 1966, the United Kingdom tried to annex a part of the isthmus joining Gibraltar to the rest of Spain, and my Government, in order that there might be no doubt about its sovereignty, was obliged once again to close off this passage which led precisely through the zone which the United Kingdom wishes to annex, thus reverting to the original situation provided in the Treaty.

295. This measure obviously caused some inconvenience to the inhabitants of Gibraltar. But, apart from the fact that we are not to blame, as I have just explained, my Government has offered those inhabitants a special pass so that they may continue to enter Spain through the same zone. We are not responsible for the fact that freedom has such an extraordinary meaning in Gibraltar that the lives of people who applied for these passes have been threatened in the colony or that, in certain cases, they have been beaten up by other extremist British citizens. We should like to say, in passing, that no Gibraltarian has ever been badly treated in Spain.

296. With respect to sea links—which we are in no way obliged to keep open—we have given Spanish workers entering Gibraltar to work preference over British citizens, civilian or military, from the town who come to Spain as tourists. This preference, which was established for humanitarian and labour reasons, together with stricter customs supervision, which is always necessary in this zone, may cause these tourists some inconvenience, and we are the first to regret it. But I would point out to the representative of the United Kingdom that if the Spanish workers were allowed to spend the night in Gibraltar there would be no reason for the preference, although in that case, of course, the fortress of Gibraltar would have to live side by side with its working population and it would not be so easy to organize referendums in which, as I said before, there is only one slogan: "British we are and British we stay". Or

perhaps the representative of the United Kingdom would say that the Spanish workers should stop entering Gibraltar in order to avoid the daily referendum that their inevitable presence in the plaza and their unquestionable Spanishness would imply.

297. Perhaps when he was speaking of harassment the United Kingdom representative had in mind the difficulties the Royal Air Force or commercial British aircraft appear to encounter when they want to land on the colony's military runway. If that is the case, I am extremely sorry for the commercial aircraft which insist on using a military installation which was unjustly built during the Second World War. The runway was never the subject of negotiations with Spain, nor did Spain agree to it. It is built on the Spanish part of the isthmus which the United Kingdom now wishes to annex, contrary to all law, and it represents an obvious physical threat to the peaceful neighbouring Spanish people, who have already paid with human lives for the existence of a military runway close to their urban areas. For security reasons alone, Spain has been forced to prohibit overflight of its air space—and even the British themselves do not dispute its air space. If that creates any difficulties for Her Britannic Majesty's Royal Air Force or its allies, we are sorry, but every Government has the duty to safeguard the security of its territory and of course the Spanish Government is no exception.

298. Lastly, there are the difficulties with which the inhabitants of Gibraltar might be faced because this military position lacks an adequate port. The fact is that when the fortress was surreptitiously occupied by the United Kingdom, its small port was adequate for the ships of those times. But the number and size of the Royal Navy's ships increased over the years. The British colonialists tried to extend the port and their waters at the same rate, encroaching on the neighbouring Spanish waters, and they went so far as to state in official documents that it was the waters that established sovereignty over the coasts. That theory was designed to deprive the Spanish city of La Línea

de la Concepción of its own beach, where the British have disembarked more than once despite repeated Spanish protests.

299. But since everything, not only the Royal Navy, changes, today the city of La Línea is an important urban centre with a population five times greater than that of Gibraltar and industrial plants of some size. It therefore needs to use its own waters, which lap its coast, and this is why the Spanish State defends and is prepared to protect its jurisdiction over those waters. This deprives the English of their improper use of the convenient anchoring ground for their commercial traffic, the port of Gibraltar itself being occupied by the military installations of the naval base. We are sorry about this matter, too, which impedes the doubtful Gibraltar re-export trade, but we think that the United Kingdom, with its desire to protect the interests of its loyal subjects, could very well dismantle its imperial military installations, which are of little use today except in such instances as the talks with Ian Smith, and thus make room so that the commercial life of Gibraltar need not be so restricted.

300. The really important point here is to recall that there is a resolution—General Assembly resolution 2353 (XXII)—which states that negotiations should be held between the parties concerned. The United Kingdom broke off the negotiations, apparently without leaving any other way open. Until the United Kingdom reconsiders its position, my Government has no alternative but to try to defend its rights systematically.

301. Nevertheless, my delegation confidently hopes that the United Kingdom will modify its obstinate attitude and will start to negotiate with the Spanish Government on the basis of General Assembly resolution 2353 (XXII), which sets forth the decision of this Organization.

*The meeting rose at 7.50 p.m.*