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**GENERAL COMMITTEE, 107th
MEETING**

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Chairman: Prince WAN WAITHAYAKON (Thailand).

Organization of the eleventh session of the General Assembly: memorandum by the Secretary-General (A/BUR/142)

1. The CHAIRMAN drew attention to the Secretary-General's suggestions (A/BUR/142 para. 6 and 7) that the Assembly should adjourn on 20 December 1956 and reconvene on 8 January 1957, and that the eleventh session should close on 23 February 1957.

2. Mr. CORDIER (Executive Assistant to the Secretary-General) pointed out that the response of delegations to the suggestion regarding the duration of the recess at the end of the year had not been decisive, and the Secretary-General was therefore not insisting on it. A shorter recess might be more satisfactory to many delegations.

3. Mr. Krishna MENON (India) thought that the recess should be as short as possible. It might perhaps be confined to three days, including Christmas Day and New Year's Day. Delegations from far-off countries in Asia and Africa could not afford to keep their representatives in New York during a long recess. If the recess were shortened, the closing date might be advanced to 1 February 1957. Both those changes, however, would be without prejudice to deliberations of the Assembly on emergency items.

4. The CHAIRMAN emphasized that, irrespective of the decisions regarding the duration of the recess and the closing date, the Assembly would be summoned into session if developments required urgent consideration.

5. Mr. BELAUNDE (Peru) supported the Chairman's statement. With regard to the duration of the recess, he favoured a compromise between the Secretary-General's suggestion and that of the Indian representative, and suggested the dates 24 December to 2 January 1957.

6. Mr. LANNUNG (Denmark), Mr. LOUTFI (Egypt) and Mr. CROSTHWAITE (United Kingdom) endorsed the idea of a shorter recess.

The Committee decided to recommend that the Assembly should adjourn on 23 December 1956 and reconvene on 2 January 1957.

7. The CHAIRMAN, replying to a request for clarification from Mr. SOBOLEV (Union of Soviet Socialist Republics), pointed out that since 23 December was a Sunday, the Assembly would not sit on that day

unless there was an urgent question for its consideration.

8. Mr. URQUIA (El Salvador) proposed that the closing date suggested by the Secretary-General should be advanced to 15 February 1957.

9. Mr. CROSTHWAITE (United Kingdom) supported the proposal.

The Committee decided to recommend 15 February 1957 as the closing date for the eleventh session.

10. The CHAIRMAN drew attention to the Secretary-General's suggestion (A/BUR/142, para. 12) that the *Ad Hoc* Political Committee should be renamed the "Special Political Committee".

The Committee decided to recommend that change of name.

11. Mr. SOBOLEV (Union of Soviet Socialist Republics) felt that the third recommendation in paragraph 15 of the Secretary-General's memorandum should be deleted. A general recommendation to limit interventions following the general debate on an item and explanations of vote was not desirable in all cases and on all items. Such limitation should be left to the discretion of the Committees.

12. Mr. Krishna MENON (India) proposed that the Secretary-General's recommendation should be amended by adding the phrase: "except on resolutions or substantive amendments".

13. Mr. SOBOLEV (Union of Soviet Socialist Republics) accepted that amendment and withdrew his proposal.

The Committee endorsed the amendment.

Consideration of the agenda of the eleventh session and allocation of items to Committees (A/3191, A/3205, A/BUR/143 and Add.1)

14. The CHAIRMAN explained the suggestions contained in the memorandum of the Secretary-General (A/BUR/143) on the adoption of the agenda applied to the provisional agenda (A/3191). The agenda given in the memorandum had been drawn up on the assumption that those suggestions would be acted upon favourably.

15. Mr. Krishna MENON (India) supported by Mr. LOUTFI (Egypt) opposed the adjournment of the item "Draft Convention on Freedom of Information" (item 31 of the provisional agenda) to the twelfth session.

16. Mr. LANNUNG (Denmark) favoured its deletion from the agenda of the eleventh session.

The Committee decided to recommend that the item should be deleted from the agenda.

17. The CHAIRMAN noted the Secretary-General's request in paragraph 3 of his memorandum that a sub-item (f) dealing with an appointment to fill a vacancy in the membership of the Staff Pension Committee

should be included under item 45 of the provisional agenda.

The Committee decided to recommend the inclusion of that sub-item in the agenda.

18. The CHAIRMAN drew attention to the Secretary-General's suggestion (A/BUR/143, para. 4) for postponing the consideration of the "Question of defining aggression", together with the related items, the "Draft code of offences against the peace and security of mankind" and "International criminal jurisdiction" (items 55, 56 and 57 of the provisional agenda) until the twelfth session.

