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Chairman: Mr. Carlet R. AUGUSTE (Haiti).

AGENDA ITEM 68

The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris agreement of 5 September 1946 (A/4395, A/4530; A/SPC/44; A/SPC/L.45 and Corr.1)

1. Mr. KREISKY (Austria) recalled first of all that the Tyrol had been a distinct political entity since 1254, and had constituted an integral part of Austria since 1363. It took its name from a castle situated in the South Tyrol, where its first capital, Meran (Merano), also stood. The Italian-speaking Trentino had likewise belonged to the Austro-Hungarian monarchy. The frontier between the Italian and German languages was clearly marked by the gorge of Salurn (Salorno); a natural dividing line, as was acknowledged by an Italian representative to the Assembly of Frankfurt in 1848, and also by the Italian historian Gaetano Salvemini in 1944. Before Italy's entry into the First World War, Austria, recognizing that that was the natural frontier, had been ready to cede the Trentino to Italy. On 26 April 1915, however, Great Britain, France and Russia had concluded the (secret) Treaty of London under which they promised Italy that if it declared war on its former ally Austria, it would, in the event of an Allied victory, receive all of the Tyrol situated south of the Brenner and certain parts of Dalmatia and Istria. The United States had never been a party to that Agreement.

2. After Italy entered the war against Austria in May 1915, France and the United Kingdom according to the French statesman André Tardieu, had tried to persuade Italy to agree to certain revisions of the (secret) Treaty of London, while President Woodrow Wilson had vehemently protested against Italy's designs, especially with regard to areas that should have belonged to the newly created State of Yugoslavia. Point 9 of President Wilson's Fourteen Points, made public on 8 January 1918, had called for a readjustment of the frontiers of Italy along clearly recognizable lines of nationality.

3. Nevertheless, the Treaty of Peace of Saint-Germain-en-Laye of 1919 decided to grant the so-called "strategic Brenner frontier" to Italy on the pretext that its other territorial claims—along the Adriatic coast and

in the Levant—had been rejected. Austria had, however, previously expressed its readiness to grant Italy military concessions and economic advantages in the South Tyrol.

4. That annexation by force had been a gross violation of the right to self-determination. The mayors of all the South Tyrolean communities had signed a petition strongly protesting against the decision adopted by the 1919 Peace Conference, and the Allied leaders—Woodrow Wilson, David Lloyd George and Georges Clemenceau—had later recognized the injustice which had been done. Within the Italian Parliament itself, forty-eight Socialist deputies had opposed the annexation of the South Tyrol and had voted against the ratification of the 1919 Treaty of Saint-Germain-en-Laye while a former Minister, Bissolati, had stated that the acquisition of that area was contrary to Italy's real interests.

5. From then on matters had gone from bad to worse. King Victor Emmanuel had never made good his promise to grant the South Tyroleans an autonomy statute. On 2 October 1922 Tolomei, the notorious Italian Fascist, had organized a march on Bozen (Bolzano) as a prelude to the March on Rome. Claiming that the people of the South Tyrol, which he had christened Alto Adige, were of Latin stock, he had harassed them mercilessly. In a book published in 1952 Gaetano Salvemini^{1/} admitted that the situation constituted a gross injustice based on a distortion of history. A few examples would suffice to demonstrate the oppressive character of the régime instituted by the Fascists in the South Tyrol: German place-names and family names had been replaced by invented Italian names; Italian had been made the only official language—including the language of the courts; the use of German as the medium of instruction in public and private schools, including kindergartens, and as the medium of religious instruction, had been forbidden; even the inscriptions on tombstones had been replaced by Italian ones (Decree of the Provincial Prefect No. 762 of 16 November 1927).

