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**Chairman: Mrs. Vijaya Lakshmi PANDIT (India).**

**Organization of the eighth session of the General Assembly (A/BUR/137)**

1. The CHAIRMAN called for comments on the memorandum by the Secretary-General on the organization of the eighth session of the General Assembly (A/BUR/137). Generally speaking, the memorandum reproduced the arrangements adopted at the previous session. Members would remember, however, that by resolution 689 B (VII), the General Assembly had decided to amend rule 2 of the rules of procedure. Accordingly, a closing date for the session was suggested in paragraph 4 of the memorandum. It was to be hoped that all delegations would arrive at meetings on time, thus making it possible to expedite the work of the committees and the General Assembly.

2. Sir Gladwyn JEBB (United Kingdom) pointed out that certain material difficulties such as the distribution of documents might involve delays which would once again prolong the session beyond its normal limits. In view of those difficulties, his delegation would not object to 8 December being fixed as the closing date of the session, but wished once again to make it clear that in its opinion a regular session of the Assembly should not last more than eight to ten weeks and that the Assembly was not creating a precedent to be followed in subsequent years.

3. Mr. KHALIDY (Iraq) felt that, as the questions discussed by the *Ad Hoc* Political Committee were at least as important and complex as the questions allocated to the First Committee, a verbatim record should be kept of the *Ad Hoc* Political Committee's proceedings. If that were not possible, the delegations must at least have no difficulty in obtaining verbatim records of the *Ad Hoc* Political Committee's meetings prepared from the sound recording, whenever they so desired.

4. The CHAIRMAN said that the Secretariat would take note of the Iraqi representative's comments.

*The Committee decided to recommend that the General Assembly approve the suggestions contained in the memorandum by the Secretary-General on the organization of the eighth session of the General Assembly.*

**Consideration of the agenda of the eighth session and allocation of items to committees (A/2416, A/2443, A/2466/Rev.2 and Add.1, A/BUR/136)**

**CONSIDERATION OF THE AGENDA**

5. The CHAIRMAN asked for comments on the memorandum by the Secretary-General (A/BUR/136) containing the complete list of items proposed for inclusion in the agenda of the eighth session. She proposed that the Committee should follow the practice adopted at previous sessions and consider the inclusion of items by groups as convenient. The suggestions contained in paragraphs 2 and 3 of the memorandum by the Secretary-General, being purely formal, should not give rise to any objection.

**ITEMS 1 TO 17**

*The Committee decided to recommend the inclusion in the agenda of items 1 to 17.*

**ITEMS 18 TO 25**

6. The CHAIRMAN announced that the delegations of India and the Union of South Africa had asked to speak on items 20 and 21. There being no objection, she invited the representatives of those two Member States to take a seat at the Committee table.

*Mr. Dayal (India) and Mr. Jooste (Union of South Africa) took seats at the Committee table.*

7. Mr. JOOSTE (Union of South Africa) wished to place on record his Government's protest against the inclusion of items 20 and 21 in the agenda. Those two questions lay within the exclusive domestic jurisdiction of the Government of the Union of South Africa. They came quite clearly within the scope of Article 2, paragraph 7, of the Charter, which prohibited the United Nations from intervening in affairs of that nature. Despite previous protests by the Union of South Africa, the General Assembly had considered those questions and had set up two commissions; the present proposals concerned consideration of those commissions' reports. The legal situation had not changed. Time had not justified the Assembly's past mistakes, which could still be challenged and rectified. He would revert to those questions in their general aspect during the discussion in the General Assembly.

8. Mr. DAYAL (India) recalled that at each session the Union of South Africa had gone through the rite

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of formulating the same protests and each time the General Assembly had affirmed its competence to deal with such questions. At its last session, the Assembly had adopted resolutions 615 (VII) and 616 (VII) in which it had set up two commissions and had decided that the questions at issue should be placed on the provisional agenda of the eighth session. The problem of competence had been incontrovertibly and finally settled. The General Assembly must obviously consider the reports of the commissions it had established.