The Committee decided to recommend that the items should be deleted from the agenda.

19. The CHAIRMAN drew the Committee's attention to the agenda items remaining in the memorandum of the Secretary-General (A/BUR/143).

ITEMS 7 TO 23

The Committee decided to recommend inclusion of items 7 to 23 in the agenda.

ITEMS 24 AND 62

At the invitation of the Chairman, Mr. Sole (Union of South Africa) took a seat at the Committee table.

20. Mr. SOLE (Union of South Africa) said that, with the concurrence of the Committee, he wished to deal simultaneously with items 24 and 62, as South Africa objected to their inclusion in the agenda in both cases on the grounds that the United Nations was not competent to consider them. A full statement to that effect would be made to the General Assembly by the leader of the South African delegation.

21. The Government of the Union of South Africa protested against the inclusion of item 24, requested by India and Pakistan, and of item 62, requested by India, Indonesia and Pakistan. Under Article 2, paragraph 7 of the Charter the United Nations was not authorized to intervene in matters which lay essentially within the domestic jurisdiction of any State. The position of the United Kingdom and France on that point was well known and the Article in question had been invoked by many other delegations at different times.

22. At the third session of the General Assembly, at the 43rd meeting of the General Committee, the representative of the Soviet Union had based his objection to the inclusion of an item entitled "Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter" on Article 2, paragraph 7, and had stated that the domestic laws of the USSR were of no concern to the United Nations. In connexion with the same item, the representative of Czechoslovakia had stated at the 137th meeting of the Sixth Committee that Chapter I of the Charter established limits to the sphere of action of the United Nations, which was not entitled to take any decision or make any recommendations with regard to the internal affairs of any State. He had added that no provision of Article 55 must be understood to give the United Nations authority to intervene in the internal affairs of Member States. The matters referred to in items 24 and 62 were concerned with the domestic laws of South Africa and were definitely internal affairs.

23. Article 2, paragraph 7 had also been invoked by the Foreign Minister of Egypt at the eighth session¹ of

¹ See: *Official Records of the Economic and Social Council, eighth session, 256th meeting, p. 375.*

the Economic and Social Council during consideration of the item "Infringements of trade union rights". He had based his refusal to accept the right of any organization to interfere in the internal affairs of Egypt on that Article and had further stated that Article 62 of the Charter, which authorized the Economic and Social Council to make or initiate studies and reports, did not give that body the right to make investigations.

24. The United States representative had expressed concern at the ninth and tenth sessions when the inclusion of the same items had been under discussion, with regard to the increasing tendency of the General Assembly to include in its agenda items the international character of which was open to question. He had felt that the United Nations should consider the problem carefully, as it could affect the authority of the Organization. Those views were certainly shared by many other Member States.

25. The representative of India had recently stated that his delegation could not subscribe to any proposals which disregarded the sovereignty of Member States. It was therefore surprising that India itself should have requested the inclusion of two items which showed a complete disregard for the internal sovereignty of the Union of South Africa.

26. Item 24 had been on the agenda of the General Assembly since 1946 and had been thoroughly discussed in all its aspects, notwithstanding the protests of the South African Government, at a total of seventy-one meetings. He wondered whether the time and effort spent on such discussions and the recording of them had really achieved the object which the Indian Government had intended when it had requested the inclusion of the item. He felt that the only result of the discussions had been to aggravate the existing tension between the two Governments. Past consideration of item 62, which was merely an extension of the original complaint against South Africa made by India in 1946, had done nothing to ease the tensions.

27. It was clear that discussion by the Assembly of the two items the Committee was now considering had not only proved fruitless but had hindered rather than contributed to the achievement of the purposes of the Charter. However, the objections of his Government were based mainly on the incompetence of the General Assembly to discuss those items at all.

28. Mr. URQUIA (El Salvador) supported the inclusion of both items in the agenda. The question of the competence of the United Nations to deal with those items had already been considered in the General Assembly and the *Ad Hoc* Political Committee, and it had been decided in the affirmative. Great stress had been laid on Article 2, paragraph 7, but that was only part of the Charter, which should be taken as a whole. Other Articles, such as Article 55, sub-paragraph *c* of which was particularly relevant to the matter under discussion, and Article 56 were equally applicable. As Members were pledged to take joint and separate action for the achievement of the purposes set forth in Article 55, it could not be said that the United Nations was not competent to make recommendations regarding violations of human rights in any country.

29. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that he had no objection to the inclusion of item 24 of the agenda. He had been somewhat surprised by the South African representative's remarks concerning the attitude of the Soviet Union at the third session of the General Assembly, which might give the false impression that the Soviet Government supported

the South African Government's policy of racial discrimination.