6. The sufferings of the South Tyrolean people had reached a climax with the establishment of the Mussolini-Hitler Axis. As Nazi Germany had approved Italy's ignominious attack on Ethiopia, Mussolini, forgetting his promise to support Austria, had in turn approved the annexation in 1938 of Austria as the first victim of Nazi expansionism. To strengthen the Axis which was soon to plunge Europe and the world into war, Hitler and Mussolini had signed the German-Italian Agreement on option to be made by German-speaking persons in the South Tyrol of 23 June 1939 which provided for the resettlement, in the German Reich or elsewhere, of the entire South Tyrolean population. Seventy thousand South Tyroleans had thus left their native soil and settled abroad. That had not been

^{1/} Gaetano Salvemini, *Mussolini Diplomatico* (Bari) (1952), p. 439.

in any sense a voluntary decision on their part, however; the South Tyroleans had had no alternative but to submit to the violent campaign of de-nationalization undertaken by Mussolini or to become refugees.

7. Italy might perhaps try to ascribe pan-Germanist motives to Austria for placing the case of the South Tyrol before the General Assembly. Yet it was Mr. Martino who at a meeting of the General Committee, recently had resuscitated a typically pan-Germanist catchword, speaking of a Nordic race. Austria itself had been the first victim of Hitler's pan-Germanism, as the Allied Governments had solemnly affirmed in the Moscow Declaration on General Security of 1943. Moreover, it was absurd to think of Austria, with its seven million inhabitants, harbouring aggressive designs against Italy, which had fifty million.

8. Austria had been confident that after the end of the Second World War its frontiers with Italy would be rectified in accordance with the principle of self-determination. The South Tyroleans had expressed clearly their desire to be reunited with Austria. Furthermore, the eminent signatories to the Italian Manifesto of 1 June 1944, including Randolfo Pacciardi, who later became Deputy Prime Minister, and Arturo Toscanini, had stated that they were convinced that Italy would voluntarily relinquish control over Germanic and Slavic groups forming compact settlements in the extreme north and northeast of the peninsula.

9. The Treaty of Peace with Italy, signed at Paris 10 February 1947, had nevertheless decided otherwise, and again some of the leaders of the victorious Allies, including Mr. Ernest Bevin and Lord Vansittart, had expressed regret at that decision, while Winston Churchill had stated that the South Tyroleans should have had the benefit of the provisions of the Atlantic Charter and subsequently of the United Nations Charter. Winston Churchill had asked why there should not be a fair and free plebiscite under the supervision of the great Powers in that area. It had seemed to him illogical to have one standard of ethnic criteria for Trieste and Venezia Giulia and another for Southern Tyrol.

10. On 5 September 1946, Austria and Italy had concluded the Paris agreement^{2/} concerning the South Tyrol. It should not be forgotten that Austria had been occupied by the four Allied Powers at the time and had not been a fully sovereign State, nor had its Government been a free agent in the true sense of the term. However, a generous and equitable implementation of the Paris agreement might have created conditions in which the South Tyroleans could have administered their own affairs and so settled down to a reasonably secure existence within the Italian State. Italy had not implemented either the spirit or the letter of the Paris agreement. Yet in the forthcoming debate, Italy was proposing to base its case exclusively on that agreement. There was an urgent political problem to be faced. Since the vital interests of a minority group of 250,000 persons were at stake, the problem could not be reduced to a simple matter of legal interpretation, which invariably meant protracted deliberations. For example, in the Austrian Government's opinion the International Court of Justice could not solve the problem of the South Tyrol. Austria was most anxious to reach a solution in keeping with the spirit of the Charter of the United Nations.

^{2/} United Nations, *Treaty Series*, vol. 49 (1950), pp. 184-185.

11. He protested against the attempts that had been made to dismiss the Austrian case as unimportant, and he appealed to the members of the Committee, and especially to the nations which had just become independent. Austria had watched their struggle for freedom with keen interest and had sympathized with their aspirations, and it now urged them not to be indifferent to the fate of a minority which was denied fundamental human rights.

12. Turning to the present situation in the South Tyrol, he recalled the Italian arguments used to show that the Province of Bozen (Bolzano) was thriving. Austria was not asking for economic assistance to the Province; its aim was to enlist support for the political demands of the inhabitants, who were rightly claiming regional administrative and legislative power. There was no question that Italy was a democratic State, and that it had made sincere efforts to rid itself of the heritage of fascism, but the residue of fascist administrative practice had nowhere survived as it had in the South Tyrol. Hardly anything had been done to redress the injustice inflicted on the region by the Fascist régime, which had denied the South Tyrol people any chance of employment in the public service, compelled them to devote themselves to agriculture and forced 70,000 to emigrate, of whom only about 20,000 had been able to return. It all went to show clearly that, even if the South Tyroleans had been given equal rights after the war, with such a handicap they had not the same chances as the Italians.