9. Mr. URQUIA (El Salvador) stressed the fact that the General Committee's recommendations should not be understood as implying an affirmative decision in the matter of competence. Even if a given item were included in the agenda, any delegation could still challenge the General Assembly's competence during the debate.

10. Mr. LODGE (United States of America) said that item 21 carried over from the seventh session when the Assembly had established a commission to study the matter and asked it to report to the eighth session. The United States would therefore vote in favour of recommending the inclusion of the item. An item of that character however, invited questions about the competence of the Assembly under Article 2, paragraph 7, of the Charter. The United States Government had observed with increasing concern the tendency of the Assembly to place on its agenda subjects, the international character of which was doubtful. That represented a problem of increasing concern for the Organization, and his delegation believed that the matter deserved most careful consideration by Member Governments in preparing for the conference for reviewing the Charter.

11. Sir Gładwyn JEBB (United Kingdom) reserved the right to speak on the question of competence in the General Assembly; a recommendation by the General Committee to include an item in the agenda in no way prejudged that issue.

12. Mr. KHALIDY (Iraq) considered that the General Assembly was competent to examine the questions covered by items 20 and 21.

13. Mr. VAN LANGENHOVE (Belgium) reiterated his delegation's previous reservations concerning the items under consideration.

*The Committee decided to recommend the inclusion in the agenda of items 18 to 25.*

ITEMS 26 AND 27

*The Committee decided to recommend the inclusion in the agenda of items 26 and 27.*

ITEMS 28 TO 30

*The Committee decided to recommend the inclusion in the agenda of items 28 to 30.*

ITEMS 31 TO 36

*The Committee decided to recommend the inclusion in the agenda of items 31 to 36.*

ITEMS 37 TO 52

*The Committee decided to recommend the inclusion in the agenda of items 37 to 52.*

ITEMS 53 TO 57

*The Committee decided to recommend the inclusion in the agenda of items 53 to 57.*

ITEMS 58 TO 72

14. Mr. Y. MALIK (Union of Soviet Socialist Republics) objected to the inclusion in the agenda of the

questions covered by items 70 and 72, which were preparatory to a possible revision of the Charter. The United Nations had before it, at the present juncture, certain problems of vital importance for the maintenance of international peace and security, the promotion of international co-operation and the settlement of various questions in dispute. The international climate had been improving considerably for some time past. But that most welcome trend might be counteracted by proposals to amend the Charter. Opportunity would undoubtedly be taken to renew previous attempts to undermine the structure of universal peace. Far from revising the Charter, the United Nations should abide ever more strictly by its provisions.

15. The CHAIRMAN observed that the delegations of the Netherlands and Egypt had asked to make statements on items 70 and 72 respectively. There being no objection, she invited the representatives of those two Member States to take a seat at the Committee table.

*Mr. Badawi (Egypt) and Mr. von Balluseck (Netherlands) took seats at the Committee table.*

16. Mr. VON BALLUSECK (Netherlands) recalled that his Government had requested the inclusion in the agenda of the question covered by item 70. Article 109 of the Charter provided a procedure for reviewing the Charter at the tenth session of the General Assembly. To enable the conference envisaged for that purpose to succeed, preparatory studies should be put in hand immediately. The Secretariat might compile a kind of objective catalogue of the interpretation given by the various United Nations bodies to each Article of the Charter in the course of their work, while governments would be asked for their comments and suggestions, both on general problems and on points of detail. The work done along those two lines would provide a useful basis for the conference. He emphasized that the proposal had no political ulterior motive. It consisted merely of the two suggestions he had made, which did not prejudge any question of substance and could usefully be considered by the Sixth Committee. He commended the delegations of Argentina and Egypt for submitting proposals with the same general object as the Netherlands proposal, namely, to prepare the ground for the future conference, if held.