30. Mr. PETRZELKA (Czechoslovakia) supported the inclusion of item 24 in the agenda. The General Assembly had already decided by a large majority that it was competent to consider the question, which far exceeded the scope of internal affairs.

31. Mr. LOUTFI (Egypt) felt that both items should be included in the agenda, as the competence of the General Assembly to discuss them had already been admitted. Item 24 had been on the Assembly's agenda since 1946 and had already been discussed many times. If there could be any doubt as to the international character of the question, that was entirely removed by the fact that the Union of South Africa and India had signed a treaty on the subject.

The Committee decided to recommend the inclusion in the agenda of items 24 and 62.

Mr. Sole (Union of South Africa) withdrew.

ITEMS 25 TO 54

The Committee decided to recommend the inclusion in the agenda of items 25 to 54.

ITEM 55

32. Mr. Krishna MENON (India) said that his Government had requested the inclusion in the agenda of item 55 for the reasons given in the explanatory memorandum (A/3118 and Add.1 and 2). However, as there was a heavy agenda for the eleventh session and exploration of Antarctica was still proceeding, it would be better to postpone consideration of the item to a later session. In view of the fact that it was not possible to postpone an item from one provisional agenda to the next, he was withdrawing the item for the time being, but that did not mean that his Government did not consider it important. It would bring the question up again.

33. The CHAIRMAN noted that, as item 55 had been withdrawn, no action was required from the Committee.

ITEMS 56 AND 67

34. Mr. CROSTHWAITE (United Kingdom) proposed that item 56, proposed by Greece (A/3120 and Add.1) and item 67, proposed by the United Kingdom (A/3204 and Add.1) should be considered together. The United Kingdom had opposed the inclusion of the Greek item at the ninth and tenth sessions of the General Assembly, both because under Article 2, paragraph 7, the General Assembly was not competent to discuss it, and because discussion at that time would have served only to inflame the situation. It was clear from the manner in which the General Assembly had dealt with the item at both sessions that a great majority of United Nations Members had supported the United Kingdom view. This year, the United Kingdom Government had come to the view that the Assembly should discuss one aspect of the situation which fell clearly within its competence, and had therefore put down an item of its own. The two items, if inscribed, could be discussed together. On that basis, his Government would not have the same objection to the Greek item on the score of expediency as in previous years. He would not therefore press for a vote on the inclusion of item 56, but that should not be construed as an admission of the United Nations right to interfere in the internal affairs of the United Kingdom with regard to Cyprus; it was precluded from doing so by Article 2, paragraph 7 of the Charter.

35. Mr. SARPEN (Turkey) said that since the two items, 56 and 67, were put before the Committee as a whole, in a package so to speak, he could not single out one of them and signify formally his delegation's opposition to its inscription. However, he wanted to make clear his position regarding item 56. His Government's views on the inclusion of item 56 in the agenda had already been explained at the ninth and tenth sessions of the General Assembly and had since been given considerable press and radio publicity. However, one other additional reason why he did not view with favour the inclusion of this item in the agenda of the eleventh General Assembly was the following: Turkey attached great importance to the relations between Turkey and Greece and the United Kingdom, the three countries primarily interested in the question of Cyprus, and feared that a debate on Cyprus would not only be prejudicial to friendly relations but also hamper all efforts to improve them. He also entertained serious doubts as to the possibilities of the United Nations finding and recommending a solution satisfactory to the parties concerned. Although he would not formally oppose the inclusion of item 56 at this stage, he reserved the rights of his Government in this matter.

36. Mr. AVEROFF-TOSSIZZA (Greece) recalled, with reference to item 56, that at its ninth session the General Assembly had accepted a similar item for the agenda and at its tenth session had rejected such an item only because at that time most countries had hoped that the matter would be settled by negotiation. Both actions had clearly indicated that the General Assembly had not regarded the item as an internal question concerning Cyprus alone. The Greek Government was as anxious as the Turkish Government to improve relations between the two countries; a solution of the question of Cyprus—a solution which negotiations had unfortunately failed to bring about—would certainly have that effect.

37. The question of Cyprus was international in law, in fact, and by the admission of the head of the United Kingdom Government. In a speech made on 1 June 1956, the Prime Minister of the United Kingdom himself had said that the question of Cyprus was not and never had been an essentially colonial question or a question between the United Kingdom and Greece alone but that it was international. He would not weary the Committee with the many facts that could be cited to prove that statement.