13. The agreement between Hitler and Mussolini had forced most South Tyroleans to opt for resettlement, and Italy had treated those who had chosen to stay as if they were stateless. It had deprived them of all basic rights of citizenship and even, in some cases, had confiscated their property. Many of the applications for withdrawal of the option had not been acted upon for three years after they had been filed. The "reoplicants" had been promised help in building a new life, but the promise had not been kept. Yet the number of "reoplicants" was insignificant compared with the total population of Italy. Austria, though a small country, had granted asylum to more than a million refugees, provided employment to hundreds of thousands and conferred Austrian citizenship on 400,000 persons.

14. The proportion of Italian people in the South Tyrol—a name which was taboo to the Italians, just as it was during the fascist era, and could not be used in official documents—had risen from three per cent in 1918 to about thirty-three per cent today. However, although the South Tyroleans comprised two thirds of the population, and although both the Paris treaty and an Italian Act of 22 December 1945 guaranteed the full parity as between the German and Italian languages, Italy still insisted on making Italian the only official language.

15. A few other relevant facts might be quoted. The South Tyrol charitable institutions suppressed by the fascists had not been re-established, and their assets were still withheld. Less than seven per cent of State-subsidized housing was inhabited by South Tyroleans. Most fascist civil servants retained their posts or had been re-employed. The situation in regard to the administration of justice was particularly tragic: only thirteen per cent of all positions were held by South Tyroleans. Of fifty-two judges, all but four were Italians. In 1958, all nine medical directors of the

clinics of the City Hospital of Bozen (Bolzano), the largest in the South Tyrol, had been Italians, and the same had been true of the fifty-seven nurses, of whom only one spoke German; while eighteen of the other twenty-three doctors had been Italians. Of the 7,800 persons employed in the public and semi-public services in the South Tyrol, 7,100 were Italians. The proportion of South Tyroleans had increased only within the provincial administration, although more than fifty per cent of the employees were still Italians.

16. Italy contended that the South Tyroleans had failed to take advantage of openings in the public services. But there were cases where South Tyroleans had not been accepted for public employment for "health reasons" even though they had been fit for military service, and even skiing champions. In the industrial zone of Bozen-Meran (Bolzano-Merano), only 300 South Tyroleans were employed, as against 6,300 Italians. In the circumstances, was it surprising that thousands of South Tyroleans were forced to emigrate every year because they could not find work in their native land?

17. The South Tyroleans were thus denied many basic democratic rights. They could not play any real part in the legislative process, because they were only a minority of 250,000 in a nation of fifty million. Hence they might well have been accorded wide provincial self-government, but the German-speaking province of Bolzano (Bozen) had been merged with the Italian Province of Trento, and autonomous rights had been given to that new region, inhabited by half a million Italians and 250,000 South Tyroleans. The merger had therefore rightly been described by an Italian journalist, Mr. Indro Montanelli, as resulting in autonomy not for the South Tyroleans but for the Italians.

18. The South Tyroleans were at a disadvantage when they had to deal with judges, policemen or other administrative officials, whose language they seldom understood. Since Italy severely restricted them in the exercise of their basic democratic rights, and effectively excluded them from participation in the administration, they considered that they did not enjoy the full protection of the law and that their status was inferior to that of the Italians.

19. Italians and Austrians could live together in amity, and people of different nationalities were not bound to be ranged against each other in hostility. Switzerland provided a remarkable example of that. Unfortunately, Austria could not expect Italy to model its constitution on that of Switzerland for the sake of the South Tyroleans. It had therefore submitted a draft resolution which was entirely in keeping with the provisions of the Italian Constitution concerning autonomous regions and autonomous regions with a special statute.