17. Mr. BADAWI (Egypt) explained the purpose of his delegation's proposal, which constituted item 72. When the Charter had first been drawn up, its authors had realized that experience would one day show that it needed revision and had accordingly inserted Article 109, a provision of major importance both for the United Nations and for the cause of peace. The interval of two years before the tenth session of the General Assembly would be barely sufficient for any serious preparatory work. For that reason, the Egyptian delegation was proposing the election of a committee of experts or a technical committee to analyse and present in synthetic form proposals submitted by Member States for revising the Charter. The Argentine and Netherlands proposals had the same aim as that of Egypt; the three texts might conceivably be combined in a single draft.

18. Mr. KATZ-SUCHY (Poland) pointed out that a climate now existed conducive to the resumption of co-operation among States and that the United Nations could be the principal agent in bringing about the *détente* of which there had been signs in international affairs. After quoting Article 1 of the Charter and recalling the special responsibilities of the great Powers for the

maintenance of international peace and security, he said that the peoples of the whole world had demonstrated their desire for peace and had hailed the USSR's achievements towards that end. The United Nations should therefore concentrate its entire effort on the task of international co-operation. And the Charter provided the best vehicle for success in that respect.

19. The three proposals before the Committee were directed towards a revision of the Charter. But the Assembly should be extremely cautious in approaching the matter; it ran the risk of embarking on a very hazardous voyage. Mr. Dulles, the United States Secretary of State, had recently implied that certain groups in the United States were trying to obtain a revision of the Charter for purely selfish ends and in order to make the United Nations the tool of the United States. In those circumstances, he (Mr. Katz-Suchy) warned members that any debate on the revision of the Charter might undermine the prestige and authority of the United Nations and create a dangerous situation. In that connexion, he also recalled a recent statement by the Secretary-General of the United Nations who had likewise upheld the principle of unanimity among the great Powers.

20. In his view, it was not the Charter that prevented agreement being reached among the great Powers, but rather those who were infringing it. If the authors of the proposals under consideration really wanted to safeguard peace, they should insist on all Member States of the United Nations abiding strictly by the text of the Charter as it now stood, instead of advocating preparatory work for its revision.

21. Sir Gladwyn JEBB (United Kingdom) was surprised that the representatives of the Soviet bloc should feel nervous at the mere idea of a revision of the Charter. Referring to the terms of Article 109, he pointed out that no amendment of the Charter could take effect unless it had been approved and ratified "in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council", and therefore by the USSR as well. Consequently, a revision of the Charter involved no risk for the Soviet Union, which could refuse its assent. He did not therefore see any reason against consideration of the question. He had himself taken part in the drafting of the Charter at San Francisco and was well aware that its authors had not been infallible, that the Charter was far from perfect and that certain parts of it might usefully be amended. A certain amount of preparatory work might therefore help to facilitate the task of the general conference envisaged in Article 109, a conference which could, moreover, be convened by a simple majority, that was to say, without the assent of the USSR.

22. Mr. LODGE (United States of America), referring to Mr. Katz-Suchy's remarks about a speech by Mr. Dulles (434th plenary meeting), said that when the United States deemed it necessary to propose amendments to the Charter, it would do so itself. The proposals submitted for the General Committee's consideration had been formulated in complete good faith by independent and sovereign States.

23. As regards the support of the principles of the Charter, the United States would match its record against that of the communist bloc on any part of the Charter.

24. He favoured inclusion in the agenda of the items proposed by Argentina, the Netherlands and Egypt. The United States had already announced that it warmly endorsed the holding of a conference to review the Charter when, under Article 109, that subject came before the Assembly in 1955. It was timely to consider now what preparatory measures might be undertaken before that conference was held. Like all human institutions the United Nations was in process of evolution and should be perfected in the light of experience.

25. Mr. KHALIDY (Iraq) pointed out that the General Committee was supposed to deal with procedural matters and was not called upon to decide problems of substance.