38. Item 67, which had been proposed by the United Kingdom, was concerned with the same question, and the two items might usefully be discussed together. As the United Kingdom delegation had not opposed the inclusion of item 56, the Greek delegation agreed to the inclusion of item 67. It did not fear a discussion of that aspect of the matter, for an impartial examination of the facts were bound to show that the struggle for liberation in Cyprus was a national movement towards self-determination and had in no way been instigated by Greece.

39. The present wording of item 67, however, seemed to prejudge the issue and he therefore suggested that it should be amended to read: "Complaint by the United Kingdom of support from Greece for terrorism in Cyprus".

40. Mr. LANNUNG (Denmark) suggested that, since both items were concerned with the same problem, it would avoid repetition in the debate if they were merged into a single item, entitled "Question of Cyprus".

41. Mr. TSIANG (China) said that the Greek representative's point with regard to the title of item 67 was well taken and suggested that the present title should be prefaced by the words "Complaint of".

42. Mr. URQUIA (El Salvador) said he was glad that the representatives of the countries concerned did not oppose the inclusion of items which his delegation had always considered to be international in character. He proposed that the present title of item 67 should be prefaced by the words "Complaint by the United Kingdom of", as suggested by the Greek representative.

43. Mr. LOUTFI (Egypt) associated himself with the Salvadorian representative's remarks. His delegation would vote for the inclusion of item 56 in the agenda. It had voted in the past for the inclusion of similar items and it had excellent reason to do so now, since Cyprus had been used as a base for aggression against his country.

44. Mr. SOBOLEV (Union of Soviet Socialist Republics) also supported the inclusion of item 56. Under the Charter, which guaranteed the right of all peoples to self-determination, the General Assembly was fully competent to consider the matter, and it must do so very carefully, as the situation in Cyprus had deteriorated still further since the last session.

45. Mr. SARPEN (Turkey) proposed that the two items should be merged under the general heading of "Question of Cyprus", item 56 constituting sub-item (a), and item 67, as amended by the Salvadorian representative, constituting sub-item (b).

46. Mr. CROSTHWAITE (United Kingdom) accepted the Turkish representative's proposal, but suggested that the new sub-item (a) might be amended to begin "Proposal by Greece for the application".

47. Mr. AVEROFF-TOSSIZZA (Greece) said he had no objection to the United Kingdom suggestion.

48. Mr. WADSWORTH (United States of America) remarked that the country submitting an item was never named in the item itself. To do so would create an unfortunate precedent.

49. Mr. Krishna MENON (India) supported that remark.

50. Mr. AVEROFF-TOSSIZZA (Greece) replied that item 67 as it stood was an accusation, and it was only fair to Greece to name the accuser. Several precedents for such action existed.

51. Mr. URQUIA (El Salvador) agreed with the Greek representative. Since the United Kingdom and Turkish representatives, whose countries were directly concerned in the matter, had not objected to the pro-

posed wording, there was no reason for the Committee to do so.

The Committee decided to recommend to the General Assembly the inclusion in its agenda of items 56 and 67, merged into a single item under the title "Question of Cyprus".

ITEMS 57 TO 60

52. Mr. URQUIA (El Salvador) stated that his delegation, together with other Latin American delegations, had proposed items 57 to 60, dealing with increases in the membership of the Security Council, the Economic and Social Council, the International Court of Justice and the International Law Commission. In view of the recent great increase in the membership of the United Nations, steps should be taken to enable representatives of the new Member States to take part in the work of the United Nations. It was for that very reason that at its 106th meeting the Committee had decided to recommend (A/3344) to the General Assembly that it should consider the establishment of an eighth vice-presidency.

53. The title of item 59 should be amended to include a reference to Article 69 of the Statute of the International Court of Justice which dealt with amendments to the Statute.

54. The CHAIRMAN stated that the title of the item would be amended accordingly.

55. Mr. Krishna MENON (India) said that he would not oppose the inclusion of the four items. However, he wished to draw attention to the fact that, while item 60 did not entail revision of the Charter, items 57 to 59 did. At its last session by its resolution 992 (X) the General Assembly had appointed a committee of the whole to consider the question of calling a conference for the purpose of reviewing the Charter, a fact which should be borne in mind by the Committee in dealing with items 57 to 59.

56. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that his delegation did not oppose the inclusion of items 57 to 60. That should not, however, be construed to mean that it approved of the present formulation of the items, which prejudged the question of increasing the membership of the organs in question. As action on several of those items would require amendment of the Charter, the problems involved must be studied very carefully with a view to arriving at a solution which would strengthen the United Nations.

The Committee decided to recommend to the General Assembly the inclusion in its agenda of items 57 and 58, item 59 as amended, and item 60.

The meeting rose at 1.15 p.m.