20. Referring to the provisions of the draft of an autonomy statute which the representatives of South Tyrol had submitted to the Italian Senate and Chamber in 1958 and 1959, he said that under it the Province of Bozen (Bolzano) would become an autonomous Italian region having the same rights as the autonomous region of Sicily and with all the powers it needed to protect the ethnic character of the minority. The Austrian Government agreed with the freely elected representatives of the South Tyrol people that, in present circumstances, only the establishment of an autonomous region of South Tyrol could solve the urgent problem which had arisen. His Government had, moreover, for several years attempted to settle those complex

questions through negotiations with the Italian Government. Unfortunately, the negotiations had failed because Italy was unwilling to consider Austria's basic demand, namely, to grant the Province of Bozen (Bolzano) effective regional autonomy similar to that of the Valle d'Aosta where the French-speaking minority enjoyed autonomous regional status.

21. The United Nations Charter postulated the development of friendly relations among nations based on respect for the principles of equal rights and the self-determination of peoples. Austria therefore expected that world opinion would support its just and moderate request. He recalled that it had been the freely elected representatives of South Tyrol who had appealed to the United Nations to find a quick and equitable solution to their problem. It was the Congress of the South Tyrolean's People's Party, in its resolution of 7 May 1960 and not the Austrian Government which had requested that the question of South Tyrol be included in the General Assembly's agenda. It had also stated unequivocally that an autonomous South Tyrol would respect the rights of the Italian population and would give the necessary guarantees in that respect. The very wording of the appeal made the feelings of the South Tyroleans quite clear. It would undoubtedly have been far more popular to demand self-determination, but the implementation of such a demand would have created border problems which no one wished to see raised. Austria did not wish to create tensions in the very heart of Europe and considered that the problem could be solved peacefully through the granting of substantial autonomy; hence its self-imposed moderation.

22. Italy maintained that the granting of regional autonomy would be the first step towards self-determination. It was clear, however, from the declaration of the South Tyrol People's Party that if autonomy was not granted the representatives of South Tyrol would no longer be able to curb the demand for self-determination. If autonomy was granted in consultation with the elected representatives of the South Tyroleans the Austrian Government would be in a position to declare that the provisions of the Paris agreement had been carried out.

23. It had been said that minorities should be bridges between nations. Full autonomy granted to the South Tyrol would build a broad bridge not only between Italy and the South Tyrol but also between Italy and the Austrian people.

24. Mr. SEGNI (Italy), after congratulating the Vice-Chairman and the Rapporteur on their election, pointed out that the claims presented by the Austrian delegation were outside the scope of the item which by common agreement had been included in the Committee's agenda, and said that he regarded them as quite unacceptable.

25. He recalled that the territory of Alto Adige had been assigned to Italy at the end of the war fought against the Hapsburg Empire which for centuries had oppressed not only Italians but also Poles, Czechs, Yugoslavs and Romanians. The Treaty of Saint-Germain-en-Laye in 1919 had established the natural alpine frontier at the Brenner, and, in spite of Austria's endeavours, the peace treaties concluded at the end of the Second World War had confirmed that decision, as had the State Treaty for the re-establishment of an independent and democratic Austria of 1955, article 5 of which provided that "the frontiers of

Austria shall be those existing on 1 January 1938". Thus, any territorial claim by Austria would amount to a revision of the peace treaties and would not only be incompatible with the obligations of a neutral State but would set in motion a process which neither Italy nor the other Powers could accept.

26. Following the decision taken by the Council of Foreign Ministers in Paris in May 1946 to maintain the Brenner as the frontier, Austria had entered into negotiations with Italy regarding a statute for the German-speaking inhabitants of the Province of Bolzano and of the neighbouring bilingual townships. Despite the fact that those inhabitants were the product of an age-old process of Germanization of the Italian population of the region, that in 1939 most of them had opted in favour of Nazi Germany, and that between 1943 and 1945, during the military occupation by Hitler's troops, a whole series of atrocities had been perpetrated against the Italian people, who had been denied even the right to use their own language—the Italian Government had indicated that it was prepared to grant the German-speaking inhabitants a liberal statute and to review some of the 1939 options. That was how the Paris agreement of 5 September 1946, subsequently annexed to the 1947 Peace Treaty, had come into being. He quoted statements made by Mr. Gruber, the Austrian Minister for Foreign Affairs (who said in 1947 that "it must be recognized that there is no German-speaking minority in Europe so favourably treated as the South Tyrolean") and Mr. Magnago, the head of the South Tyrolean People's Party, which showed that the Italo-Austrian Agreement and the interpretation placed upon it by the Italian Government had received the consent and even the approval of the Austrian Government and the German-speaking inhabitants of the Province of Bolzano.