26. He joined in the tribute paid by the Netherlands representative to the delegations of Argentina and Egypt and shared Sir Gladwyn Jebb's opinion that the Charter was far from perfect. Experience had amply demonstrated that fact, and he hoped that the General Assembly and the general conference envisaged in Article 109 would show common sense in examining that international instrument and would give more weight to the interests of small nations and new nations.

27. Great caution should be exercised, however, in approaching the problem for it was far from a purely legal one. While it might be wise to have the problem examined first by the Sixth Committee, that was not the only competent body, since the problem had political, economic and social aspects as well, which should be examined by other bodies.

28. Mr. URQUIA (El Salvador) said that the small countries were keenly interested in questions concerning the Charter and the rules of procedure established under it. As the tenth anniversary of the United Nations drew near, it would be wise to initiate certain studies with a view to facilitating the work of the conference for the revision of the Charter, if it were convened. After referring to the provisions of Article 109, in particular paragraphs 1 and 3, he said that the Netherlands proposal was entirely justified.

29. Ten years of activity would have given the United Nations sufficient experience to contemplate a revision of the Charter. It was too early to discuss the precise nature of any amendments that might be required. The proposals of Argentina, Egypt and the Netherlands called for preliminary studies which would enable the general conference to take a decision on those amendments if the required majority of the General Assembly decided to convene it. He would therefore vote in favour of the proposals.

30. Mr. VON BALLUSECK (Netherlands) agreed with the Polish and USSR representatives that the Charter must be respected. In that case, however, respect was also due to Article 109 which provided that the proposal to call a general conference to review the Charter should be placed on the agenda of the General Assembly's tenth session. In proposing the inclusion of item 72 in the agenda of the present session, the Netherlands delegation did not have any revision of the Charter in view, but simply measures which would enable the Assembly to decide in 1955 whether or not the conference should be convened.

31. Mr. BADAWEI (Egypt) shared Mr. von Balluseck's views and repeated that under Article 109 the question of a general conference would, in any case, be placed on the agenda of the tenth session. In those circumstances, all appropriate measures should be taken

to prepare for the conference and to facilitate its work in the event of its being convened.

32. The actual amendments which might be made in the Charter raised political problems which were outside the scope of the present discussion. For the time being, there was a technical question to be settled and preparatory work to be done. It would be perfectly logical to assign that task to the Sixth Committee.

33. Mr. TSIANG (China) said he would vote for the Netherlands proposal, which did not commit anyone to a decision in favour of revising the Charter or even to acceptance of the method of action proposed. It simply cleared the way for a technical discussion of the problem.

34. Mr. Y. MALIK (Union of Soviet Socialist Republics) stated, in reply to the United Kingdom representative, that the latter seemed far more anxious than he was over the question of the revision of the Charter. The United Kingdom representative had tried to present the question as a technical one and had entirely ignored the political aims of the advocates of revision. For his part, he (Mr. Malik) had said that, far from being purely technical, the question had in fact a political aspect, and that Mr. Dulles' statement adequately explained the motives of those who wanted to revise the Charter. It mattered little by whom and in what form the proposals were submitted. The purpose of the proposed revision had been clearly expounded by Mr. Dulles.

35. The USSR delegation must repeat that the United Nations had far more important tasks to fulfil, such as the maintenance of peace and security, the strengthening of international collaboration, and the settlement of disputes by negotiation. It should take advantage of the present *détente* and refrain from creating new tensions.

36. Mr. Lodge had spoken of the way in which the United States applied the principles of the Charter. He (Mr. Malik) hoped that the United Nations would not follow that country's example, but would endeavour rather to maintain and strengthen the peace.

37. Mr. LODGE (United States of America) replied that Mr. Dulles' purpose was perfectly clear; it was to strengthen and perfect the United Nations and make it a more effective instrument for the maintenance of peace. The USSR, which opposed any revision of the Charter, was guided by entirely different motives: ever since the establishment of the United Nations, it had constantly abused its right of veto and was unwilling to lose that advantage.