27. He emphasized that the Paris agreement was the only legal title under which Austria could discuss the status of the German-speaking inhabitants of that part of Italy, as the heading of the agenda item indicated.

28. He drew attention to the memorandum submitted by the Italian delegation,^{3/} which showed that Italy's implementation of the Paris agreement had made the German-speaking inhabitants one of the best treated minorities in the world. The magnanimity with which Italy had carried out the provisions relating to the revision of the 1939 options was manifest. If the Italian Government had not shown such magnanimity, the number of German-speaking inhabitants in the area would today be very small. Similarly, Italy had scrupulously observed the provisions of the Paris agreement dealing with the recognition of certain university degrees and diplomas, and it had honoured, to Austria's entire satisfaction, its obligations with regard to frontier facilities, local trade, and the free transit of persons and goods between Northern Tyrol and Eastern Tyrol. The other provisions of the agreement had also been fully implemented. The German-speaking inhabitants of Bolzano Province enjoyed full civil and political liberties; they were provided with a great number of German language elementary and secondary schools, the entire cost of which was borne by the Italian State; their culture, traditions and folklore were flourishing, and they enjoyed economic prosperity which gave them a higher standard of living than the average for the whole of Italy and one of the lowest un-

employment indices in the country. Above all, they had a most active autonomous administrative unit—the autonomous Province of Bolzano—with wide legislative and executive powers of the same nature of those granted to other regions of Italy which enjoyed special status and with considerable financial resources. He emphasized the climate of freedom and democracy in which Italy allowed that autonomy to develop and pointed out that full freedom of thought and speech has always been allowed even to the more extremist spokesmen of the German-speaking population: in this context no obstacle was put in the way of those German-speaking Italian citizens who had come to New York on the occasion of this debate.

29. It was only since 1956 that the Austrian Government had begun to make reservations concerning the application of the Paris agreement (linguistic parity, autonomy, proportionate employment in the public services, Italian immigration). The Italian memorandum showed that the charges were entirely unfounded. When bilateral negotiations on these grievances reached a deadlock, the Italian Government proposed that the matter be referred to the United Nations judicial organ competent to decide such issues, namely, the International Court of Justice. The Austrian Government had rejected the proposal. Amongst the reasons brought forth Austria had stated that such a procedure would be too lengthy; yet the draft resolution submitted by the Austrian delegation (A/SPC/L.45) envisages a procedure which would be just as lengthy.

30. Austria's demands went beyond the scope of the Paris agreement; they also amounted to a series of claims which were politically unacceptable to any sovereign State. In effect, by applying the Paris agreement, Italy had acted effectively for the German-speaking inhabitants to preserve their own distinctive characteristics yet holding firmly to the principle that there should be no encroaching on the freedom of the other inhabitants of the same territory. Austria, on the other hand, was seeking to surround the linguistic group it was championing with barriers that would not so much protect as isolate it. Hence Austria's reference to an "ethnic frontier" which would not follow the natural frontier of the Alps, but would pass through Salerno. Acceptance of those claims would victimize inhabitants speaking another language as well as those German-speaking elements who wanted to collaborate with the other group and would be the prelude to the annexation of the Alto Adige by Austria. He explained that Italian immigration into the Alto Adige in the 40 years of Italian sovereignty had been less than the Austrians were trying to claim, that it was part of the natural phenomenon of the growth of population and that it had practically ceased some years ago as authoritative Austrian spokesmen had themselves recognized.

31. The most disquieting feature of the entire affair was the Austrian Government's mode of procedure, which was all too reminiscent of a time when a conceded demand had been followed by an endless succession of further demands. It was surprising that the Austrian Minister for Foreign Affairs, Mr. Kreisky, no longer referred to the Paris agreement, though all the Austrian Government's communications hitherto referred to it, as did also Mr. Kreisky's speech^{4/} on 21 September 1959 at the fourteenth session of the

^{3/} Transmitted to Members of the General Assembly by the Secretary-General with document A/SPC/44.

^{4/} See Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 800th meeting.

General Assembly. The Austrian draft resolution was evidently asking for the revision of the 1946 Paris agreement. Italy was obliged to reject that request. Such action on the part of Austria could only be explained by a desire to reopen the question in terms of the annexation of the Alto Adige. The Austrian demands struck at the very principle of the sanctity of international treaties, and their acceptance would establish a precedent for a revisionist movement which could well endanger the principles of the Charter. He was sure that the members of the Assembly would not hesitate to take a firm stand in defence of the Charter, if only to reassure the new Member States, which had fought hard to gain their national independence and were determined to defend it against all attacks.

32. He cited disquieting declarations by members of the Austrian Government, by other Austrian authorities and by representatives of various Austrian organizations hinting that the Austrian final objective was the unification of the Italian Alto Adige to the Austrian North Tyrol and that in order to reach it "other methods" than peaceful negotiations could be used. Even more serious were the manifestations of racism, which were irreconcilable with the Austrian Minister of Foreign Affairs' statement in the General Committee (128th meeting); he cited in this respect declarations of some local authorities objecting to mixed marriages and recommending separation in housing between the two linguistic groups.

33. Different, and indeed contradictory arguments, were used to suit the audience addressed: in an appeal to public opinion in the democratic countries, the issue was represented simply as one of a few minor requests for freedom within the framework of existing treaties; appeals to public opinion in the Germanic countries, on the other hand, talked of the protection of the superior race. Even official documents give versions which are not in keeping with the real facts. For instance, in the memorandum circulated at the United Nations,^{5/} the Austrian Government had insinuated that the letter of appreciation addressed by the German-speaking party to the Italian Constituent Committee in relation to the autonomy Statute was the result of Italian pressure and was therefore worthless. He quoted in this respect the declaration made in February 1948 by the President of said party which proves that no such pressure was at any time exerted. The propaganda effort resorted to such absurd catchwords as the German-speaking group's "march toward the grave", though its numbers were increasing, its living standard was steadily rising, and it showed clear evidence of growing prosperity.

34. It was unfortunate that the clamorous agitation of a small group of extremists had swayed the Austrian Government. To place extremists in important government posts or to become their spokesmen, was a grave matter, and there was no evading the responsibility for it. That responsibility rested all the more heavily on Austria since, under the 1955 State Treaty of Vienna, it has specifically undertaken to bar the activities of certain extremist political organizations on the Hitler model. Fortunately in Austria the voice of reason could also be heard; as an example he mentioned that all the Austrian Members of Parliament at the Council of Europe had approved a recommendation to apply disputes concerning minorities the procedure laid down in the European Convention for the Peace-

ful Settlement of Disputes, which provides for compulsory jurisdiction of the International Court of Justice.