38. Mr. KATZ-SUCHY (Poland) said that he did not question the motives of the authors of the various proposals and did not fear a discussion of those questions. Nevertheless, leaving the motives of the Egyptian and Netherlands representatives aside, their proposals were extremely dangerous in that they might divert the United Nations from its immediate task. The United Nations was composed of a large number of States, many of which wished to re-establish international collaboration. Care should therefore be taken to avoid any question which might prevent the United Nations from pursuing that task; that was why he was opposed to the proposals in question.

39. Mr. Y. MALIK (Union of Soviet Socialist Republics), replying to the United States representative who had impugned the motives of the USSR, reiterated the three objectives which in his view the United Nations should pursue.

40. With regard to the question of the veto, he observed that the United Nations had not been paralysed by the veto; it was on the contrary, the violations of the Charter by the United States that had led to the present unsatisfactory situation. That had become abundantly clear at the 432nd plenary meeting, when the General Assembly had examined the question of the participation of China in its proceedings.

41. Mr. LODGE (United States of America) said he had no desire to wrangle with other representatives, but felt obliged to warn all delegations that whenever his country was attacked he would reply as was right and proper. The representative of Poland had talked about those who did one thing outside the United Nations and another inside the Organization. He (Mr. Lodge) would call attention to the admission of the leader of the Communist bloc, in February 1953, that the USSR was supplying implements of war to the aggressors in Korea in clear violation of the decisions of the United Nations. While doing that the USSR had been talking about peace in the United Nations.

42. The USSR representative had stated that a revision of the Charter would do nothing to ease the international situation. He (Mr. Lodge) felt it would certainly not ease the situation to cast aspersions on delegations which submitted certain proposals.

43. The CHAIRMAN put to the vote the recommendation for the inclusion of items 70 and 72 in the agenda of the General Assembly.

*The Committee decided by 12 votes to none, with 2 abstentions, to recommend the inclusion in the agenda of items 70 and 72.*

44. The CHAIRMAN opened the discussion on the recommendation for the inclusion of item 71.

45. Mr. Y. MALIK (Union of Soviet Socialist Republics) said that the question of prisoners of war was entirely outside the competence of the United Nations, and had been submitted to the General Assembly in flagrant contravention of Article 107 of the Charter.

46. The USSR had long ago completed the repatriation of prisoners of war and the conclusion of the repatriation operations had been officially announced in the Press. The whole question therefore had no basis in fact and those who wished the General Assembly to examine it were merely trying to start a campaign of hatred and propaganda against the USSR.

47. The USSR delegation had already protested against the inclusion of that question in the agenda of the fifth session. In spite of those protests, the question had been placed on the agenda—an entirely illegal proceeding. The *Ad Hoc* Commission which had then been set up had done nothing but collect false information and had become an instrument for a campaign of slander.

48. For all those reasons, the USSR would vote against the inclusion of that item in the General Assembly's agenda.

49. The CHAIRMAN invited the representative of Australia, as one of the original sponsors of the item, to take his seat at the Committee table.

*Sir Percy Spender (Australia) took a seat at the Committee table.*

50. Sir Gladwyn JEBB (United Kingdom) considered that the Secretary-General had been right in proposing the inclusion of the item in the agenda. The

United Kingdom, the United States and Australia had originally proposed that the question of prisoners of war should be referred to an *ad hoc* commission. They had felt that it was a humanitarian rather than a political issue. The *Ad Hoc* Commission on Prisoners of War had not, however, been able to carry out its task as it would have liked, and had drawn up a report accordingly. It would be simply a matter of courtesy to examine its report at the present session.

51. The USSR representative had, at the fifth session, maintained that the United Nations was not competent to deal with the question, nevertheless, the General Assembly had decided otherwise at that time. No new factors having arisen since then, there was no reason to reverse that decision.

52. Sir Percy SPENDER (Australia) hoped that the General Committee would recommend that the item be included in the General Assembly's agenda.

53. It was not merely a procedural question, but one that involved the fate of hundreds of thousands of human beings. The USSR, which was always ready to speak of human rights, was now resorting to a legalistic manoeuvre in an attempt to avoid examination of the issue.