35. In connexion with the draft resolution submitted by the Austrian delegation (A/SPC/L.45 and Corr.1), he pointed out that the wording of the draft was in striking contrast to that used in the agenda: the Austrian delegation persisted in referring to the Austrian minority in Italy after having officially agreed to the formula "the German-speaking element in the Province of Bolzano (Bozen)". The formulation of the item left no doubt as to its scope: "Implementation of the Paris agreement of 5 September 1946". But Austria was not claiming the application of the Paris agreement but was seeking to supersede it, which proved that it had no well-founded complaint in regard to the implementation of the agreement on the part of Italy. Moreover, it was distorting the terms in which the question had been included in the General Assembly's agenda, which was not a proper way of acting towards the Assembly. Furthermore, the preamble to the draft resolution was a distortion of the historical truth and the real needs of the German-speaking inhabitants of the Alto Adige. It did not reflect genuine concern for the protection of a minority, but rather the desire to transform that minority into a dominant racial group. Moreover, the preamble called for a new and quite distinct autonomy status for the Province of Bolzano, which the Austrian Government had in a number of recent documents defined as "self-government". He noted in that connexion that the notion that every minority has the right to self-government is one which is foreign to the Charter and incompatible with the whole philosophy of the United Nations. In fact it was quite clear that rights granted to a minority should not be such as to form separate communities within a State which might impair its national unity or security. Furthermore, Austria ignored the fact that the Province of Bolzano was not an ethnic unit, since out of a total of 375,000 inhabitants, 120,000 were Italian-speaking and 25,000 Ladin-speaking. The sixth paragraph of the preamble constituted unlawful interference by Austria in Italian domestic affairs, since it took sides openly in favour of a new Statute which was the subject of a Bill introduced before the Italian Parliament and on which only the Parliament was entitled to express its sovereign judgement. The Austrian Government was seeking to undermine the authority of the Italian State and to bring about the complete separation of the linguistic groups, thus attacking the integrity and unity of the Italian State. The draft resolution gave the impression that the bilateral negotiations between Rome and Vienna had been intended to raise the Province of Bolzano to the status of an autonomous region, whereas in fact those conversations related only to the implementation of the Paris agreement.

36. In declaring the Austrian draft resolution unacceptable, the Italian delegation was not merely championing the interests and the lawful rights of the Italian State; it was also anxious to safeguard the basic constitutional principles of the United Nations itself. For that, if for no other reason, every Member State should reject the Austrian draft resolution. What Austria was asking the General Assembly in fact to do was to go beyond the limits laid down in the Charter for action by organs of the United Nations and to violate its fundamental principles. Austria was well aware that all claims on its part exceeding the Paris agreement were incompatible with the respect due to the sovereign freedom of the Italian State. The Austrian

^{5/} Transmitted to Members of the General Assembly by the Secretary-General with document A/4530.

Government had therefore taken care in the past to cite the Paris agreement stipulations in its negotiations with the Italian Government and to emphasize that all that it was concerned with was the implementation of those stipulations. It had even been anxious to avoid creating the impression that it wished to interfere with the sovereignty of the Italian State. The Austrian Government had now abandoned that concern and would have the General Assembly interfere in the internal affairs of Italy in its stead. He wondered what principles, other than the Paris agreement, could give an international body the right to deal with the situation of a group of Italian citizens. Certainly no principles of international law, for, as the outstanding Austrian international lawyer Alfred Verdross had recalled, the States bound by a specific international agreement alone had obligations under international law in regard to the treatment of minorities. Nor was it the principles of human rights arising out of the Charter or proclaimed by the General Assembly. Neither the Universal Declaration of Human Rights nor the various resolutions and proposals adopted on the subject of minorities envisaged more liberal treatment than that laid down in the Paris agreement. More specifically, there had never been any suggestion of the right of minorities to autonomy. He was amazed that Austria should expect the General Assembly to urge that the German-speaking minority in Italy should be given a greater measure of autonomy than that laid down in the

Paris agreement and to look favourably upon its contention that the Paris agreement should be regarded as null and void. *Pacta sunt servanda*. Any demand on the part of Austria which went beyond the implementation of the Paris agreement was incompatible not only with the basic principles of international law but with the United Nations system itself, as defined in Article 2 (7) of the Charter.

37. Italy still hoped that Austria would act in due conformity with the Paris agreement and was therefore determined not to allow itself to be put out by the disconcerting attitude of the Vienna Government. The Italian Government would continue to apply the Paris agreement in its entirety. It was ready to resume conversations with Austria within the framework of that agreement and, should there be any insurmountable difference of opinion with regard to the implementation of any of the clauses of the agreement, it was prepared to submit the issue to the International Court of Justice for adjudication. Whatever the outcome might be, Italy would keep faith with its juridical traditions and submit to the Court's decision. While it was determined to reject any deviation from the principle of legality, it would at all times side with respect for human rights and loyal observance of the obligations arising out of the Charter.

The meeting rose at 1.10 p.m.