54. Mr. Malik had said that the Press had announced the completion of repatriation operations. But a simple Press release did not prove anything, and the fate of 500,000 human beings was still unknown.

55. The *Ad Hoc* Commission had failed because the USSR Government had completely refused to co-operate with it. Australia had always avoided coming to hasty conclusions, but it seemed peculiar that the USSR should seek refuge in technicalities in order to avoid having to account for the fate of so large a number of people.

56. Mr. KATZ-SUCHY (Poland) opposed the inclusion of item 71 in the agenda. The General Assembly should not overload its agenda by including in it questions that were not germane to its principal task, that of promoting international collaboration. The examination of the question of prisoners of war would do nothing to relieve international tension or to improve relations between States.

57. The problem was not a real one. The item had been proposed to the General Assembly for propaganda purposes, as part of the cold war against the USSR. That country had already issued an official statement which disposed of the matter once and for all.

58. It had been said at the fifth session that the question lay outside the competence of the United Nations, and that, under Article 107 of the Charter, it was a matter for the Council of Foreign Ministers.

59. The Polish delegation opposed the inclusion of the item in the agenda because it felt that its consideration would not further the cause of the United Nations and also because the purpose of the proposal was altogether different from what its authors professed. The legal argument cited by the USSR representative merely supplemented the arguments of substance.

60. If the Australian representative was bent on settling the question or, in any case, obtaining some clarification on it, he should approach the Council of Foreign Ministers and the Allied High Commission

for Germany which were the competent bodies in the matter. It was, however, common knowledge that the work of those two bodies had been deliberately and systematically sabotaged.

61. In conclusion, he stated that now that there was a hope of settling certain important problems the United Nations should refrain from dealing with matters of detail such as ex-enemy prisoners of war.

62. Mr. Y. MALIK (Union of Soviet Socialist Republics) felt that the Australian representative had submitted his proposal, not from humanitarian motives, but merely in an attempt to blacken the USSR.

63. The fact that the question of prisoners of war had appeared on the agenda of the fifth session was not a valid argument in favour of its inclusion in the agenda of the present session; an illegal act was always illegal, whatever the circumstances. The *Ad Hoc* Commission on Prisoners of War had been set up illegally; that was the reason for its failure. There had been several other organs of that kind, as for example, the Interim Committee, which was never mentioned now—and which had all failed for the same reason.

64. The USSR was averse to the proposal for placing the question on the agenda because it viewed it as another weapon in the cold war, because it had been submitted for the sole purpose of stirring up hatred between nations and because it would lead the General Assembly into taking a completely illegal decision.

65. Sir Percy SPENDER (Australia) replied that the USSR representative's arguments could be summed up as follows: 500,000 persons had disappeared, but that awkward question should not be raised as there were more important problems to settle.

*The Committee decided by 12 votes to 2 to recommend the inclusion in the agenda of item 71.*

ITEMS 58 TO 69

*The General Committee decided to recommend the inclusion in the agenda of items 58 to 69.*

#### ALLOCATION OF ITEMS TO COMMITTEES

66. Mr. KHALIDY (Iraq) proposed that item 29, "Continuation on a permanent basis of the United Nations International Children's Emergency Fund", which the Secretary-General had suggested might be referred to the Third Committee, should be examined in plenary meeting.

67. He recalled that the Economic and Social Council had unanimously decided to recommend in its resolution 495 (XVI) that the Fund should be continued on a permanent basis. It would be a loss of time to refer an uncontroversial item to the Third Committee. An examination in plenary meeting would, moreover, have the advantage of arousing greater interest among the public in UNICEF's work.

68. Mr. HOPPENOT (France) supported Mr. Khalidy's proposal.

*That proposal was adopted.*

*Subject to that amendment, the Committee decided to recommend the allocation of items to committees as proposed in the memorandum by the Secretary-General (A/BUR/136).*

The meeting rose at 5.30 p.m.